



United Nations

Report of the Human Rights Council

**Thirty-second special session
(5 November 2021)**

**Organizational session
(6 December 2021)**

**Thirty-third special session
(17 December 2021)**

**Forty-ninth session
(28 February–1 April 2022)**

**Thirty-fourth special session
(12 May 2022)**

**Fiftieth session
(13 June–8 July 2022)**

General Assembly

Official Records

Seventy-seventh Session

Supplement No. 53



General Assembly
Official Records
Seventy-seventh Session
Supplement No. 53

Report of the Human Rights Council

Thirty-second special session
(5 November 2021)

Organizational session
(6 December 2021)

Thirty-third special session
(17 December 2021)

Forty-ninth session
(28 February–1 April 2022)

Thirty-fourth special session
(12 May 2022)

Fiftieth session
(13 June–8 July 2022)



Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Contents

	<i>Page</i>
Checklist of resolutions, decisions and President's statements	v
I. Introduction	1
II. Resolutions brought to the attention of the General Assembly for its consideration and possible action	2
III. Resolution adopted at the thirty-second special session	16
IV. President's statement adopted at the organizational session	19
V. Resolution adopted at the thirty-third special session	20
VI. Forty-ninth session	25
A. Resolutions	25
B. Decisions	158
VII. Resolution adopted at the thirty-fourth special session	164
VIII. Fiftieth session	167
A. Resolutions	167
B. Decisions	263
Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements	269

Checklist of resolutions, decisions and President's statements

A. Resolutions

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
S-32/1	Situation of human rights in the Sudan	5 November 2021	16
S-33/1	Situation of human rights in Ethiopia	17 December 2021	20
49/1	Situation of human rights in Ukraine stemming from the Russian aggression	4 March 2022	25
49/2	Advancing human rights in South Sudan	31 March 2022	28
49/3	Promotion and protection of human rights in Nicaragua	31 March 2022	31
49/4	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	31 March 2022	36
49/5	Freedom of religion or belief	31 March 2022	42
49/6	The negative impact of unilateral coercive measures on the enjoyment of human rights	31 March 2022	45
49/7	Cultural rights and the protection of cultural heritage	31 March 2022	51
49/8	Commemoration of the thirty-fifth anniversary of the Declaration on the Right to Development	31 March 2022	55
49/9	Prevention of genocide	31 March 2022	56
49/10	Mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	31 March 2022	64
49/11	Right to work	31 March 2022	65
49/12	Participation of persons with disabilities in sport, and statistics and data collection	31 March 2022	70
49/13	Mandate of Special Rapporteur on the right to food	31 March 2022	78
49/14	Rights of persons belonging to national or ethnic, religious and linguistic minorities	31 March 2022	79
49/15	Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	31 March 2022	83
49/16	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	31 March 2022	86
49/17	Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context	31 March 2022	87
49/18	Recognizing the contribution of human rights defenders, including women human rights defenders, in conflict and post-conflict situations, to the enjoyment and realization of human rights	1 April 2022	92
49/19	Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic	1 April 2022	98

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
49/20	Rights of the child: realizing the rights of the child and family reunification	1 April 2022	102
49/21	Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights	1 April 2022	111
49/22	Situation of human rights in the Democratic People's Republic of Korea	1 April 2022	114
49/23	Situation of human rights in Myanmar	1 April 2022	2
49/24	Situation of human rights in the Islamic Republic of Iran	1 April 2022	121
49/25	Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic	1 April 2022	122
49/26	Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath	1 April 2022	128
49/27	Situation of human rights in the Syrian Arab Republic	1 April 2022	10
49/28	Right of the Palestinian people to self-determination	1 April 2022	131
49/29	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	1 April 2022	133
49/30	Human rights in the occupied Syrian Golan	1 April 2022	139
49/31	Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief	1 April 2022	141
49/32	Strengthening the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council	1 April 2022	145
49/33	Cooperation with Georgia	1 April 2022	147
49/34	Technical assistance and capacity-building for Mali in the field of human rights	1 April 2022	150
49/35	Technical assistance and capacity-building for South Sudan	1 April 2022	155
S-34/1	The deteriorating human rights situation in Ukraine stemming from the Russian aggression	12 May 2022	164
50/1	Reporting by the United Nations High Commissioner for Human Rights on the situation in the Sudan	7 July 2022	167
50/2	Situation of human rights in Eritrea	7 July 2022	168
50/3	Situation of human rights of Rohingya Muslims and other minorities in Myanmar	7 July 2022	169
50/4	Enhancement of international cooperation in the field of human rights	7 July 2022	178
50/5	Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers: participation of women in the administration of justice	7 July 2022	184
50/6	Mandate of Special Rapporteur on the human rights of internally displaced persons	7 July 2022	189
50/7	Mandate of Special Rapporteur on violence against women and girls, its causes and consequences	7 July 2022	196

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
50/8	Human rights and international solidarity	7 July 2022	197
50/9	Human rights and climate change	7 July 2022	201
50/10	Mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	7 July 2022	207
50/11	Importance of casualty recording for the promotion and protection of human rights	7 July 2022	209
50/12	Human rights and the regulation of civilian acquisition, possession and use of firearms	7 July 2022	210
50/13	Access to medicines, vaccines and other health products in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	7 July 2022	213
50/14	Situation of human rights of women and girls in Afghanistan	8 July 2022	221
50/15	Freedom of opinion and expression	8 July 2022	225
50/16	Elimination of female genital mutilation	8 July 2022	230
50/17	The rights to freedom of peaceful assembly and of association	8 July 2022	236
50/18	Elimination of all forms of discrimination against women and girls	8 July 2022	240
50/19	Situation of human rights in the Syrian Arab Republic	8 July 2022	246
50/20	Situation of human rights in Belarus	8 July 2022	250
50/21	The promotion and protection of human rights in the context of peaceful protests	8 July 2022	253
50/22	The Social Forum	8 July 2022	260
50/23	Technical assistance and capacity-building to improve human rights in Libya	8 July 2022	262

B. Decisions

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
49/101	Outcome of the universal periodic review: Hungary	23 March 2022	158
49/102	Outcome of the universal periodic review: Suriname	23 March 2022	158
49/103	Outcome of the universal periodic review: Samoa	23 March 2022	158
49/104	Outcome of the universal periodic review: Greece	23 March 2022	159
49/105	Outcome of the universal periodic review: Saint Vincent and the Grenadines	23 March 2022	159
49/106	Outcome of the universal periodic review: Papua New Guinea	23 March 2022	160
49/107	Outcome of the universal periodic review: Tajikistan	23 March 2022	160
49/108	Outcome of the universal periodic review: United Republic of Tanzania	23 March 2022	160
49/109	Outcome of the universal periodic review: Eswatini	23 March 2022	161
49/110	Outcome of the universal periodic review: Antigua and Barbuda	23 March 2022	161
49/111	Outcome of the universal periodic review: Trinidad and Tobago	23 March 2022	162
49/112	Outcome of the universal periodic review: Thailand	24 March 2022	162
49/113	Outcome of the universal periodic review: Ireland	24 March 2022	163
50/101	Outcome of the universal periodic review: Togo	30 June 2022	263
50/102	Outcome of the universal periodic review: Syrian Arab Republic	30 June 2022	263
50/103	Outcome of the universal periodic review: Iceland	30 June 2022	264
50/104	Outcome of the universal periodic review: Bolivarian Republic of Venezuela	1 July 2022	264
50/105	Outcome of the universal periodic review: Zimbabwe	1 July 2022	265
50/106	Outcome of the universal periodic review: Lithuania	1 July 2022	265
50/107	Outcome of the universal periodic review: Uganda	1 July 2022	265
50/108	Outcome of the universal periodic review: Timor-Leste	1 July 2022	266
50/109	Outcome of the universal periodic review: Republic of Moldova	4 July 2022	266
50/110	Outcome of the universal periodic review: South Sudan	4 July 2022	267
50/111	Outcome of the universal periodic review: Haiti	4 July 2022	267
50/112	Outcome of the universal periodic review: Sudan	4 July 2022	267
50/113	Commencement of the fourth cycle of the universal periodic review	8 July 2022	268

C. President's statement

<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
PRST OS/15/1	Efficiency of the Human Rights Council		19

I. Introduction

1. The present document contains the President's statement adopted at the organizational session of the Human Rights Council held on 6 December 2021, the resolutions adopted by the Council at its thirty-second special session, held on 5 November 2021, its thirty-third special session, held on 17 December 2021, and its thirty-fourth special session, held on 12 May 2022, and the resolutions and decisions adopted by the Council at its forty-ninth session, held from 28 February to 1 April 2022, and its fiftieth session, held from 13 June to 8 July 2022.

2. The reports of the Human Rights Council on the above-mentioned sessions are being issued in documents [A/HRC/S-32/2](#), [A/HRC/S-33/2](#), [A/HRC/49/2](#), [A/HRC/S-34/2](#) and [A/HRC/50/2](#).

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

49/23. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar,

Welcoming the Security Council statements on Myanmar of 4 February, 10 November, 8 December and 29 December 2021, and of 2 February 2022, the statement by the President of the Security Council on Myanmar of 10 March 2021, the meetings of the Security Council held on 2 February and 5 March 2021 and the briefing convened by the General Assembly with the Special Envoy of the Secretary-General on Myanmar on 26 February 2021,

Reaffirming its commitment to the sovereignty, political independence, territorial integrity and unity of Myanmar,

Condemning in the strongest terms the military coup by the Myanmar armed forces (the Tatmadaw) on 1 February 2021, and the continuation of the state of emergency, the suspension of the parliament and the arbitrary detention, arrest and politically motivated conviction and sentencing of President Win Myint, State Counsellor Aung San Suu Kyi, other government officials and politicians, human rights defenders, journalists, civil society members, local and foreign advisers and many others,

Expressing deep concern at the violent acts, including killings, sexual and gender-based violence, and torture, committed against the civilian population, and at the deaths and many injuries as a consequence of the increase in the indiscriminate use of lethal force against civilians by the Myanmar armed forces and police,

Expressing deep concern also at the increasing military build-up and use of military force throughout the country, in particular in the south-eastern, central and north-western parts of the country, which is making de-escalation and the provision of humanitarian aid even more challenging,

Expressing grave concern at attacks against and harassment of journalists and other media workers, including arbitrary arrests, enforced disappearance, torture and other ill-treatment and killings, surveillance and Internet shutdowns and other restrictions on and interruptions to the Internet and social media, including the amendment to the law on television and radio broadcasting, and the proposed revival of the law on cybersecurity, which unnecessarily and disproportionately restricts the right to freedom of opinion and expression, including the freedom to seek, receive and impart information, the right to freedom of peaceful assembly and association, and the right to privacy, as set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights,

Expressing grave concern also at the ongoing conflicts between the Myanmar armed forces and other armed groups, at the increased use of violence against civilians, including sexual and gender-based violence, and grave violations and abuses against children, at the continuing forced displacement of civilians, including of ethnic and religious minorities, and at reports of violations and abuses of human rights, including abductions, arbitrary detentions, arrests and killings, and other violations involving the use of facilities functioning as schools, hospitals and houses of worship for military purposes, the use of landmines, and the enduring impunity that exists in Myanmar, particularly in the Myanmar armed and security forces,

Reiterating the obligation of Myanmar to respect, protect and fulfil the rights of the child in accordance with its obligations under the Convention on the Rights of the Child,

including the right to education and the right to the enjoyment of the highest attainable standard of health,

Reiterating also the responsibility of the Myanmar armed forces to ensure the protection of the human rights of all persons in Myanmar, including persons belonging to ethnic, religious and other minorities, including the Rohingya, and reiterating the urgent need to undertake a full, transparent, impartial and independent investigation into all reports of violations and abuses of international human rights law, violations of international humanitarian law and crimes under international law, to ensure that perpetrators are held accountable in fair, independent and impartial criminal proceedings, including in domestic courts or tribunals, in accordance with international law standards, and to ensure that victims and their families have access to effective remedy, including by prompt, effective and independent casualty recording and guarantees of non-recurrence,

Alarmed at the continued attacks on medical and humanitarian relief personnel, including the attacks and killings of 24 December 2021 in Kayah State, on medical facilities and on transport and equipment, and at the lack of safe and unhindered access for humanitarian organizations, and calling upon all parties, in particular the Myanmar armed forces, to allow and facilitate safe, timely and unhindered humanitarian access across the entire country for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance to all in need, in particular to persons displaced by the conflict,

Reiterating its grave concern that the Rohingya were in effect made stateless by the enactment of the 1982 Citizenship Law, dispossessed from previously held rights and eventually disenfranchised, from 2015, from the electoral process,

Recognizing the complementary and mutually reinforcing work of the United Nations system, including the various United Nations mandate holders working on Myanmar, to improve the humanitarian situation and the situation of human rights in the country, noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons and to the affected areas from which many people continue to be forcibly displaced and in which many others are living in precarious conditions, thereby exacerbating the humanitarian crisis, and urging the military authorities to allow and facilitate, in accordance with international humanitarian law, free, safe and unhindered humanitarian access to all persons in need, including displaced persons in all parts of the country,

Commending the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies and the international community, including all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, and the memorandum of understanding between the Government of Bangladesh and the Office of the United Nations High Commissioner for Refugees to provide humanitarian assistance to the Rohingya relocated to Bhashan Char,

Expressing gratitude to the Government of Bangladesh for facilitating the visit of the Special Rapporteur on the situation of human rights in Myanmar in December 2021, earlier visits of the Special Rapporteur and of the Independent Investigative Mechanism for Myanmar and the visit of the Prosecutor of the International Criminal Court, and underlining that such visits contribute to ensuring justice and accountability,

Recalling that States have the primary responsibility to respect, protect and fulfil all human rights, to comply with relevant obligations to prosecute those responsible for crimes under international law, in particular international humanitarian law, as applicable, and international human rights law, and to provide access to an effective remedy and to reparation for persons whose rights have been violated or abused, with a view to ending impunity and ensuring accountability and access to justice,

Noting that the Independent Commission of Enquiry established by the Government of Myanmar on 30 July 2018, notwithstanding the limits of its terms of reference and modus operandi, recognized in the executive summary of its final report, which has not yet been made public in its entirety, that war crimes, serious human rights violations and violations of domestic law had been committed and that there were reasonable grounds to believe that members of Myanmar security forces were involved,

Reiterating the urgent need for justice and accountability and to end impunity for all violations and abuses of human rights and violations of international humanitarian law by ensuring that all those responsible for crimes relating to these violations and abuses throughout Myanmar are held to account through credible, competent and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, and reiterating its invitation to Myanmar to become a party to the Rome Statute of the International Criminal Court or to accept the exercise of jurisdiction of the Court, in accordance with article 12 (3) of the Rome Statute,

Recognizing that the International Criminal Court has authorized an investigation into alleged crimes within the Court's jurisdiction related to the situation in Bangladesh/Myanmar,

Noting the order of the International Court of Justice of 23 January 2020 in the case lodged by the Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide, which concluded that, prima facie, the Court had jurisdiction to deal with the case, which found that the Rohingya in Myanmar appeared to constitute a "protected group" within the meaning of article 2 of the Convention, and that there was a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar, and which indicated provisional measures,

Welcoming the work of the independent international fact-finding mission on Myanmar, and in particular its final report,¹ and the detailed findings and recommendations therein, and recalling the recommendation of the mission on requesting the Office of the United Nations High Commissioner for Human Rights to focus on ensuring accountability for human rights violations and abuses in Myanmar,

Alarmed by the findings of the independent international fact-finding mission of evidence of gross, widespread and systematic human rights violations and abuses suffered by Rohingya Muslims and other minorities, perpetrated by the security and armed forces of Myanmar, which, according to the mission, undoubtedly amount to the gravest crimes under international law,

Welcoming the work of the Independent Investigative Mechanism for Myanmar to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, making use of, among others, the information handed over by the independent international fact-finding mission, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law, and welcoming also the reports of the Mechanism, in particular the report submitted to the Human Rights Council at its forty-eighth session,² and encouraging the Mechanism to continue its efforts to advance its public outreach, in order to explain its mandate and work process to victims and other stakeholders,

Welcoming also the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar,³ while deeply regretting the continued non-cooperation of Myanmar with the Special Rapporteur, the denial of access to Myanmar since December 2017 and the ongoing non-cooperation of the Myanmar armed forces,

Welcoming further the reports of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar, including her report on the root causes of the human rights violations and abuses faced by the Rohingya Muslim minority and other persons belonging to minorities in Myanmar,⁴ as well as the initial activities carried out by the new Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society,

¹ [A/HRC/42/50](#).

² [A/HRC/48/18](#).

³ See, for example, [A/HRC/49/76](#).

⁴ [A/HRC/43/18](#).

Recalling General Assembly resolution 75/287 of 18 June 2021 and expressing deep concern that the sale, diversion and unregulated or illicit transfers of arms to Myanmar seriously undermine the enjoyment of human rights, especially those of women, as well as those of persons belonging to minorities, including Rohingya, children, older persons, persons with disabilities and other persons in vulnerable situations,

Recalling also the recommendation made by the independent international fact-finding mission on Myanmar that no business enterprise active in Myanmar or trading with or investing in businesses in Myanmar should enter into or remain in a business relationship of any kind with the security forces of Myanmar, in particular the Tatmadaw, or any enterprise owned or controlled by them, including subsidiaries, or their individual members, until and unless they are restructured and transformed,

1. *Condemns in the strongest terms* the military coup carried out in Myanmar and the deposition of the elected civilian Government by the Myanmar armed forces on 1 February 2021, which constitutes an unacceptable attempt to forcibly overturn the results of the general elections of 8 November 2020, a halt in the democratic transition of Myanmar, and a serious threat against the respect for and protection of human rights, rule of law and good governance, and democratic principles;

2. *Reiterates* its full support for the people of Myanmar and their aspirations for democracy and civilian government;

3. *Condemns* the disproportionate use of force, including by air strikes and by the indiscriminate and continuous use of lethal force and misuse of less-lethal weapons, by the Myanmar armed and security forces, and the violent acts, including killings, torture and other ill-treatment and bodily injury, and sexual and gender-based violence, committed against the people of Myanmar, including against peaceful demonstrators exercising their rights to freedom of expression, of peaceful assembly and association, which have led to deaths and many injuries, including of children and medical staff, in several cities and towns;

4. *Calls upon* the Myanmar armed forces to respect the democratic will of the people as expressed by the results of the general elections of 8 November 2020, to end the declaration of martial law and to return to the democratic transition in Myanmar and end all obstruction to the democratic process in Myanmar, including by working towards bringing all national institutions, including the armed forces, under a democratically elected, fully representative civilian government;

5. *Recalls*, in line with the Secretary-General's call for a global ceasefire as supported by the Security Council in its resolution 2532 (2020) of 1 July 2020, the need to de-escalate violence, and in that regard calls upon all States to respect their international commitments and all relevant United Nations resolutions, and to cease the illicit transfer and diversion of arms, munitions and other military equipment to Myanmar, in order to prevent further violations of international humanitarian law and violations and abuses of human rights;

6. *Calls for* the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged, arrested, convicted or sentenced on specious grounds, in particular since 1 February 2021, including government officials and politicians, human rights defenders, journalists, civil society representatives, religious and community leaders, medical staff, aid workers, academics, teachers, local and foreign advisers, and members of student unions and trade unions, and for the military to refrain from future reprisals against released detainees;

7. *Also calls for* the Myanmar armed forces to ensure full protection of the human rights of all persons in Myanmar, including the Rohingya and other persons belonging to minorities, to refrain from excessive use of force, to exercise utmost restraint and to seek a peaceful resolution to the crisis, recalling that the Myanmar armed forces have a responsibility to respect democratic principles and are obliged to respect the rule of law and human rights, in accordance with international human rights law, including the rights to life, freedom of peaceful assembly and association, and of opinion and expression, including the freedom to seek, receive and impart information, and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

8. *Expresses grave concern* at continuing reports of serious human rights violations and abuses by the military and security forces, as well as violations of international humanitarian law in Myanmar, notably against Rohingya and other persons belonging to minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, the deliberate killing and maiming of children, recruitment and use of children for child labour and forced labour, attacks on schools, hospitals and houses of worship and protected persons in relation to schools, hospitals and houses of worship, the indiscriminate shelling in civilian areas, the destruction and burning of homes, the deprivation of economic, social and cultural rights, the forced displacement of more than 923,000 Rohingya and other persons belonging to minorities to Bangladesh, forced labour, and rape, sexual exploitation and other forms of sexual and gender-based violence;

9. *Calls upon* the Myanmar armed forces to cease the arbitrary and unlawful arrest and detention of children, and to release all children detained in interrogation centres and prisons immediately and unconditionally;

10. *Calls upon* all parties to the conflict in Myanmar, in particular the Myanmar armed and security forces, to immediately end violence, including sexual and gender-based violence, and all violations of international law, including of international human rights law and international humanitarian law, and human rights abuses in Myanmar; to hold perpetrators of violations and abuses accountable, including in independent and impartial domestic accountability processes ensuring justice and reparations to victims and survivors; to respect and protect civilians; to allow humanitarian access to affected populations; and to show restraint, cease the conflict and show readiness to re-engage in dialogue and constitutional reform;

11. *Encourages* the swift establishment of constructive, inclusive and peaceful dialogue among all parties, in accordance with the will and interests of the people of Myanmar, aimed at restoring democratic governance;

12. *Urges* Myanmar, in accordance with the order of the International Court of Justice of 23 January 2020 in relation to members of the Rohingya in its territory, to take all measures within its power to prevent the commission of all acts within the scope of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, to ensure that its armed forces and any irregular armed units that may be directed or supported by it and any organizations and persons that may be subject to its control, direction or influence do not commit, inter alia, any such acts, to prevent the destruction and ensure the preservation of evidence, and to report to the Court as ordered on all measures taken to give effect to the order;

13. *Stresses* the need to effectively address the root causes of human rights violations and abuses against persons belonging to ethnic and religious minorities, including the Rohingya, and reiterates the importance of the full implementation of all recommendations made by the Advisory Commission on Rakhine State, including those on access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services, education, livelihood opportunities and basic services, and birth registration, in full consultation with all ethnic and religious minority groups, including the Rohingya, and persons in vulnerable situations, as well as civil society, and calls for regular reports to the United Nations documenting concrete steps taken to implement each of the Commission's 88 recommendations;

14. *Also stresses* the need to expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to the Rohingya, by, inter alia, reviewing and reforming the 1982 Citizenship Law, which has led to deprivation of human rights and complete disenfranchisement, by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights by allowing for self-identification, by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control, and

by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

15. *Further stresses* the need to restore full citizenship status and related civil and political rights of the Rohingya and others, including their free and fair participation in elections and other democratic processes;

16. *Calls for* the establishment of the conditions that would allow for the safe, voluntary, dignified and sustainable return of internally displaced persons to places of origin or places of their choosing and to guarantee unrestricted humanitarian access to persons in need, including all internally displaced persons throughout the country, including by implementing the national strategy on the resettlement of internally displaced persons in accordance with international standards, in full consultation with the persons concerned and the local population, and in consultation also with the United Nations system and relevant civil society organizations, and encourages efforts to ensure consultation with and the representation of women at all levels of decision-making relating to the camp-closure strategy and its implementation;

17. *Calls upon* the armed forces of Myanmar to ensure full respect for international humanitarian law, and to allow and facilitate free, unhindered access to the entire country for local and international staff members of humanitarian and other relevant international agencies, including in order to properly assess needs and to allow unhindered procurement of the necessary supplies and equipment, and to respect and protect humanitarian personnel, including medical personnel, facilities, transport and equipment so that humanitarian organizations are able to offer principled and inclusive humanitarian assistance, including age-, disability- and gender-responsive and coronavirus disease (COVID-19)-related assistance, to all people in need, including internally displaced persons;

18. *Calls for* the establishment of concrete steps towards the creation of an environment conducive to the safe, voluntary, dignified and sustainable return of all refugees, including the Rohingya and other forcibly displaced persons, residing in Bangladesh, recalling the bilateral arrangement of return concluded between Bangladesh and Myanmar in 2017, as well as those residing in other host States, and for access to accurate and reliable information as corroborated by the United Nations and other relevant actors on the conditions in Rakhine State and in other parts of the country in order to reasonably address the core concerns of all refugees, including the Rohingya and other forcibly displaced persons, thereby enabling them to return to their places of origin or their place of choosing in a voluntary, safe dignified and sustainable manner;

19. *Also calls for* immediate, full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms, and international and regional courts, tribunals and human rights bodies, to independently monitor the situation of human rights, including through the lifting of Internet shutdowns and all other Internet restrictions, which hinder the flow of information essential for accountability, and to ensure that civil society organizations, human rights defenders, lawyers, victims, survivors, witnesses and other individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisals, intimidation or attack;

20. *Further calls for* the resumption of family visits to be allowed and for immediate access, without undue restrictions, to be granted to appropriate international monitoring bodies and medical services to detainees and detention facilities;

21. *Urges* that full and unhindered access be granted to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisals, intimidation or attack;

22. *Stresses* the role and the importance of the involvement of the Association of Southeast Asian Nations in facilitating and launching political dialogue, and encourages regional players to work in that direction, and calls upon all States Members of the United Nations to protect Myanmar nationals within their borders, as appropriate, and respect the principle of non-refoulement;

23. *Reiterates* the urgent call upon Myanmar to fully, swiftly and effectively implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021, including through constructive dialogue among all relevant parties, to facilitate a peaceful solution in the interests of the people of Myanmar and their livelihoods, and to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the Special Envoy of the Chair of the Association, including by granting him access to all stakeholders, and expresses its support for these efforts;

24. *Stresses* the urgent need to safeguard those who report violations and abuses and to immediately cease the killing, torture and other ill-treatment, bodily injury and arbitrary detention of all civil society actors, including journalists and media workers, human rights defenders, casualty recorders, lawyers, environmental and land rights activists, health and humanitarian workers and other civilians;

25. *Calls for* the protection of the rights to freedom of religion or belief, freedom of opinion and expression and freedom of peaceful assembly and association and the right to privacy, as set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, both online and offline, including by fully and permanently restoring all forms of Internet services across the country, lifting all forms of online censorship, including bans on access to the websites of media outlets and virtual private networks, halting all measures to implement online surveillance systems, including unlawful or arbitrary interception of communications, unlawful or arbitrary collection of personal data, unlawful or arbitrary hacking and the unlawful or arbitrary use of biometric technologies, repealing or reforming, in line with international human rights law and standards, all relevant legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, articles 66 (d), 68 (a), 77 and 80 (c) of the Telecommunications Act, the law on television and radio broadcasting, the Law Protecting the Privacy and Security of Citizens, the Electronic Transactions Law, articles 124A, 124C, 124D, 153, 295A, 499, 500, 505A, and 505 (a) and (b) of the Penal Code, and the Ward and Village Tract Administration Law, and enacting comprehensive data protection legislation;

26. *Also calls for* necessary measures to be taken to promote the inclusion, human rights and dignity of all people living in Myanmar, to address sexual and gender-based violence, discrimination and the spread of prejudice, including the spread of disinformation, hate speech and inflammatory rhetoric, including on online platforms, social media and messaging services, and to combat incitement to hatred and violence against ethnic, religious and other minorities, including the Rohingya, in accordance with the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, also in line with recommendation 9 of the executive summary of the Independent Commission of Enquiry, including by refraining from engaging in hate speech or encouraging others to engage in hate speech, and refraining from implementing measures purported to address hate speech that do not comply with international standards;

27. *Urges* action to address conflict-related sexual and gender-based violence in Myanmar with the full participation of civil society, particularly women's rights organizations and women from conflict-affected communities, to prevent such violence, to end impunity, to hold perpetrators accountable and to provide survivors with access to adequate assistance, support services, justice and reparations;

28. *Also urges* action to prevent the recruitment and use of children in armed conflict, to ensure accountability for human rights violations and abuses against children, and to ensure the protection of all children in armed conflict, and calls upon all parties to end violations and abuses against children in armed conflict in Myanmar;

29. *Calls for* appropriate action to eliminate child and forced labour, to protect the rights of workers in natural resource extraction and to demilitarize mining regions, and urges action to establish an inclusive land governance framework and to resolve issues of land tenure, including by amending relevant legislation, in particular the Vacant, Fallow and

Virgin Lands Management Law, in full consultation with relevant groups and ethnic communities, including the Rohingya;

30. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar or that have parts of their supply chain in Myanmar, to implement the Guiding Principles on Business and Human Rights and the recommendations made by the independent international fact-finding mission on the economic interests of the Myanmar armed forces,⁵ and requests the home States of those enterprises to take enhanced measures so that those businesses conduct enhanced human rights due diligence so that their activities do not contribute to or cause any human rights violations or abuses, in accordance with the Guiding Principles;

31. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its fiftieth and fifty-first sessions and to submit a written report to the Third Committee of the General Assembly at its seventy-seventh session and to the Council at its fifty-second session, in accordance with its annual programme of work, and also requests the Special Rapporteur, supported by additional human rights experts, to continue to monitor the situation of human rights in Myanmar and the implementation of the recommendations made by the mandate holder and by the independent international fact-finding mission, and to make recommendations on additional steps necessary to address the ongoing crisis, including through thematic reports and conference room papers;

32. *Calls for* immediate and full cooperation by Myanmar with the Special Rapporteur in the exercise of the mandate, including by facilitating visits and granting unrestricted access throughout the country, and invites all States to facilitate cooperation with the Special Rapporteur, where requested;

33. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the support and resources in terms of staffing, location and operational freedom necessary to deliver on its mandate, and urges all relevant actors in Myanmar and Member States to cooperate with the Mechanism, to grant it access, including access to witnesses and other information providers, and to provide it with every assistance in the execution of its mandate, and the appropriate protection of confidentiality, security and support for victims and witnesses in order to fully respect and comply with the principle of “do no harm”, and urges close and timely cooperation between the Mechanism and any future investigations or proceedings by national, regional or international courts or tribunals, including by the International Criminal Court or the International Court of Justice;

34. *Requests* the United Nations High Commissioner for Human Rights, with the support of specialized experts, to monitor and assess the overall situation of human rights in Myanmar, with a particular focus on accountability regarding alleged violations of international human rights law and international humanitarian law, as well as the rule of law; to monitor the implementation of the present resolution and previous resolutions with the same title and to make recommendations on additional steps necessary to address the current crisis; to provide to the Human Rights Council an oral update at its fifty-first session, a written update at its fifty-third session, to be followed by an interactive dialogue, and a comprehensive report at its fifty-fourth session, also to be followed by an interactive dialogue;

35. *Also requests* the High Commissioner, with the support of experts and in follow-up to the comprehensive report of the Office of the High Commissioner to be submitted to the Human Rights Council at its fifty-first session, to continue to assess the progress made and remaining challenges with regard to the recommendations of the independent international fact-finding mission contained in its conference room paper on the economic interests of the military and to present updates in her regular reporting to the Human Rights Council;

⁵ See “The economic interests of the Myanmar military”, available at www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx.

36. *Recommends* that the General Assembly submit the reports of the High Commissioner and the Special Rapporteur to the relevant United Nations bodies, including the Security Council, for their consideration and appropriate action, taking into account the relevant conclusions and recommendations;

37. *Reiterates* the need to establish a country office of the Office of the United Nations High Commissioner for Human Rights in Myanmar and to issue a standing invitation to all special procedures of the Human Rights Council;

38. *Encourages* engagement with the Special Envoy of the Secretary-General on Myanmar, allowing her to fulfil her mandate as set out by the Secretary-General, including by travelling to the country;

39. *Calls upon* the High Commissioner and the Special Rapporteur to monitor patterns of human rights violations that point to a heightened risk of a human rights emergency and to continue to bring that information to the attention of the Human Rights Council in a manner that reflects the urgency of the situation, including intersessionally through ad hoc briefings, and to advise on what further steps may be needed if the situation continues to deteriorate, in furtherance of the Council's prevention mandate, and to inform other United Nations bodies as necessary on progress in that regard;

40. *Welcomes* the Secretary-General's initiative to take concrete action based on the recommendations contained in the report entitled "A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018", and invites the Secretary-General to support this work by offering relevant recommendations to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system;

41. *Requests* the Secretary-General to call the continued attention of the Security Council to the situation in Myanmar and to continue as necessary with concrete recommendations for action towards resolving the humanitarian crisis, establishing the conditions for the safe, dignified, voluntary and sustainable return of all refugees and forcibly displaced persons, including the Rohingya, and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses;

42. *Also requests* the Secretary-General to provide the Special Rapporteur, the High Commissioner and the Independent Investigative Mechanism for Myanmar with the increased assistance, resources and expertise necessary to enable them to discharge their mandates fully;

43. *Decides* to remain actively seized of this matter.

56th meeting
1 April 2022

[Adopted without a vote.]

49/27. Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to full respect for the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Expressing deep concern at the continued violence across different parts of the Syrian Arab Republic and its devastating impact on civilians, including through the ongoing humanitarian crisis, grave violations and abuses of international human rights law and violations of international humanitarian law,

Urging all parties to implement a complete, immediate and nationwide ceasefire monitored under the auspices of the United Nations, and to engage meaningfully and in good faith with the United Nations-led political process to achieve a peaceful end to the conflict,

Condemning the grave situation of human rights across the Syrian Arab Republic, and demanding that the Syrian authorities meet their responsibility to protect the Syrian population and to respect and protect the human rights of all persons within its jurisdiction, including persons in detention and their families,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, and the conclusions of the Independent International Commission of Inquiry on the Syrian Arab Republic that violations and abuses have included acts that are likely to constitute crimes against humanity, war crimes and other international crimes, including genocide,

Expressing its deepest concern about the findings of the Commission of Inquiry, including in its most recent report,⁶ including the Commission's conclusion that the situation of human rights has worsened for many Syrians over the past year, expressing support for the mandate of the Commission, and deploring the lack of cooperation by the Syrian authorities with the Commission,

Acknowledging the importance of including victims' perspectives, including the perspectives of women victims and survivors, and their demands for truth and justice in the international community's efforts with regard to the Syrian Arab Republic,

Welcoming the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,⁷ and noting with appreciation the work of the United Nations Board of Inquiry,

Reiterating its deep concern at the situation of the tens of thousands of individuals forcibly disappeared and those missing and detained in the Syrian Arab Republic, first and foremost by the Syrian regime, and demanding that all parties immediately cease the use of involuntary or enforced disappearance or kidnappings, in accordance with Security Council resolution 2474 (2019) of 11 June 2019 and the applicable international law, and demanding that all parties to the conflict cease the use of torture and other cruel, inhuman or degrading treatment or punishment and sexual and gender-based violence in places of detention, and all related human rights violations and abuses and violations of international humanitarian law,

Expressing its profound concern about the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, that rape and other forms of sexual and gender-based violence continue to be perpetrated and that women and girls have been disproportionately affected and victimized on multiple grounds, and noting with deep regret the finding of the Office of the United Nations High Commissioner for Human Rights that more than one in 13 of those who have died as a result of the conflict were women,⁸

Condemning the fact that children continue to be subjected to grave violations, as identified by the Secretary-General, and that the scale and recurrent nature of such violations and abuses will affect generations to come, and noting with deep regret the finding of the Office of the High Commissioner that almost one in 13 of those who have died as a result of the conflict were children,⁹

1. *Expresses grave concern* that the crisis in the Syrian Arab Republic continues and that the conflict has been marked by consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law, strongly

⁶ A/HRC/49/77.

⁷ See A/75/743.

⁸ Statement by the United Nations High Commissioner for Human Rights of 24 September 2021, "Oral update on the extent of conflict-related deaths in the Syrian Arab Republic". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27531.

⁹ Ibid.

condemns all violations and abuses and the ongoing human rights situation, demands that all parties to the conflict immediately comply with their respective obligations under international humanitarian law and international human rights law, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account;

2. *Strongly reiterates* the call of the Secretary-General for a global ceasefire, the call of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, and the recommendation made by the Independent International Commission of Inquiry on the Syrian Arab Republic to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations and for the restoration of respect for human rights, and urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard recalls the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, signed by the Russian Federation and Turkey on 5 March 2020;¹⁰

3. *Strongly supports* the efforts of the Special Envoy to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, including free and fair elections, pursuant to the new constitution, with all Syrians, including members of the diaspora, eligible to participate, urges all parties, in particular the Syrian authorities, to engage meaningfully and in good faith in the political process under the auspices of the Special Envoy and his Office in Geneva, including in the Constitutional Committee, in accordance with all elements of Security Council resolution 2254 (2015), and reaffirms the importance of accountability efforts in the political process and the importance of the full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) of 31 October 2000 in this regard;

4. *Welcomes* the work and the important role played by the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting essential accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, in order to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, which may include those responsible for crimes against humanity and war crimes, are identified and held accountable, demands that the Syrian authorities cooperate fully with the Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic, and urges all States to cooperate with the Commission in the discharge of its mandate;

5. *Reaffirms* the importance of establishing and supporting appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for violations and abuses of international human rights law and violations of international humanitarian law, and reparations and effective remedies for victims and survivors, in all their diversity, and the prerequisite role that accountability and transitional justice mechanisms, with the meaningful participation of victims and survivors, can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict, also welcomes in this regard victim-led initiatives on truth and justice, welcomes the significant endeavours of the Commission of Inquiry and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, and recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court;

6. *Welcomes* the progress made in international accountability efforts, and in this regard the judgment in January 2022 in which a regional court in Germany found a former director of the Syrian intelligence service guilty of crimes against humanity and that the Syrian regime had been launching a widespread and systematic attack against its own civilian population since at least the end of April 2011, notes that evidence from the Commission of Inquiry and the International, Impartial and Independent Mechanism was used during the investigation and trial, also welcomes efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes committed there, as appropriate, and also the efforts

¹⁰ [S/2020/187](#), annex.

to hold the Syrian Arab Republic to account, encourages States to share relevant information among themselves, as well as with relevant accountability mechanisms, in accordance with their national legislation and international law, and condemns retaliation against those who cooperate with relevant mechanisms;

7. *Deeply deplores* the fact that the civilian population continues to bear the brunt of the conflict and that civilians, and objects indispensable to their survival, continue to be the targets of deliberate and indiscriminate attacks, including with prohibited weapons and munitions, by all parties to the conflict, notably by the Syrian authorities and its State and non-State allies, expresses deep concern about the number of civilian casualties, including those killed or maimed by landmines, explosive remnants of war and improvised explosive devices, and notes with deep concern the findings of the Commission of Inquiry regarding the commission of war crimes and crimes against humanity in this regard;

8. *Expresses deep concern* in this regard at the recent increase in violence and resulting civilian casualties across the Syrian Arab Republic, notes with concern that the Office of the United Nations High Commissioner for Human Rights has identified 350,209 killed in the conflict as a minimum verifiable number, from March 2011 to March 2021, emphasizes the importance of such comprehensive, verifiable and transparent records of the casualties of the conflict, and requests the Office of the High Commissioner to continue to document and publish civilian deaths and to submit a report thereon to the Human Rights Council at its fiftieth session;

9. *Also expresses deep concern* in particular about the recent increase in violence in the north-west of the Syrian Arab Republic, and the impact on civilians, civilian infrastructure and cultural property, including airstrikes, that have resulted in the deaths and injuries of many civilians, including women and children, and stresses the urgent need for the immediate cessation of military hostilities in Idlib and the surrounding areas, for the prioritization of the protection of all civilians, including those displaced, and for full, timely, immediate, unrestricted and safe humanitarian access, including cross-border and cross-line access;

10. *Urges* the Syrian authorities to share further information regarding the 344,684 detained and convicted persons who they have claimed have benefited from “amnesty laws”,¹¹ and calls upon all parties to the conflict, but particularly the Syrian authorities, to cease all forms of abuse of detainees, including but not limited to torture of detainees in Syrian military intelligence facilities, physical abuses, mistreatment, and sexual and gender-based violence, and to grant appropriate international monitoring bodies and medical services immediate access, without undue restrictions, to detainees and detention facilities, including all Syrian military facilities referred to by the Commission of Inquiry in its reports, and highlights the recent recommendations of the Commission in this regard;

11. *Reiterates* its call for all States, relevant United Nations bodies, international organizations and civil society to coordinate further efforts and proactively focus attention on the issue of missing persons in the Syrian Arab Republic, including those subjected to enforced disappearance, recalls the importance of the full and meaningful participation of victims, survivors and their families in such efforts, and in this regard looks forward to the oral update of the Secretary-General to the General Assembly, pursuant to Assembly resolution 76/228 of 24 December 2021, on how to bolster efforts, including through existing measures and mechanisms, to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, as well as to the report to follow by mid-2022;

12. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, notes the increasing needs, including for a sufficient supply of coronavirus disease (COVID-19) vaccines, across the Syrian Arab Republic, including in the north-east and the north-west, demands that all parties to the conflict comply with their applicable obligations under international human rights law and international humanitarian law and facilitate, and do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, notes that humanitarian aid must be delivered on the basis of need, reiterates in this respect the continuing and urgent need for continued and expanded cross-border access to prevent further

¹¹ See [A/HRC/WG.6/40/SYR/1](#).

suffering and to save lives, and for immediate, rapid, unimpeded and sustained cross-line access, and calls for respect for humanitarian principles across the Syrian Arab Republic;

13. *Expresses deep concern* about the imposition of sieges, including the 2021 siege of Dar'a al-Balad by the Syrian regime, which the Commission of Inquiry has indicated may amount to the war crime of collective punishment, which has resulted in shortages of necessities such as food, water and medicine and recurring service cuts to water distribution and electricity, recalls that international humanitarian law prohibits the starvation of civilians as a method of warfare and prohibits parties from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population, and in this regard implores all parties to the conflict to end any use of such methods;

14. *Strongly condemns* that the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities has been a feature of the conflict, recalls the findings of the Commission of Inquiry regarding the bombardment of the Atarib cave hospital on 21 March 2021 and the attack impacting Al-Shifa hospital on 12 June 2021, and demands that all parties to the conflict comply fully with their obligations under international law, including to ensure respect for and the protection of all persons engaged in medical duties, their means of transport and equipment and hospitals and all other medical facilities;

15. *Also strongly condemns* all acts of sexual and gender-based violence and abuse, recognizes the need for a survivor-centred approach to preventing and responding to such violence and abuse, calls for immediate and non-discriminatory access to services, such as medical and psychosocial support, to be provided to all victims and survivors of such crimes, and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, including accountability and reparations, and urges all parties to the conflict to respect and protect the full enjoyment by women and girls of their human rights and to heed the recommendations made by the Commission of Inquiry;

16. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights, to prevent, and to protect children from, all forms of violence, including sexual and gender-based violence, exploitation, violations and abuses, including the unlawful recruitment and use of children in the armed conflict and unlawful attacks on schools, and to ensure that children affected by the conflict receive appropriate assistance, including access to identity documentation, education, justice and health care, including the provision of mental health and psychosocial support, strongly condemns the use of schools for military purposes, and encourages the Commission of Inquiry to continue its investigation and documentation of violations and abuses of the rights of the child;

17. *Condemns* the targeting of, threats against, and harassment, arrests and murders of, journalists and media workers and civil society activists by the Syrian authorities, as well as by armed groups and terrorist organizations designated by the Security Council;

18. *Expresses deep concern* that more than 7 million refugees have been forced to flee the Syrian Arab Republic, and that more than 7 million persons have been displaced within it during the course of the conflict, and at reports of demographic and social engineering throughout the country, calls upon all parties to the conflict to immediately cease activities that could cause further displacement, including any activities that may amount to war crimes or crimes against humanity, takes note of the recent findings of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the sustainable and dignified return of refugees or for the 7 million persons displaced inside the country, and calls upon the Syrian authorities to protect the human rights of returning refugees and internally displaced persons;

19. *Strongly condemns* the ongoing terrorist acts and violence committed against civilians by Da'esh, Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council, and the abuses of human rights and violations of international humanitarian law throughout the conflict, reaffirms that terrorism, including the actions of Da'esh, cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014, and the importance of ensuring

accountability for all such abuses of human rights and violations of international humanitarian law;

20. *Also strongly condemns* the use of chemical weapons in the Syrian Arab Republic, recalls the findings of the Commission of Inquiry and the Organisation for the Prohibition of Chemical Weapons fact-finding mission in the Syrian Arab Republic and the Investigation and Identification Team in this regard, including the findings in two recent reports of the fact-finding mission that there were reasonable grounds to believe that sulphur mustard had been used as a chemical weapon in Marea on 1 September 2015 and that chlorine had been used as a chemical weapon in an attack in Kafr Zeita on 1 October 2016, expresses deep concern about the findings of the two reports of the Investigation and Identification Team in which it concluded that there were reasonable grounds to believe that the Syrian Arab Republic had used chemical weapons in Saraqib and Ltamenah, recalls the absolute prohibition of the use of chemical weapons in armed conflict, reiterates its demand that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and recalls in this regard decision C-25/DEC.9 of 21 April 2021 of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

21. *Decides* to extend the mandate of the Commission of Inquiry for a period of one year;

22. *Requests* the Commission of Inquiry to present an oral update to the Human Rights Council during the interactive dialogue at its fiftieth session and to present an updated written report during an interactive dialogue at the fifty-first and fifty-second sessions of the Council;

23. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings provided to members of the Council and the Assembly, and recommends the continuation of such briefings;

24. *Also decides* to remain seized of the matter.

*57th meeting
1 April 2022*

[Adopted by a recorded vote of 23 to 7, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Côte d'Ivoire, Finland, France, Gabon, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Armenia, Bolivia (Plurinational State of), China, Cuba, Eritrea, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Brazil, Gambia, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan]

III. Resolution adopted at the thirty-second special session

S-32/1. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights conventions and instruments,

Reaffirming 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 forth in the Universal Declaration of Human Rights,

Reaffirming also its strong commitment to the sovereignty, political independence, territorial integrity and national unity of the Sudan and its solidarity with the Sudanese people,

Recalling all previous Human Rights Council resolutions on human rights in the Sudan, including resolutions 39/22 of 28 September 2018, 42/35 of 27 September 2019 and 45/25 of 6 October 2020,

Recalling also all relevant resolutions adopted and statements made by the General Assembly and the Security Council on the Sudan,

Recalling further General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Emphasizing that States have the primary responsibility for the promotion of, respect for and protection of all human rights and fundamental freedoms, including the freedoms of expression and of assembly, including in the context of peaceful protests,

Recalling the statements made by the United Nations High Commissioner for Human Rights on 25 October 2021 and the Special Rapporteur on the rights to freedom of peaceful assembly and of association on 2 November 2021,

Recalling also the obligations of the Sudan under the international human rights covenants and other treaties to which it is a State party, and recalling further the commitment of the Sudan, reflected in the Sudan Constitutional Declaration of 2019 and the Juba Peace Agreement of 2020, to respect and protect human rights,

Welcoming the ratification by the Sudan of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and in all other efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as sexual and gender-based violence,

Acknowledging that, prior to the military takeover on 25 October 2021, the situation of human rights in the Sudan had improved significantly and had been continuing to improve, and acknowledging also the continuing role of human rights monitoring, reporting, technical assistance and capacity-building, in particular by the Office of the United Nations High Commissioner for Human Rights and the United Nations Integrated Transition Assistance Mission in the Sudan, in assisting this improvement,

Recalling with appreciation the exemplary, non-violent and inspiring popular uprising of the Sudanese people in 2019, in particular the wide participation of women and youth calling for freedom, peace and justice, which led to a fundamental change in the political situation in the Sudan and the formation of the civilian-led transitional Government, led by Prime Minister Abdallah Hamdok,

Noting with appreciation the cooperation between the Sudan and the country office of the Office of the United Nations High Commissioner for Human Rights in the Sudan, and stressing the importance of the continuation of that cooperation,

Noting with appreciation also the cooperation between the Sudan and the United Nations Integrated Transition Assistance Mission in the Sudan, including on the protection of civilians,

Expressing deep concern about the arbitrary arrest of civilian government leaders, political figures, human rights defenders, journalists, students, lawyers and others, and about restrictions on the exercise of freedom of expression, both online and offline, including Internet shutdowns, as well as on the rights to freedom of association and of peaceful assembly, and at the excessive use of force committed against peaceful protesters since 21 October 2021,

Noting the postponement of the review of the Sudan in the context of the universal periodic review in the light of the current situation,

Recalling that States members of the Human Rights Council are required to uphold the highest standards in the promotion and protection of human rights,

1. *Welcomes* the decision of the African Union Peace and Security Council on 26 October 2021 to suspend the Sudan from participating in all activities of the African Union following the military takeover on 25 October 2021 by the Sudanese military;

2. *Also welcomes* the efforts of the Special Representative of the Secretary-General for the Sudan and the decision of the African Union to undertake a mission to the Sudan, both with a view to finding a solution to the current situation there, calls upon all stakeholders in the Sudan to cooperate fully with both the Special Representative and the African Union, and encourages the Special Representative and the African Union to coordinate their activities;

3. *Condemns in the strongest possible terms* the military takeover on 25 October 2021 by the Sudanese military against the transitional Government led by Prime Minister Abdallah Hamdok, the suspension of transitional institutions and the unilateral imposition of measures that are contrary to the Sudan Constitutional Declaration and the terms of the Juba Peace Agreement;

4. *Calls for* the immediate restoration of its civilian-led transitional Government and the return to the internationally supported governing principles in the Sudan, in compliance with the Sudan Constitutional Declaration and the Juba Peace Agreement, in both letter and spirit;

5. *Takes note* of the press statement of the Security Council of 28 October 2021 on the situation in the Sudan;¹²

6. *Condemns* the arbitrary detention by the Sudanese military of Prime Minister Hamdok, other members of the Cabinet of the Government of the Sudan, other civilians and other senior national, regional and local officials appointed by the transitional Government, and calls upon the Sudanese military to release, immediately and without preconditions, all individuals detained unlawfully and arbitrarily since the start of the military takeover;

7. *Urges* that the safety and dignity of all those in custody be strictly assured in accordance with the international human rights obligations of the Sudan;

8. *Calls upon* the Sudanese military, without delay and without preconditions, to engage in dialogue with civilian leaders;

9. *Welcomes* the statements by the United Nations High Commissioner for Human Rights, the Secretary-General and the Special Rapporteur on the rights to freedom of peaceful assembly and of association on this subject;

¹² See www.un.org/press/en/2021/sc14678.doc.htm.

10. *Expresses deep concern* at reports of human rights violations and abuses perpetrated since the military takeover on 25 October 2021, particularly the excessive use of force that has resulted in the killing and injuring of peaceful protestors;

11. *Emphasizes* the importance of full respect for human rights, and recalls in particular the obligation of the Sudan to respect the rights to freedom of expression, association and peaceful assembly, among others, and urges the Sudan in this regard in particular to protect journalists, media workers, human rights defenders, students and lawyers, and to lift restrictions on the Internet, telecommunications services and social media so as to ensure access of the people of the Sudan to information;

12. *Urges* all actors in the Sudan to demonstrate the utmost restraint, and to refrain from violence and from committing further human rights violations and abuses;

13. *Calls upon* the Sudan to ensure accountability for those responsible and support for the victims of any such violations and abuses;

14. *Requests* the High Commissioner to update the Human Rights Council at its forty-ninth session, in an enhanced interactive dialogue, on the situation of human rights in the Sudan since the military takeover;

15. *Also requests* the High Commissioner to designate without delay an expert on human rights in the Sudan, who shall, with the assistance of and in close cooperation with the country office of the Office of the United Nations High Commissioner for Human Rights in the Sudan, monitor the developing situation of human rights in the Sudan, including taking due regard to ensure a gender perspective throughout their work, and engage with all relevant parties, including civil society, on the developing situation of human rights since the military takeover of 25 October 2021 until the restoration of its civilian-led Government;

16. *Further requests* the High Commissioner, with the assistance of the designated Expert on Human Rights in the Sudan, to present to the Human Rights Council, at its fiftieth session, a comprehensive written report focusing on the situation of human rights since, and human rights violations and abuses committed during, the period of the military takeover, to be followed by an enhanced interactive dialogue;

17. *Decides* that the term of office for the designated Expert on Human Rights in the Sudan should conclude upon the restoration of its civilian-led Government;

18. *Requests* the Secretary-General to make all necessary financial, technical and logistical support available to the Office of the High Commissioner in this regard;

19. *Calls upon* the High Commissioner and the designated Expert to monitor human rights violations and abuses and to continue to bring information thereon to the attention of the Human Rights Council, and to advise on the further steps that may be needed if the situation continues to deteriorate;

20. *Decides* to remain seized of the matter.

*2nd meeting
5 November 2021*

[Adopted without a vote.]

IV. President's statement adopted at the organizational session

PRST OS/15/1. Efficiency of the Human Rights Council

At the organizational session of the Human Rights Council held on 6 December 2021, the President of the Council made the following statement:

“The Human Rights Council,

Guided by the Charter of the United Nations, General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, on institution-building of the Council and on the code of conduct for special procedure mandate holders of the Council, respectively, and 16/21 of 25 March 2011, on the review of the work and functioning of the Council,

Welcoming the ongoing implementation of the measures outlined in President's statements PRST OS/12/1 of 3 December 2018, PRST OS/13/1 of 6 December 2019 and PRST OS/14/1 of 7 December 2020, and their impact on addressing the financial and time constraints related to its workload,

Recognizing the additional challenges for the efficient conduct of the work of the Human Rights Council, including the restrictions imposed to combat the spread of the coronavirus disease (COVID-19), the ongoing effects of the United Nations liquidity crisis and the impact of the renovation of the Palais des Nations pursuant to the Strategic Heritage Plan,

1. Decides to extend the measures contained in President's statement PRST OS/13/1 *for* one additional year, and requests the President of the Human Rights Council to organize an informal stocktaking meeting to assess the impact of their implementation after its fifty-first session and before the organizational session to be held in December 2022;

2. Also decides to remain actively seized of the matter.”

V. Resolution adopted at the thirty-third special session

S-33/1. Situation of human rights in Ethiopia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant international and regional human rights treaties,

Recalling Human Rights Council resolution 47/13 of 13 July 2021 on the situation of human rights in the Tigray region of Ethiopia, as well as all relevant statements of the Secretary-General, the President of the Security Council and the United Nations High Commissioner for Human Rights on the situation in Ethiopia,

Recognizing the primary responsibility of States to promote and protect human rights,

Reiterating that all human beings are born free and equal in dignity and rights, and that everyone is entitled to the enjoyment and full realization of all human rights without distinction of any kind such as religion, belief or ethnic origin,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ethiopia, and its profound solidarity with the Ethiopian people,

Reiterating its firm support for the ongoing mediation efforts by the African Union High Representative for the Horn of Africa Region to find an urgently needed political non-military solution,

Underscoring the importance of the continued involvement of the African Union, the African Commission on Human and Peoples' Rights and the Intergovernmental Authority on Development,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission on the joint investigation into alleged violations and abuses of international human rights law and violations of international humanitarian law and international refugee law committed by all parties to the conflict in the Tigray region of Ethiopia, of 3 November 2021, and commending the Office of the High Commissioner and the Ethiopian Human Rights Commission for the impartial and transparent conduct of their work,

Expressing grave concern about the conclusion in the report that there are reasonable grounds to believe that there have been violations and abuses of international human rights law, and violations of international humanitarian law and international refugee law, committed by all parties to the conflict, some of which, depending on their circumstances, may amount to war crimes and crimes against humanity,

Appalled by reports of the deliberate targeting of civilians and indiscriminate attacks resulting in civilian casualties, including children, older persons and persons with disabilities, and of civilian objects, including houses, hospitals, health centres, schools and places of worship, by all parties to the conflict, which indicates a flagrant disregard for human life and dignity,

Deeply concerned by reports of widespread unlawful killings and extrajudicial executions, including wilful killings on the basis of ethnicity, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary detentions, abductions and enforced disappearances,

Deeply concerned also by reports of widespread conflict-related sexual and gender-based violence primarily against women and girls, as well as men and boys, including rape, committed by all parties to the conflict,

Deeply concerned further by reports of violations of the rights of refugees and internally displaced persons under international law, reports of the forcible displacement of civilians largely on the basis of their ethnicity, and reports of restrictions on access to humanitarian relief and the killings of humanitarian workers, which may amount to violations of international humanitarian law and require further investigation,

Deeply concerned by the unjustified restrictions on the rights to freedom of movement, freedom of expression and freedom to seek, receive and impart information, and on access to basic services, including telecommunications and Internet access, electricity and banking services, by reports of widespread instances of pillage, looting and destruction of public and private property and objects indispensable to the survival of the civilian population, including crops and livestock, and by reports of violations and abuses of economic, social and cultural rights, including the rights to an adequate standard of living, including food, safe drinking water and sanitation, and education, and to the enjoyment of the highest attainable standard of physical and mental health,

Taking into consideration that, in the report on the joint investigation, the Office of the High Commissioner and the Ethiopian Human Rights Commission indicated that there was a need for further investigation of a number of alleged violations and abuses committed by all parties between 3 November 2020 and 28 June 2021, and that serious human rights violations and abuses, as well as violations of international humanitarian law and violations of international refugee law, had reportedly continued to be committed by all parties across a number of regions in Ethiopia, including Afar, Amhara, Oromia and Tigray, since the end of the period under investigation, prompting the need for additional inquiries to promote accountability and justice for victims and survivors,

Stressing that the gravity and seriousness of the findings of the joint investigation call for independent investigation and the appropriate prosecution of those responsible, and emphasizing the importance of ensuring that such investigations comply with international standards, including with respect to transparency, while also addressing issues of command responsibility, in order to address impunity in a meaningful way,

Cognizant that the Government of Ethiopia has acknowledged the fact that the report contains troubling accounts of violations and abuses committed by members of the Ethiopian National Defence Forces and regional security forces and has committed to taking steps with a view to ensuring accountability,

Welcoming in that regard the decision of the Government of Ethiopia to set up an interministerial task force to oversee redress and accountability measures in response to human rights violations and abuses committed in the context of the conflict in northern Ethiopia, and encouraging the task force to promptly fulfil its mandate,

Calling for similar acknowledgments by the Government of Eritrea, the Tigray People's Liberation Front and all other parties to the conflict,

Alarmed by the recent escalation of hostilities in northern Ethiopia and by the impact of the current crisis on the already dire human rights and humanitarian situation of the civilian population, as well as on the stability of the country and the wider Horn of Africa region,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Calling upon the Government of Ethiopia to implement the state of emergency declared on 2 November 2021 in a manner that respects the principles of strict necessity, proportionality and non-discrimination, and to publish the list of detainees and to provide adequate opportunity for visits in detention centres, while expressing deep concern about reports of the targeting, arrest and detention of people on the basis of their ethnicity and the poor conditions of arbitrary detention for those arrested, and the allegations of ill-treatment in detention and lack of judicial review,

Concerned at reports of the increase in incidents of hate speech by all parties, including on social media,

Bearing in mind that impunity for violations and abuses of human rights and violations of international humanitarian law encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, to the furtherance of cooperation among peoples and to the promotion of international peace and security,

Stressing the importance of collecting, preserving and analysing evidence in view of advancing accountability, and that bringing perpetrators to justice is critical for the prevention of further human rights violations and abuses and violations of international humanitarian law and international refugee law and for comprehensive post-conflict transitional justice and reconciliation developed with input from victims and survivors, and emphasizing that the seriousness of the situation requires a swift and thorough response,

1. *Condemns in the strongest terms* all human rights violations and abuses and violations of international humanitarian law and international refugee law committed in northern Ethiopia by all parties to the conflict since it began on 3 November 2020;

2. *Calls for* an immediate halt to all human rights violations and abuses and violations of international humanitarian law and international refugee law and for the strict observance of all human rights and fundamental freedoms;

3. *Urges* all parties to the conflict to refrain from direct attacks against civilians as such, including on the basis of their ethnicity or gender, and against objects, in particular those indispensable to the survival of the population, including crops, livestock and medicines, to refrain from incitement to hatred and violence, to avoid further damage to critical civilian infrastructure, and to end any measures that may exacerbate the already acute humanitarian crisis, in particular, by allowing and facilitating the full, safe, rapid and unimpeded passage of humanitarian relief;

4. *Also urges* all parties to the conflict to heed the repeated calls to immediately end hostilities and seek a permanent ceasefire, without preconditions, and to engage in the ongoing mediation efforts led by the African Union High Representative for the Horn of Africa Region and in an inclusive national dialogue, with a view to reducing tensions and achieving sustainable and inclusive peace;

5. *Calls upon* all parties to the conflict to facilitate full, safe, rapid and unimpeded humanitarian access and the delivery of humanitarian supplies, including across conflict lines, to ensure that humanitarian relief reaches all civilians in need, in particular internally displaced persons and those in vulnerable situations, to respect the independence of humanitarian agencies and to guarantee the protection of humanitarian personnel, and to end attacks on and the intimidation of humanitarian workers and agencies;

6. *Calls upon* all parties to the conflict that have not yet done so to acknowledge responsibility and commit to concrete measures with clear time frames for implementing without delay the recommendations made by the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission in the report on the joint investigation;

7. *Notes* the first steps taken by the Government of Ethiopia to implement the recommendations made by the Office of the High Commissioner and the Ethiopian Human Rights Commission in the report on the joint investigation, and encourages the Government to proceed without delay to ensure accountability and redress for the victims of violations and abuses committed in the conflict;

8. *Notes with concern* that the current circumstances of ongoing hostilities may not be conducive to ensuring prompt, independent, transparent and impartial investigations at the national level in line with the standards of international law;

9. *Decides* to establish, for a period of one year, renewable as necessary, an international commission of human rights experts on Ethiopia, comprising three human rights experts, to be appointed by the President of the Human Rights Council, to complement the work undertaken by the joint investigative team, with the following mandate:

(a) To conduct a thorough and impartial investigation into allegations of violations and abuses of international human rights law and violations of international humanitarian law and international refugee law in Ethiopia committed since 3 November 2020 by all parties to the conflict, including the possible gender dimensions of such violations and abuses, by building upon the report of the Office of the High Commissioner and the Ethiopian Human Rights Commission;

(b) To establish the facts and circumstances surrounding the alleged violations and abuses, to collect and preserve evidence, to identify those responsible, where possible, and to make such information accessible and usable in support of ongoing and future accountability efforts;

(c) To provide guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and to make recommendations on technical assistance to the Government of Ethiopia to support accountability, reconciliation and healing;

(d) To integrate a gender perspective and a survivor-centred approach throughout its work;

(e) To engage with all relevant stakeholders, including the Government of Ethiopia, including regional State governments, the Government of Eritrea, the Office of the High Commissioner, the interministerial task force, the Ethiopian Human Rights Commission, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and civil society;

10. *Requests* the international Commission of Human Rights Experts on Ethiopia to present an oral briefing to the Human Rights Council at its fiftieth session, to be followed by an interactive dialogue, and to present a written report to the Council at its fifty-first session, to be followed by an interactive dialogue, and to the General Assembly at its seventy-seventh session, to be followed by an interactive dialogue;

11. *Requests* the Office of the High Commissioner to continue to provide, in consultation with the Government of Ethiopia, advice and technical assistance in order to strengthen the capacity of the Ethiopian Human Rights Commission and the criminal justice system, and transitional justice, including accountability and reconciliation processes in general;

12. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources and expertise, including on sexual and gender-based violence, necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution;

13. *Calls upon* all parties to the conflict to grant the international Commission of Human Rights Experts on Ethiopia and its members unhindered access without delay and to allow them to visit sites, and to meet and speak freely and privately with whomever they wish to meet or speak with;

14. *Decides* to remain seized of the matter.

*2nd meeting
17 December 2021*

[Adopted by a recorded vote of 21 to 15, with 11 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Brazil, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Japan, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay

Against:

Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, India, Namibia, Pakistan, Philippines, Russian Federation, Somalia and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Bangladesh, Indonesia, Libya, Malawi, Mauritania, Nepal, Senegal,
Sudan, Togo and Uzbekistan]

VI. Forty-ninth session

A. Resolutions

49/1. Situation of human rights in Ukraine stemming from the Russian aggression

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the obligations of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, and to settle their international disputes by peaceful means,

Reaffirming the need to make the utmost effort to settle any conflicts and disputes between States exclusively by peaceful means and to avoid any military action and hostilities, which can only make the solution of those conflicts and disputes more difficult,

Recalling the Universal Declaration of Human Rights, relevant international human rights treaties and treaties relevant to international humanitarian law, and also the role of regional arrangements, particularly the European Convention on Human Rights,

Recalling also General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of aggression",

Welcoming the adoption by the General Assembly of its resolution ES-11/1 on aggression against Ukraine on 2 March 2022,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ukraine within its internationally recognized borders, extending to its territorial waters, and reaffirming also that all peoples are entitled to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, in accordance with international law,

Reaffirming also the primary responsibility of States to promote, respect and protect human rights,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Strongly condemning the aggression against Ukraine by the Russian Federation,

Gravely concerned at the ongoing human rights and humanitarian crisis in Ukraine, particularly at the reports of violations and abuses of human rights and violations of international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights, and recognizing the strong expressions of concern made by the Secretary-General and the United Nations High Commissioner for Human Rights in their statements,

Recalling in this regard the reports of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights based on the work of the human rights monitoring mission in Ukraine established in 2014,

Concerned about increasing reports of civilian casualties, including children, the forced displacement, including more than 660,000 refugees, and at damage to and destruction of residential areas, schools, cultural sites and critical civilian infrastructure, including hospitals and civilian water, sanitation and fuel supplies, caused by Russian bombing and shelling in populated areas,

Stressing the urgent need for the Russian Federation to immediately cease its military hostilities against Ukraine and for Belarus to immediately cease its support for these hostilities, for the prioritization of the protection of civilians, including those displaced, and

civilian objects, and for full, timely, immediate, unhindered and safe humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law, including international human rights law, international humanitarian law and international refugee law,

Recalling that the States members of the Human Rights Council are required to uphold the highest standards in the promotion and protection of human rights,

Deploring the suffering of people in Ukraine and reaffirming its profound solidarity with them, while stressing the importance of providing them with proper support and assistance,

Concerned at the humanitarian needs of all those fleeing from or displaced by the military hostilities,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Emphasizing the important role played by the Office of the United Nations High Commissioner for Human Rights and the human rights monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

Reaffirming that the right to freedom of opinion and expression, both online and offline, is a human right guaranteed to all, reiterating in this regard the important role of free and independent media and non-governmental organizations, and condemning any attack against journalists, media outlets, media workers and human rights defenders,

Expressing concern at the spread of disinformation, which can be designed and implemented so as to mislead and to violate and to abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information,

Underscoring the obligation on all parties to the Geneva Conventions of 12 August 1949 and to Additional Protocol I thereto of 8 June 1977, to investigate and prosecute or extradite persons alleged to have committed, or to have ordered to be committed, grave breaches of the Geneva Conventions or of Additional Protocol I thereto, as applicable,

Noting the decision by the prosecutor of the International Criminal Court to proceed in opening an investigation into the situation in Ukraine, as rapidly as possible,

Noting also the role of the International Court of Justice in settling, in accordance with international law, legal disputes submitted to it by States,

1. *Condemns in the strongest possible terms* the human rights violations and abuses and violations of international humanitarian law resulting from the aggression against Ukraine by the Russian Federation;

2. *Reaffirms* its strong commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;

3. *Calls upon* the Russian Federation to immediately end its human rights violations and abuses and violations of international humanitarian law in Ukraine, and calls for the strict observance of all human rights and fundamental freedoms, and for the protection of civilians and critical civilian infrastructure in Ukraine;

4. *Calls for* the swift and verifiable withdrawal of Russian Federation troops and Russian-backed armed groups from the entire territory of Ukraine, within its internationally recognized borders and its territorial waters, in order to prevent further violations and abuses of human rights and violations of international humanitarian law in the country, and stresses the urgent need for the immediate cessation of military hostilities against Ukraine;

5. *Urges* immediate, safe and unhindered humanitarian access, including across conflict lines, ensuring that humanitarian assistance reaches all those in need, particularly

those in vulnerable situations, that the independence and impartiality of humanitarian agencies are respected, and ensuring the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;

6. *Expresses grave concern* at the documented harm to the enjoyment of many human rights, including the rights to life, to education, and to the highest attainable standard of physical and mental health, caused by Russian shelling and bombing in populated areas;

7. *Stresses* the importance of maintaining free, open, interoperable, reliable and secure access to the Internet, and condemns unequivocally any measures that prevent or disrupt an individual's ability to receive or impart information online or offline, including partial or complete Internet shutdowns;

8. *Also stresses* that all those fleeing from the conflict in Ukraine should be protected without discrimination, including on the basis of racial, national and ethnic identity;

9. *Encourages* relevant thematic special procedure mandate holders, within their respective mandates, to pay particular attention to the situation of human rights in Ukraine;

10. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of initiating a prompt, independent and impartial investigation into all alleged abuses and violations to end impunity and ensure accountability for those responsible;

11. *Decides* to urgently establish an independent international commission of inquiry, comprising three human rights experts, to be appointed by the President of the Human Rights Council for an initial duration of one year, complementing, consolidating and building upon the work of the human rights monitoring mission in Ukraine, in close coordination with the human rights monitoring mission in Ukraine and the Office of the United Nations High Commissioner for Human Rights, with the following mandate:

(a) To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation, and to establish the facts, circumstances and root causes of any such violations and abuses;

(b) To collect, consolidate and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;

(c) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

(d) To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;

(e) To make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

(f) To provide the Human Rights Council, at its fifty-first session, with an oral update, to be followed by an interactive dialogue, and a comprehensive written report at its fifty-second session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-seventh session;

12. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources necessary to enable the commission of inquiry to carry out its mandate and the resources and expertise necessary to enable the Office of the United Nations High Commissioner for Human Rights to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence-collection;

13. *Calls upon* all relevant parties and States, and encourages civil society, the media and other relevant stakeholders, to cooperate fully with the commission of inquiry to

allow it to effectively fulfil its mandate, and to provide it with relevant information or documentation they may possess or come to possess, as appropriate;

14. *Calls upon* the relevant organs, bodies and agencies of the United Nations system to cooperate fully with the commission of inquiry and to respond promptly to any request made by it, including with regard to access to relevant information and documentation;

15. *Decides* to remain actively seized of the matter.

*10th meeting
4 March 2022*

[Adopted by a recorded vote of 32 to 2, with 13 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Brazil, Côte d'Ivoire, Finland, France, Gambia, Germany, Honduras, Indonesia, Japan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Senegal, Somalia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Eritrea and Russian Federation

Abstaining:

Armenia, Bolivia (Plurinational State of), Cameroon, China, Cuba, Gabon, India, Kazakhstan, Namibia, Pakistan, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)]

49/2. Advancing human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights instruments,

Reaffirming 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 forth in the Universal Declaration of Human Rights,

Reaffirming also Human Rights Council resolutions S-26/1 of 14 December 2016 and 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all subsequent Council resolutions on South Sudan,

Recalling all previous General Assembly and Security Council resolutions on South Sudan, and relevant statements made by the President of the Security Council, the Secretary-General and the Special Representative of the Secretary-General for South Sudan,

Noting all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union, on South Sudan,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights, and recalling that the Government of South Sudan has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity,

Recalling the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and the obligations it imposes on all signatories, including the protection of the human rights of civilians at all times to ensure the safety and dignity of individuals and communities,

Recognizing the continuing important role played and efforts made by the African Union, the Intergovernmental Authority on Development and the guarantors of the Revitalized Agreement in bringing parties together to advance its implementation, as well as the mediation efforts in the framework of the peace process between signatories and non-signatories of the Revitalized Agreement of the Community of Sant'Egidio, and noting the engagement of the Commission on Human Rights in South Sudan with the Government of South Sudan, the African Union, civil society and other stakeholders in December 2021, which facilitated a joint strategy and a plan of action to sustain momentum on transitional justice in South Sudan,

Recalling the formation of the Revitalized Transitional Government of National Unity, and recognizing that this represented a significant step forward in the implementation of the Revitalized Agreement and an opportunity for peace, stability and a sustainable improvement in the situation in South Sudan through, inter alia, the implementation of the commitments and obligations of South Sudan with respect to international human rights law and its obligations under international humanitarian law,

Welcoming the reconstitution on 30 August 2021 of the Transitional National Legislative Assembly, and noting the urgency for the Assembly to review and pass outstanding legislation that is critical for the implementation of the Revitalized Agreement,

Recognizing the provision of technical assistance and capacity-building by the international community to South Sudan to date, and the continuing need to provide quality, coordinated and coherent technical assistance and capacity-building in the field of human rights, including in response to requests of the Government of South Sudan, and that this continued provision remains vital to efforts by all actors to realize peace, stability and a sustainable improvement in the situation of human rights in South Sudan,

Welcoming the participation of South Sudan in the third cycle of the universal periodic review,¹³ and of its delegation, headed by the Minister for Justice and Constitutional Affairs,

Welcoming also the participation of South Sudan in its first ever review by a treaty monitoring body, namely the Committee on the Elimination of Discrimination against Women,¹⁴ while reiterating that the inclusion and participation of women is a key factor in building the social fabric of South Sudan,

Noting the additional and sustained challenges posed by the coronavirus disease (COVID-19) pandemic and climate change-related emergencies to local, regional, national and international efforts to advance the situation of human rights in South Sudan,

Alarmed by the reports by the Commission on Human Rights in South Sudan of ongoing human rights violations and abuses, including extrajudicial killings, forced disappearances, pervasive sexual and gender-based violence, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment, widespread unlawful recruitment and use of child soldiers, and excessive restrictions on the freedoms of expression and peaceful assembly in South Sudan, and dismayed at the impact of human rights violations and abuses on their victims, and on the potential for the people of South Sudan to achieve full enjoyment of all human rights,

Encouraging efforts to address conflict-related sexual violence and to strengthen accountability for crimes involving sexual and gender-based violence, to be replicated to scale to address impunity, which remains widespread,

Noting with concern that attacks on humanitarian workers continue unabated in South Sudan,

1. *Welcomes* the progress made by the Government of South Sudan on the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan since its signature and, while noting that many elements of the Revitalized Agreement that are critical to guaranteeing an enduring and sustainable peace in South Sudan are still to be implemented, recognizes the political will of the Government to

¹³ See [A/HRC/WG.6/40/SSD/1](#).

¹⁴ See [CEDAW/C/SSD/CO/1](#).

achieve tangible progress on this issue, including implementation and other efforts to further promote and protect human rights, and to prevent further human rights violations and abuses;

2. *Welcomes and expresses its appreciation* to the Government of South Sudan for its continued cooperation with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of their mandates, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to continue to cooperate fully and constructively with and to give unhindered access to them and to the United Nations Mission in South Sudan, and to regional, subregional and international mechanisms on the ground;

3. *Recognizes* the vital role played by human rights defenders, women, including women peacebuilders, youth, the media and civil society organizations in promoting human rights and the importance of promoting the inclusive, equitable and non-discriminatory participation in governance, constitution-making, electoral and transitional justice processes of all parts of society, including marginalized and vulnerable groups;

4. *Emphasizes* the critical importance of the freedoms of expression and of peaceful assembly and of association in South Sudan, and urges the Government of South Sudan to promote and protect political and civic space and to respect those freedoms;

5. *Welcomes* the report of the Commission on Human Rights in South Sudan,¹⁵ and its presentation to the Human Rights Council during the interactive dialogue held at its present session, and expresses concern at the findings in the report and at its overall assessment regarding the current situation of human rights on the ground;

6. *Takes note* of the additional conference room papers published by the Commission on Human Rights in South Sudan since the forty-sixth session of the Human Rights Council;¹⁶

7. *Welcomes* the renewal of the mandate of the United Nations Mission in South Sudan on 15 March 2022 by the Security Council,¹⁷ and takes note of the report of the Secretary-General on the situation in South Sudan submitted to the Security Council pursuant to Council resolution 2567 (2021) of 12 March 2021;¹⁸

8. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of, to collect and preserve evidence of, and to clarify responsibility for alleged violations and abuses of human rights and related crimes in South Sudan, and notes that, while the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority have yet to be established, as called for in chapter V of the Revitalized Agreement, there remains a need for a mechanism for the monitoring of, reporting on and collecting evidence regarding alleged violations and abuses of human rights in South Sudan;

9. *Notes* the relevance of the work of the Commission on Human Rights in South Sudan to the mandate and functions of the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority, once these institutions have been established in accordance with the Revitalized Agreement, and welcomes the efforts made by the Government to date to establish them;

10. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a further period of one year;

11. *Requests* the Commission on Human Rights in South Sudan to present a comprehensive written report on the situation of human rights in South Sudan to the Human Rights Council at its fifty-second session, to be followed by an enhanced interactive dialogue,

¹⁵ [A/HRC/49/78](#).

¹⁶ See www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index.

¹⁷ See Security Council resolution 2625 (2022).

¹⁸ [S/2022/156](#).

which should also include the participation of the United Nations High Commissioner for Human Rights;

12. *Requests* the Office of the High Commissioner to provide all the administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, including computer software to support the Commission's evidence-collection function;

13. *Requests* the Secretary-General to provide all the resources necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as necessary for the implementation of the provisions of the present resolution;

14. *Requests* the Commission on Human Rights in South Sudan to work collaboratively with the African Union, the Intergovernmental Authority for Development and the African Commission on Human and Peoples' Rights and its Country Rapporteur for South Sudan, on the issue of human rights in South Sudan, including by sharing its reports and recommendations and exchanging other information, as appropriate;

15. *Calls upon* States and other stakeholders to continue to support efforts to further improve the situation of human rights in the South Sudan by providing additional technical assistance and capacity-building to the country, with a focus on the operationalization of chapter V institutions as agreed to in the Revitalized Agreement;

16. *Calls upon* South Sudan to make further progress under the Revitalized Agreement as soon as possible, and to take additional related steps to develop its own capacity to investigate allegations of human rights violations and abuses and related crimes and to hold those responsible accountable, including by taking the steps necessary to ensure that its Human Rights Commission can receive full accreditation under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

17. *Decides* to remain seized of the matter.

*55th meeting
31 March 2022*

[Adopted by a recorded vote of 19 to 11, with 17 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Mauritania, Pakistan, Russian Federation, Somalia, Sudan, Venezuela (Bolivarian Republic of)

Abstaining:

Benin, Brazil, Cameroon, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Namibia, Nepal, Qatar, Senegal, United Arab Emirates, Uzbekistan]

49/3. Promotion and protection of human rights in Nicaragua

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Reaffirming the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties to which they are party and other human rights agreements to which they have subscribed,

Recalling its resolutions 40/2 of 21 March 2019, 43/2 of 19 June 2020 and 46/2 of 23 March 2021 on the promotion and protection of human rights in Nicaragua,

Welcoming the oral updates of the United Nations High Commissioner for Human Rights on the situation of human rights in Nicaragua, presented to the Human Rights Council at its forty-seventh and forty-eighth sessions, the interim oral update of the High Commissioner on the situation of human rights in Nicaragua in the context of the electoral process, presented to the Council on 14 December 2021, and the comprehensive written report of the High Commissioner on the situation of human rights in Nicaragua, presented to the Council at its present session,¹⁹

Expressing alarm at the democratic backsliding and continuing sociopolitical and human rights crisis in Nicaragua, as well as the erosion of the rule of law, the independence of the judiciary and the separation of powers, and their multidimensional impact on the enjoyment of civil, political, economic, social and cultural rights,

Expressing serious concern at the continued disregard of Nicaragua for its international human rights obligations, including its failure to submit periodic reports to the relevant treaty bodies, and expressing concern at the State's unwillingness to engage in a constructive dialogue with the Committee on Economic, Social and Cultural Rights,

Expressing concern at the continuous refusal of Nicaragua to cooperate with international and regional human rights mechanisms, particularly the Office of the United Nations High Commissioner for Human Rights, including its regional office in Central America, and the special procedures of the Human Rights Council, and recognizing that this refusal continues to create a protection gap in the country,

Expressing concern also at the decision of Nicaragua to interrupt its engagement with international human rights mechanisms and its denunciation of regional instruments, and recalling that, as its obligations under legally binding instruments remain in force, the competent human rights mechanisms will continue to exercise their mandates to monitor the country,

Expressing grave concern at the violations of civil and political rights in the context of the electoral process of 2021, in contravention of the obligations of Nicaragua to uphold the right of every citizen to take part in the conduct of public affairs and to vote and be elected in genuine periodic elections, including the failure of the Government of Nicaragua to implement electoral and institutional reforms aimed at guaranteeing free and fair elections, carried out in a transparent manner, the adoption and use of legal provisions that explicitly aim, or may be used, to restrict the ability of Nicaraguan citizens to participate in the political process, the arbitrary cancellation of the legal status of three opposition political parties, the refusal to receive independent and credible international electoral observers, acts of violence to coerce voters and the widespread political violence during the entire process,

Expressing concern at the worsening trend in forced displacement since the 2021 electoral process, commending neighbouring and other States in the region for their continued efforts to host and welcome Nicaraguan migrants, refugees and asylum seekers, while acknowledging the associated socioeconomic consequences and challenges for those States and their citizens,

Expressing grave concern at the adoption and use of legal provisions that explicitly aim, have been used or may be used to restrict the ability of Nicaraguans to exercise their fundamental freedoms and to participate in the political process; at the broad scope of the Amnesty Law of 2019; and at the implementation of recent legislation by the Government of Nicaragua, including the amendments to some provisions of the Criminal Code and the enactment of the Foreign Agents Registration Law, the Law on Cybercrimes, Law No. 977 on Combating Money Laundering, the Financing of Terrorism and the Proliferation of

¹⁹ [A/HRC/49/23](#).

Weapons of Mass Destruction, and Law No. 1055 on the Rights of People to Independence, Sovereignty and Self-Determination for Peace, which excludes those who speak in favour of international sanctions from electoral processes, all of which, contrary to international human rights law, hinder victims of human rights violations from exercising their right to an effective remedy, which may include reparations and full disclosure of the truth, and further restrict the rights to freedom of expression, of association, of peaceful assembly and of movement, the right to take part in the conduct of public affairs and the right to privacy, as recognized in international law, unduly limiting political participation and the activities of human rights defenders and civil society,

Condemning the continuation of arbitrary detentions and new arbitrary detentions, including in the context of the electoral process of 2021, of, inter alia, opposition pre-presidential candidates and political leaders, human rights defenders, business people, journalists, peasant and student leaders and members of civil society organizations, and expressing grave concern for their integrity, treatment and detention conditions, including health conditions, which may constitute torture or cruel, inhuman or degrading treatment or punishment, and recognizing the particular vulnerability of older and sick persons, and women and girls, in detention,

Recalling General Assembly resolution 70/175 of 17 December 2015 on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which established that disciplinary sanctions and restrictive measures shall not include the prohibition of family contact and that family contact may be restricted for only a limited period of time and as strictly required for the maintenance of security and order, and Assembly resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), which prohibit sexual misconduct and the abuse of women in detention,

Expressing grave alarm at the death in Nicaragua on 12 February 2022 of Hugo Torres Jiménez, a political prisoner detained in egregious conditions since his arrest in June 2021,

Expressing grave concern at recent reports of trials of persons who were arbitrarily detained, which have been held without respect for due process or legal guarantees, including the rights to be presumed innocent until proven guilty, to a fair and public hearing by a competent, independent and impartial tribunal, and to adequate time and facilities for the preparation of a defence,

Condemning all acts of intimidation, harassment and reprisals, both online and offline, by State and non-State actors against individuals and groups that seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, with the Organization of American States or the Inter-American Commission on Human Rights,

Expressing grave concern at the continuing violations of the freedom of expression and the freedom to seek, receive and impart information, including for members of the press, including by the raiding of the country's main print newspaper, and the arbitrary arrests, threats to and harassment of journalists and media workers involved in reporting that is critical of the Government, forcing many of them into exile,

1. *Expresses grave concern* at the deterioration of democracy and the situation of human rights in Nicaragua, in particular with regard to the enjoyment of civil and political rights, continuing reports of human rights violations and abuses, the lack of accountability since April 2018, the persisting bans on public demonstrations and the disproportionate use of force and acts of intimidation and harassment by the police to repress peaceful protests, and acts of violence by armed groups, as well as reports of the increasing incidence of unlawful arrests and arbitrary detentions, expedited trials without due process, of harassment, torture and other cruel, inhuman or degrading treatment or punishment, gender-related killings, including femicides, and sexual and gender-based violence in detention;

2. *Expresses concern* at the worsening restrictions on civic and democratic space and the repression of dissent in Nicaragua, which includes acts of intimidation, harassment and unlawful or arbitrary surveillance of human rights defenders, including defenders who are women, indigenous, Afrodescendants and those working in environmental matters

referred to as environmental human rights defenders, community and religious leaders, journalists and other media workers, students, victims of human rights violations and their family members, and individuals expressing views that are critical of the Government of Nicaragua, and urges the Government to publicly condemn and ensure accountability for any attacks or acts of intimidation or harassment, sexual or gender-based violence, and to take measures to ensure a safe and enabling environment, both online and offline, for the above-mentioned persons to carry out their work freely;

3. *Also expresses concern* at the growing number of civil society organizations, universities and independent media outlets that have been forced to cease their activities owing to unduly restrictive administrative and financial constraints imposed by the legal reforms passed since 2018, and at the arbitrary cancellation of their legal registration and the impact such closures have on independent human rights monitoring and the enjoyment of human rights, online and offline, especially the rights to freedom of opinion, of expression, of association and of peaceful assembly, to privacy and to education, as set out in articles 12, 19, 20 and 26 of the Universal Declaration of Human Rights, articles 17, 19 and 21 of the International Covenant on Civil and Political Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights, and urges the Government of Nicaragua to restore the legal registration of civil society organizations, universities and independent media outlets that have been cancelled since 2018, to restore the independence of the private universities that have been placed under Government control, and to return seized assets, including confiscated property;

4. *Urges* the Government of Nicaragua to allow and facilitate peaceful and public demonstrations and to repeal or amend legislation that may unduly restrict human rights, including the rights to freedom of expression, of peaceful assembly and of association, the right to take part in the conduct of public affairs and the right to privacy, as recognized in international law, and that may prevent victims of human rights violations from enjoying the right to an effective remedy or extend the period of detention without formal charge or criminalize dissenting voices;

5. *Urgently calls upon* the authorities in Nicaragua to cease immediately the use of arbitrary arrests and detentions, as well as of threats and other forms of intimidation or alternative measures of detention, as a means to repress dissent, to release immediately and unconditionally all those who have been arbitrarily or unjustly detained, as well as those who have been prosecuted under ambiguous criminal laws or laws that arbitrarily restrict the civil and political rights of the Nicaraguan population, to annul their sentences and waive charges against them, to respect fair trial guarantees, to ensure that conditions of detention comply with applicable human rights obligations and are consistent with standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

6. *Urges* the Government of Nicaragua to combat impunity and to ensure accountability and justice for victims of human rights violations, including by designing and implementing a comprehensive action plan for accountability that is inclusive and victim-centred, by conducting independent, transparent and impartial investigations into the multiple forms of repression and violence, including in the context of the electoral process, that have been reported since April 2018 by the Office of the United Nations High Commissioner for Human Rights, including alleged extrajudicial executions, enforced disappearances, torture and other grave human rights violations and abuses, by ensuring that victims are provided with effective remedies and reparations and by amending the Amnesty Law of 2019;

7. *Also urges* the Government of Nicaragua to take effective measures to provide a safe environment for victims of human rights violations and their families, including political prisoners and opposition members, and those with long-term injuries and disabilities;

8. *Further urges* the Government of Nicaragua to take effective measures to prevent, investigate and ensure accountability for sexual and gender-based violence, including gender-related killings, and to take a survivor-centred approach to gender-based violence and abuse;

9. *Urges* the Government of Nicaragua to take effective measures, in meaningful consultation with indigenous peoples, in accordance with its legal obligations, to prevent and

address the increasing violence committed against them, including by conducting prompt and independent investigations into alleged attacks, killings and land seizures by armed groups;

10. *Also urges* the Government of Nicaragua to adopt effective measures to guarantee the independence, transparency and impartiality of the justice system, the electoral authorities, the National Police, the Attorney General's Office and the Human Rights Ombudsman's Office, to uphold its international obligations with respect to fair trial guarantees and to adopt effective measures to guarantee the separation of powers and the re-establishment of the rule of law;

11. *Encourages* the Government of Nicaragua to adopt a time-bound action plan to implement the recommendations made by international and regional human rights mechanisms, including those made in the reports of the High Commissioner and the recommendations received during the third cycle of the universal periodic review of Nicaragua,²⁰ in meaningful consultation with civil society and victims;

12. *Calls upon* the Government of Nicaragua to prevent, refrain from and publicly condemn, investigate and punish any acts of intimidation, harassment or reprisal against political leaders, journalists, human rights defenders and any individual critical of the Government, including against those who cooperate or seek to cooperate with international and regional bodies, including the United Nations, its representatives and mechanisms in the field of human rights, and with regional mechanisms;

13. *Urges* the Government of Nicaragua to adopt electoral and institutional reforms and to engage in a dialogue with all political parties, civil society and other actors in Nicaragua or in exile, with the aim of ensuring genuine elections that are free and fair, carried out in a transparent manner with independent international observers, including the upcoming November 2022 municipal elections;

14. *Decides* to establish, for a period of one year, a group of three human rights experts on Nicaragua, to be appointed by the President of the Human Rights Council, with a mandate:

(a) To conduct thorough and independent investigations into all alleged human rights violations and abuses committed in Nicaragua since April 2018, including the possible gender dimensions of such violations and abuses, and their structural root causes;

(b) To establish the facts and circumstances surrounding the alleged violations and abuses, to collect, consolidate, preserve and analyse information and evidence and, where possible, to identify those responsible, and to make such information accessible and usable in support of ongoing and future accountability efforts;

(c) To make recommendations with a view to improving the situation of human rights, to provide guidance on access to justice and accountability, as appropriate, and to ensure a victim-centred approach, including by addressing the impact of multiple and intersectional forms of discrimination;

(d) To engage with all relevant stakeholders, including the Government of Nicaragua, the Office of the High Commissioner, international human rights organizations, relevant United Nations agencies and civil society, with a view to exchanging information, as appropriate, and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Nicaragua;

15. *Requests* the Group of Human Rights Experts on Nicaragua to submit a report to the Human Rights Council at its fifty-second session, during an interactive dialogue;

16. *Requests* the immediate operationalization of the mandate and requests the Secretary-General to provide the Group of Human Rights Experts on Nicaragua with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate;

17. *Requests* the High Commissioner to strengthen monitoring and engagement, including by preparing a comprehensive report on the situation of human rights in Nicaragua

²⁰ See [A/HRC/42/16](#).

containing a detailed assessment of the implementation of the recommendations made in her previous reports, as well as in the reports and recommendations of the Human Rights Council mechanisms and those of the treaty bodies, and to present it to the Council at its fifty-first session, to be followed by an interactive dialogue, and to present an oral update to the Council at its fiftieth session; before the end of 2022; and at its fifty-second session, with each update to be followed by an interactive dialogue;

18. *Requests* the Office of the High Commissioner to strengthen its engagement by continuing to analyse legislation relating to civic and democratic space, the judicial sector and amnesties with a view to providing the support necessary for Nicaragua to fulfil its human rights obligations and commitments;

19. *Calls upon* the Government of Nicaragua to cooperate fully with the Office of the High Commissioner and its Regional Office for Central America, the Human Rights Council and its mechanisms, including the Group of Human Rights Experts on Nicaragua, and with the relevant treaty bodies by, inter alia, granting them unfettered, full and transparent access throughout the country and facilitating visits, including to detention facilities, and providing necessary information, and to positively consider the recommendations made in their reports and their offers of technical assistance, and the requests for country visits made by the special procedures in accordance with the standing invitation it extended in 2006;

20. *Requests* that the Office of the High Commissioner be provided with the resources necessary to continue to fulfil its technical cooperation and human rights monitoring and reporting mandates;

21. *Decides* to remain actively seized of the matter and to consider all measures available to the Human Rights Council to strengthen the promotion and protection of human rights in Nicaragua and cooperation with the Office of the High Commissioner.

*55th meeting
31 March 2022*

[Adopted by a recorded vote of 20 to 7, with 20 abstentions. The voting was as follows:

In favour:

Argentina, Brazil, Finland, France, Gambia, Germany, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Honduras, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan]

49/4. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and all relevant conventions, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the relevant rules and principles of international law, including international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling further the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling relevant resolutions of the Human Rights Council, the General Assembly and the Security Council,

Recalling also relevant United Nations reports, including the outcome reports of fact-finding missions and commissions of inquiry, and the important recommendations made therein, and calling upon all duty bearers and United Nations bodies to pursue the implementation of those recommendations,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the need for States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian law, to end impunity, to uphold their obligations to ensure respect and to promote international accountability,

Regretting the lack of progress made in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through settlement activities and other measures that are tantamount to de facto annexation of Palestinian land,

Gravely concerned that long-standing impunity for international law violations has allowed for the recurrence of grave breaches and serious violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure the access of victims to justice and effective remedies, deter further violations, protect civilians and promote peace,

Expressing grave concern at reports of serious human rights violations and grave breaches of international humanitarian law, including of possible war crimes and crimes against humanity, in the Occupied Palestinian Territory, including East Jerusalem, and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Deploring the continuing and negative consequences of the conflicts in and around the Gaza Strip, including all casualties, particularly among Palestinian civilians, including

children, and ongoing violations of international law, and calling for full respect for international humanitarian and human rights law and for the principles of legality, distinction, precaution and proportionality,

Gravely concerned about the dire humanitarian, socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic impediments and movement restrictions that in effect amount to a blockade, and about the short- and long-term detrimental impact of this situation, and the widespread destruction and continued impediments to the construction and reconstruction process imposed by Israel, the occupying Power, on the human rights situation,

Expressing grave concern at the firing of rockets into Israel,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli security concerns,

Stressing also the need to end the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

Stressing further the need for all parties, in conformity with relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

Deploring all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population, and deploring also the widespread violations of the human rights of Palestinian civilians, including as a result of recurrent and escalating settler attacks,

Expressing deep concern that thousands of Palestinians, including many children, women, elected members of the Palestinian Legislative Council and human rights defenders, continue to be detained, including under terms of administrative detention with limited or no judicial recourse, and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, restricted access to proper medical care, including in a time of pandemic, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of inhumane treatment and torture,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

Recalling also the prohibition under international humanitarian law of individual and mass forcible transfers, and of the deportation of protected persons, from occupied territory, and the prohibition of deportation or transfer by the occupying Power of parts of its own civilian population into the territory it occupies,

Deploring the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and international human rights law,

Recognizing the work of Palestinian, Israeli and international civil society actors, humanitarian agencies and human rights defenders in documenting and countering violations

of international law and providing relief to affected persons in the Occupied Palestinian Territory, including East Jerusalem,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and stressing the importance of non-governmental organizations, which have been instrumental to human rights monitoring, protection and relief efforts undertaken by the international community, and expressing concern about the decision taken by Israel to proscribe certain Palestinian non-governmental organizations,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, and stresses that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law and relevant United Nations resolutions;

2. *Stresses* the imperative of credible, timely and comprehensive accountability for all violations of international law in order to attain justice for the victims and establish a just and sustainable peace;

3. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

4. *Affirms* that no State shall recognize as lawful a situation created by a serious breach by a State of an obligation arising under a peremptory norm of general international law, nor render aid or assistance in maintaining that situation, and that all States shall cooperate to bring to an end through lawful means any serious breach;

5. *Deplores* the persistent non-cooperation of Israel with the special procedures of the Human Rights Council and other United Nations mechanisms seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem, and calls for full cooperation with the Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

6. *Demands* that Israel, the occupying Power, cease all illegal actions in the Occupied Palestinian Territory, including East Jerusalem, including the establishment and expansion of settlements; the demolition of privately owned and residential structures belonging to Palestinians, including punitive home demolitions; the forcible transfer of Palestinian inhabitants and the revocation of residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the territory as a whole, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a just and peaceful settlement;

7. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and demanded by the General Assembly in its resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

8. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, to facilitate the return of Palestinian families and communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

9. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to ensure non-discrimination on grounds of religion or belief and the preservation of and peaceful access to all religious sites;

10. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory, which has a broad impact on human rights, including in the Jordan Valley area, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

11. *Demands* that Israel, the occupying Power, comply fully with international law, including international humanitarian law and international human rights law, and that it cease all measures and actions taken in breach of these bodies of law, and discriminatory legislation, policies and actions in the Occupied Palestinian territory that violate the human rights of the Palestinian people, including if carried out as collective punishment in violation of international humanitarian law, and any obstruction of humanitarian assistance and independent and impartial action of civil society, and that it fully respect international human rights law and comply with its legal obligations in this regard;

12. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

13. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic rights, and which has a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip, while taking into account Israeli security concerns;

14. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including unlawful lethal and other excessive use of force by Israeli occupying forces against Palestinian civilians, including against civilians with special protected status under international law and who pose no imminent threat to life;

15. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury, and calls for an end to all actions by militants and armed groups contrary to international law;

16. *Calls upon* all States to promote compliance with international law and all High Contracting Parties to the Fourth Geneva Convention to respect and ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the Fourth Geneva Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

17. *Urges* all States to refrain from transferring arms when, in accordance with applicable national procedures and international obligations and standards, they assess that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law;

18. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, the entry of humanitarian equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in

need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

19. *Calls upon* Israel, the occupying Power, to comply immediately with its international law obligations to the protected occupied population, and ensure non-discriminatory access to vaccines for immunization against the coronavirus disease (COVID-19) in the Occupied Palestinian Territory, including East Jerusalem, including in coordination with the Government of the State of Palestine;

20. *Urges* Member States to continue to provide emergency assistance, including humanitarian relief and development assistance, to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

21. *Calls* for an end to all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of the Palestinian people, including by cooperating with United Nations human rights bodies, calls for their protection, and underscores the need to investigate all such acts and to ensure accountability and effective remedies;

22. *Calls upon* Israel to revoke any unsubstantiated designations of Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations, and to refrain from using anti-terrorism legislation to undermine civil society and its valuable work and contributions to the pursuit of accountability;

23. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, and at the continued use of administrative detention, and calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment; to fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, including by ensuring access to medical care and vaccinations, including in the context of the ongoing pandemic; to implement fully the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody; and to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

24. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

25. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

26. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate, fair and independent national or international criminal justice mechanisms, and to ensure the provision of an effective remedy for all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations;

27. *Requests* the United Nations High Commissioner for Human Rights to end the reporting on the implementation of Human Rights Council resolutions S-9/1 of 12 January 2009 and S-12/1 of 16 October 2009;

28. *Also requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its fifty-second session, to be followed by an interactive dialogue;

29. *Decides* to remain seized of the matter.

55th meeting
31 March 2022

[Adopted by a recorded vote of 37 to 3, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malaysia, Mauritania, Mexico, Montenegro, Namibia, Netherlands, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Brazil, Malawi, United States of America

Abstaining:

Cameroon, Honduras, India, Marshall Islands, Nepal, Ukraine, United Kingdom of Great Britain and Northern Ireland]

49/5. Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 46/6 of 23 March 2021, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, and at instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(d) Instances that, both in law and in practice, constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(f) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief and violations of the freedom of thought, conscience, religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(d) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(e) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(f) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(h) To ensure in particular the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(k) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(l) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of and within different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education to eradicate prejudice against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur on freedom of religion or belief on the rights of persons belonging to religious or belief minorities in *situations* of conflict or insecurity;²¹

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

15. *Decides* to extend the mandate of the Special Rapporteur on freedom of religion or belief for a further period of three years, and invites the Special Rapporteur to discharge the *mandate* in accordance with paragraph 18 of Human Rights Council resolution 6/37 of 14 December 2007;

16. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to the requests of the mandate holder to visit their countries, and to provide the mandate holder with all the information necessary to enable him or her to fulfil the mandate even more effectively;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

18. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

19. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/6. The negative impact of unilateral coercive measures on the enjoyment of human rights

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Recalling further Human Rights Council resolutions 45/5 of 6 October 2020 and 46/5 of 23 March 2021 and General Assembly resolutions 75/181 of 16 December 2020 and 76/171 of 16 December 2021,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which all States are strongly urged to refrain from promulgating and applying any unilateral economic,

²¹ A/HRC/49/44.

financial or trade measures not in accordance with international law and the Charter, that impede the full achievement of economic and social development, particularly in least developed and developing countries,

Recognizing that the coronavirus disease (COVID-19) pandemic is one of the greatest global challenges in the history of the United Nations, and noting with deep concern its impact on health and the loss of life, mental health and well-being, as well as the negative impact on global humanitarian needs, the enjoyment of human rights and across all spheres of society, including on livelihoods, food security and nutrition, education, the exacerbation of poverty and hunger, the disruption to economies, trade, societies and the environment, and the exacerbation of economic and social inequalities within and among countries, which are reversing hard-won development gains and hampering progress towards achieving the 2030 Agenda for Sustainable Development, all its goals and targets,

Recalling Human Rights Council resolution 27/21 of 26 September 2014, in which the Council decided to organize a biennial panel discussion on the issue of unilateral coercive measures and human rights,

Noting that the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial panel discussion on unilateral coercive measures and human rights will be submitted to the Human Rights Council at its fiftieth session,

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, international human rights law, the Charter and the norms and principles governing peaceful relations among States,

Deeply concerned by the negative impact on human rights of widespread compliance and over-compliance with unilateral coercive measures among financial institutions, transport companies and other entities whose goods and services are necessary in the provision of humanitarian aid to populations in vulnerable situations,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its grave concern at the negative impact of unilateral coercive measures on human rights, including the right to development, international relations, trade, investment and cooperation,

Reaffirming that no State may use, encourage or threaten to use any type of measure, including but not limited to economic or political measures, to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Reaffirming also, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recognizing that unilateral coercive measures, inter alia in the form of economic sanctions, have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting poor people and people in the most vulnerable situations,

Alarmed by the fact that all forms and manifestations of unilateral coercive measures have been imposed, at great cost in terms of the human rights of the poorest and of persons in vulnerable situations, on least developed and developing countries by developed countries, and in this context condemning this inhumane approach in the strongest terms possible,

Underlining that under no circumstances should people be deprived of their basic means of survival,

Recognizing that unilateral coercive measures may result in social problems and give rise to humanitarian concerns in the States targeted,

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

Expressing its grave concern that the laws, regulations and decisions imposing unilateral coercive measures have, in some instances, an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law, in a manner that will coerce the latter also to apply the unilateral coercive measures,

Welcoming the final document and declaration adopted at the eighteenth summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

Reaffirming that each State has full sovereignty over the totality of its wealth, natural resources and economic activity, exercising it freely, in accordance with General Assembly resolution 1803 (XVII) of 14 December 1962,

Recalling that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of least developed and developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights, including the right to development, by peoples and individuals under the jurisdiction of other States,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing, as well as the right to development and the right to a clean, health and sustainable environment,

Alarmed by the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 on 4 December 1986, which establishes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Reaffirming also that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

Concerned that unilateral coercive measures have prevented humanitarian organizations from making financial transfers to States where they work,

Underlining that, in each situation worldwide, unilateral coercive measures have a negative impact on human rights,

Underlining also the necessity of examining the wide range of impact of unilateral coercive measures on international humanitarian and human rights law and on the economy, peace, security and social fabric of States,

Highlighting the need for the Human Rights Council to take fully into account the negative impact of unilateral coercive measures, including that caused by the enactment and extraterritorial application of national laws and decisions that are not in conformity with the Charter and international law, in its task concerning the implementation of all human rights, including the right to development,

Recalling the recommendations set forth in research-based progress report of the Human Rights Council Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability,²²

Highlighting the need to monitor and report human rights violations associated with unilateral coercive measures, to promote accountability to deter future violations and to provide redress for victims,

Welcoming the continuing efforts of the open-ended Working Group on the Right to Development, and reaffirming that unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Human Rights 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 the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, according to which, inter alia, in no case may a people be deprived of its own means of subsistence and its fundamental rights,

1. *Urges* all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Calls upon* States and relevant United Nations agencies to take concrete measures to mitigate the negative impact of unilateral coercive measures on humanitarian assistance, which should be delivered in accordance with General Assembly resolution 46/182 of 19 December 1991;

3. *Strongly urges* all States to refrain from imposing unilateral coercive measures, also urges the removal of such measures, as they are contrary to the Charter and norms and principles governing peaceful relations among States at all levels, and recalls that such measures prevent the full realization of economic and social development of nations while also affecting the full realization of human rights;

4. *Urges* States to resolve their differences through dialogue and peaceful means and to avoid the use of economic, political or other measures to coerce another State with regard to the exercise of its sovereign rights;

5. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

²² A/HRC/28/74.

6. *Strongly condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of pressure, including political and economic pressure, against any country, particularly against least developed and developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

7. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights and peremptory norms of customary international law, and entails adverse consequences for the enjoyment of human rights by innocent people;

8. *Expresses its deep concern* over the increasing negative effects of unilateral coercive measures on the environment and natural resources, leading to serious violations of human rights of targeted populations, and strongly condemns the continued unilateral application of such measures, which result in various environmental transboundary and transgenerational implications for present and future generations;

9. *Expresses its grave concern* that, in some countries, the socioeconomic conditions of family members, particularly women and children, are adversely affected by unilateral coercive measures, imposed and maintained contrary to international law and the Charter, that create obstacles to trade relations among States, restrict movement through various means of transport, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

10. *Reiterates* its call upon States that have initiated such measures to commit themselves to their obligations and responsibilities arising from relevant provisions of the international law and human rights instruments to which they are a party by putting an immediate end to such measures;

11. *Reaffirms* in this context the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

12. *Also reaffirms*, as enshrined in the Charter, its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State;

13. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

14. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their means of subsistence and development;

15. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development, and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of least developed and developing countries;

16. *Rejects* all attempts to introduce unilateral coercive measures, and the increasing trend in this direction, including through the enactment of laws with extraterritorial application that are not in conformity with international law, and urges the States Members of the United Nations to take fully into account the negative impact of those measures, including through the enactment and extraterritorial application of national laws that are not in conformity with international law in their task concerning the implementation of the right to development;

17. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

18. *Stresses* the need for an impartial and independent mechanism of the United Nations human rights machinery for the victims of unilateral coercive measures to address the issues of remedies and redress, with a view to promoting accountability and legal, equitable, timely and effective remedies and reparations;

19. *Urges* all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling her mandate;

20. *Recognizes* the importance of the quantitative and qualitative documentation of the negative impact associated with the application, promotion, compliance with, promulgation and implementation of unilateral coercive measures in the context of ensuring the accountability of those responsible for human rights violations resulting from the application of unilateral coercive measures against any State;

21. *Acknowledges* the need to ensure that all relevant United Nations human rights treaty bodies and subsidiary organs of the Human Rights Council mainstream the issue of the negative impact of unilateral coercive measures on the enjoyment of human rights and perform specific activities, such as during the review of periodic reports submitted by States to such bodies and in the context of the universal periodic review;

22. *Decides* to give due consideration to the issue of the negative impact of unilateral coercive measures on human rights in its tasks concerning the implementation of the right to development;

23. *Recalls* the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights²³ and the addendum thereto on elements for a draft General Assembly declaration on unilateral coercive measures and the rule of law, submitted to the Human Rights Council at its forty-second session,²⁴ and takes note of the reports of the Special Rapporteur submitted to the Human Rights Council at its forty-eighth session²⁵ and to the General Assembly at its seventy-sixth session;²⁶

24. *Requests* the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to continue her work on identifying and proposing concrete measures to ensure the removal of unilateral coercive measures affecting the enjoyment of human rights of victims, and to focus on the resources and compensation necessary to promote accountability and reparations for victims in her next report to the Human Rights Council, at its fifty-first session, and to the General Assembly, at its seventy-seventh session;

25. *Calls upon* the Special Rapporteur, with the support of the Office of the United Nations High Commissioner for Human Rights, to study establishing an effective, impartial and responsive mechanism to assess, document, report on and follow up on the negative impact of unilateral coercive measures on the enjoyment of human rights of individuals and their complaints, submitted by individuals and their States, and to promote accountability;

26. *Invites* the Special Rapporteur to engage with scholars, researchers and others in the academic community to encourage research that is relevant to the mandate, including but not limited to the areas of law, economics, political science, social science, medicine and agriculture;

27. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of her tasks, and to provide all necessary information requested by her;

²³ A/HRC/42/46.

²⁴ A/HRC/42/46/Add.1.

²⁵ A/HRC/48/59 and A/HRC/48/59/Corr.1.

²⁶ A/76/174/Rev.1.

28. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil her mandate effectively, in particular by placing adequate human and material resources at her disposal;

29. *Recognizes* the importance of the role of the Office of the High Commissioner in addressing the challenges arising from unilateral coercive measures and their negative impact on the human rights of peoples and individuals who wish to realize their economic and social rights, including the right to development;

30. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of least developed and developing countries, to give priority to the present resolution in her annual report;

31. *Also requests* the High Commissioner, and urges relevant special procedures of the Human Rights Council and the treaty bodies, to pay attention, within the framework of their mandates, to the situation of persons whose rights have been violated as the result of unilateral coercive measures;

32. *Requests* the Secretary-General to provide the assistance necessary to the High Commissioner to fulfil her mandate effectively, in particular by placing adequate human and material resources at her disposal;

33. *Urges* States and other stakeholders to promote and preserve multilateralism and to take the measures necessary to strengthen bilateral, regional and international cooperation aimed at addressing the negative impact of unilateral coercive measures on the full enjoyment of all human rights;

34. *Decides* to continue its consideration of this issue in accordance with its programme of work.

*55th meeting
31 March 2022*

[Adopted by a recorded vote of 27 to 14, with 6 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Armenia, Brazil, Cameroon, Gambia, Mexico, Paraguay]

49/7. Cultural rights and the protection of cultural heritage

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development and all relevant international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming the human rights and fundamental freedoms enshrined therein,

Recalling also General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and in which it stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling further previous Human Rights Council resolutions on cultural rights and the protection of cultural heritage,

Recalling General Assembly resolution 76/16 of 6 December 2021 on the return or restitution of cultural property to the countries of origin,

Convinced that damage to cultural heritage, both tangible and intangible, of any people constitutes damage to the cultural heritage of humanity as a whole,

Recognizing that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of cultural heritage belongs primarily to the State on whose territory it is situated,

Acknowledging that cultural heritage can be instrumentalized as a trigger for and a target in conflicts and crises and can be the subject of disinformation or information manipulation,

Noting that the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights, in particular the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage,

Reaffirming that safeguarding the enjoyment of cultural rights may form a crucial part of the response to many current global challenges, among others the coronavirus disease (COVID-19) pandemic, the adverse impact of climate change and the scourge of terrorism,

Reaffirming also that addressing the destruction of tangible and intangible cultural heritage needs to be holistic, encompassing all regions, contemplating both prevention and accountability, focusing on acts by State and non-State actors in both conflict and non-conflict situations, and terrorist acts,

Recognizing that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation,

Recognizing also the fundamental role of education in ensuring access to and the enjoyment of cultural rights and cultural life, and recalling to this end the relevance of Sustainable Development Goal target 4.7 to be implemented and the promotion of quality education and lifelong learning for all,

Acknowledging the importance of intercultural and intracultural dialogue and of the promotion of cultural diversity in strengthening social cohesion and sustainable development to achieve the 2030 Agenda for Sustainable Development, and the key role of indigenous peoples and/or persons belonging to national or ethnic, religious and linguistic minorities in maintaining, controlling, protecting, developing and preserving tangible and intangible cultural heritage,

Acknowledging also the necessity to protect the cultural heritage of persons belonging to minorities from intentional destruction aimed at erasing evidence of their presence as a key factor for the preservation of their identity,

Strongly condemning all acts of unlawful destruction of cultural heritage, which are often committed during or in the aftermath of armed conflicts around the world, or as a result of terrorist attacks,

Noting with deep concern the organized looting, smuggling and theft of and illicit trafficking in cultural property that could undermine the full enjoyment of cultural rights, and are contrary to international law and may, in some instances, generate funds for the financing of terrorism,

Acknowledging the importance of early restoration of the full enjoyment of cultural rights to individuals affected by conflict, and in particular to those who are displaced,

Emphasizing the important role that the Human Rights Council can play, in concert with all other relevant international actors, in global efforts to protect, restore and preserve cultural heritage with a view to promoting universal respect for cultural rights by all,

Recognizing the important contribution that United Nations peacekeeping missions can make to the protection of cultural heritage and the safeguarding of the enjoyment of cultural rights, both during and in the aftermath of armed conflicts,

Acknowledging the important role of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the International Criminal Police Organization and the World Customs Organization in international efforts to combat and prevent damage or destruction, organized looting, smuggling and theft of and illicit trafficking in cultural property, and to restore damaged property,

Welcoming all initiatives, whether by States, institutions or private persons, for the voluntary return of cultural property, and in particular those concerning cultural property that has been illicitly appropriated,

Recognizing that technology, and in particular the Internet, may enhance cultural creation and dissemination by enabling new forms of curating and sharing, and engagement with, cultural heritage,

Taking note with appreciation of the report of the United Nations High Commissioner for Human Rights on the intersessional workshop on cultural rights and the protection of cultural heritage,²⁷ which contains a compilation of recommendations on the implementation of the human rights framework and on the development of appropriate tools for the dissemination of a human rights-based approach to the protection, restoration and preservation of cultural heritage, by focusing on mainstreaming a human rights-based approach to cultural heritage, including tools; on cultural heritage in crisis; and on respecting and protecting the rights of cultural rights defenders and supporting their work on cultural heritage protection,

Recalling the report of the Special Rapporteur in the field of cultural rights,²⁸ in which she considered the negative impacts of climate change on human cultures and on the enjoyment of cultural rights and stressed the positive potential of cultures and the exercise of cultural rights to serve as critical tools in responding to the challenge of climate change,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and its implementation, and in the context of its twentieth anniversary, highlighting in particular the important contribution made by cultural rights defenders involved in the protection of the cultural heritage of all humankind,

1. *Calls upon* all States to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage;

2. *Urges* all parties to armed conflicts, whether international or non-international, to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law;

3. *Encourages* States that have not yet become a party to relevant treaties that provide for the protection of tangible and intangible cultural heritage to consider doing so;

4. *Calls for* enhanced international cooperation in preventing and combating the organized looting, smuggling and theft of and illicit trafficking in cultural objects and in restoring stolen, looted or trafficked cultural property to its country of origin, and invites States to take measures in this regard at the national level to make effective use to this end of relevant tools and databases developed under the auspices of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the International Criminal Police Organization and the World Customs Organization, within the scope of their respective mandates;

²⁷ A/HRC/48/40.

²⁸ A/75/298.

5. *Encourages* the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, theft and smuggling of and illicit trafficking in cultural property, including through the provision of support and technical assistance aimed at enhancing their national capacities to restore, protect and preserve cultural heritage and property;

6. *Calls for* the development of partnerships between competent national authorities and civil society, in particular grass-roots institutions, with the aim of creating a safe and enabling environment to enhance the protection of cultural rights and to promote the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage in all its aspects;

7. *Encourages* States to work on strengthening the incorporation of cultural diversity and aspects related to cultural rights in the implementation of their strategies for the 2030 Agenda for Sustainable Development, particularly the Sustainable Development Goal targets that explicitly relate to cultural rights that already exist;

8. *Calls for* the identification of innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for participatory and inclusive approaches to the prevention and mitigation of damage caused to cultural heritage, both tangible and intangible;

9. *Also calls for* the recognition of the protection of cultural heritage as an important component of humanitarian assistance, including in armed conflict and with regard also to displaced populations and for enhanced cooperation between the Office of the United Nations High Commissioner for Human Rights, the mandate of the Special Rapporteur in the field of cultural rights, the United Nations Educational, Scientific and Cultural Organization and other relevant agencies and stakeholders, with a view to mainstreaming the protection of cultural heritage into humanitarian actions, security strategies and peacebuilding processes and in post-conflict reconciliation initiatives;

10. *Encourages* States to adopt a gender-sensitive and inclusive approach to the protection of cultural heritage and the safeguarding of cultural rights that is respectful of cultural diversity and includes consideration of the human rights issues of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and of indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples;

11. *Also encourages* States to safeguard the diversity of cultural expressions, to promote intercultural and intracultural dialogue and to support traditional practices and creative productions of indigenous peoples and/or minority communities;

12. *Calls for* the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, bringing to justice anyone alleged to have harmed them;

13. *Invites* States to adopt effective strategies to prevent the destruction of cultural heritage by, inter alia, ensuring accountability, establishing and/or maintaining inventories documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights, training military forces and humanitarian actors and other relevant stakeholders in all applicable rules concerning the protection of cultural heritage, both during and in the aftermath of armed conflict, and developing preparatory measures and risk preparedness plans during peacetime in order to ensure that there are procedures and processes in place to mitigate against the destruction of cultural heritage;

14. *Encourages* States to address limitations of cultural rights, to take the measures necessary to prevent the destruction of historic monuments, works of art or places of worship that constitute the cultural or spiritual heritage of peoples, both in conflict and non-conflict situations, and to promote respect for cultural diversity;

15. *Encourages* States, the international community, the United Nations and civil society to consider implementing the relevant recommendations contained in the report of

the High Commissioner on the intersessional workshop on cultural rights and the protection of cultural heritage,²⁹ as well as those made by the Special Rapporteur in the field of cultural rights in her relevant reports presented to the Human Rights Council and to the General Assembly;³⁰

16. *Requests* the High Commissioner, in consultation with the United Nations Educational, Scientific and Cultural Organization and the Special Rapporteur in the field of cultural rights:

(a) To further refine and develop appropriate tools for the dissemination of an approach to the protection, restoration and preservation of cultural heritage that promotes universal respect for cultural rights by all;

(b) To convene, before the fifty-fifth session of the Human Rights Council, a one-day workshop to review and promote the tools for the dissemination and possible methods of implementation of an approach to the protection, restoration and preservation of cultural heritage that promotes universal respect for cultural rights by all, and to make the workshop accessible to persons with disabilities;

17. *Also requests* the High Commissioner to submit a report thereon to the Human Rights Council at its fifty-eighth session;

18. *Decides* to remain seized of the matter.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/8. Commemoration of the thirty-fifth anniversary of the Declaration on the Right to Development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Stressing the importance of the World Conference on Human Rights, held in Vienna in 1993, and that the Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights and the individual as the central subject and beneficiary of development,

Reaffirming all Commission on Human Rights, Human Rights Council and General Assembly resolutions on the right to development, the most recent being Council resolution 48/10 of 8 October 2021 and Assembly resolution 76/163 of 16 December 2021,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing,

Emphasizing also the urgent need to make the right to development a reality for everyone,

Stressing the importance of the adoption of the 2030 Agenda for Sustainable Development and its means of implementation, and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development is vital for the full realization of the 2030 Agenda, and should be central to its implementation,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development, and that lasting

²⁹ A/HRC/48/40.

³⁰ A/71/317.

progress towards the implementation of the right to development requires, inter alia, effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Welcoming the contribution of the universal periodic review mechanism to the realization of the right to development,

Stressing that the thirty-fifth anniversary of the Declaration on the Right to Development presents a significant opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

1. *Welcomes* the thirty-fifth anniversary of the Declaration on the Right to Development and stresses the importance of the mandate of the United Nations High Commissioner for Human Rights with regard to the promotion and protection of the realization of the right to development, while fully recognizing its distinct nature and intrinsic value;

2. *Decides* to convene, at its fifty-second session, a full-day high-level meeting, in a hybrid format and fully accessible to persons with disabilities, with sign language interpretation and webcast, on the promotion and protection of the right to development as a celebration of the thirty-fifth anniversary of the Declaration on the Right to Development, and requests the Office of the United Nations High Commissioner for Human Rights to organize the high-level meeting;

3. *Invites* the High Commissioner to liaise with all States and stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, with a view to ensuring their participation in the high-level meeting;

4. *Requests* the High Commissioner to prepare a summary report on the high-level meeting and to submit it to the Human Rights Council at its fifty-fourth session;

5. *Encourages* all Member States to engage constructively in all discussions for the full implementation of the Declaration on the Right to Development.

*55th meeting
31 March 2022*

[Adopted by a recorded vote of 33 to 0, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Paraguay, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Abstaining:

Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

49/9. Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, and other relevant international instruments,

Recalling its resolutions 7/25 of 28 March 2008, 22/22 of 22 March 2013, 28/34 of 27 March 2015, 37/26 of 23 March 2018 and 43/29 of 22 June 2020 on the prevention of genocide,

Recognizing that at all periods of history genocide has inflicted great losses on humanity,

Reaffirming the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, the first human rights treaty adopted by the General Assembly, on 9 December 1948, and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, as an effective international instrument for the prevention and punishment of the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

Taking into consideration the fact that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

Affirming that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Condemning impunity for genocide, war crimes and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, war crimes or other massive, serious or systematic violations of human rights and international humanitarian law in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

Acknowledging the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

Stressing the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

Acknowledging the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and its positive impact on the prevention of gross violations of human rights and serious violations of international humanitarian law through a holistic approach to transitional justice,

Acknowledging also the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,³¹ and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Encouraging States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity and promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

Recognizing the importance of preserving historic memory, without distortion, relating to gross human rights violations and abuses and serious violations of international humanitarian law through the conservation of archives, oral histories and other forms of evidence relating to those violations,

Recognizing also that an important factor in the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

Expressing deep concern that genocide is typically preceded by widespread and systematic human rights violations and abuses of civil and political rights, as well as of economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals based on their ethnic, racial, national or religious background,

Noting with concern that the crime of genocide, war crimes and crimes against humanity are often preceded or accompanied by statements by political leaders and public figures that express support for the affirmation of superiority of a race or an ethnic group, dehumanize and demonize persons belonging to minorities, disseminating hostility and prejudice against ethnic, religious or racial groups, or condone or justify violence against them,

Deeply concerned that misuse of new technologies, in particular social media platforms, can amplify hate speech and contribute to national, ethnical, racial or religious polarization,

Deeply concerned also that the coronavirus disease (COVID-19) pandemic perpetuates and exacerbates existing inequalities, and that those most at risk are persons in vulnerable and marginalized situations,

Recognizing efforts and measures concerning the response to the impact of the COVID-19 pandemic, in particular the Secretary-General's appeal for an immediate global ceasefire in situations of armed conflicts, and expressing concern that the call for a general and immediate cessation of hostilities was not fully heeded,

Recognizing also that gender plays a role in the planning and commission of genocide and the distinct ways it can be planned and perpetrated against women, men, girls and boys, including through acts of sexual and gender-based violence, and the importance that gender analysis has for prevention and accountability measures,

Strongly condemning violence against women and girls, such as murder, rape, including systematic rape, sexual slavery, forced pregnancy and enforced sterilization, and calling for effective measures of accountability and redress where those acts amount to violations of international human rights and humanitarian law,

Strongly condemning also the forcible transfer of children of one national, ethnic, racial or religious group to another group with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such,

³¹ [E/CN.4/2006/91](#), [A/HRC/5/7](#), [A/HRC/12/19](#), [A/HRC/15/33](#) and [A/HRC/17/21](#).

Recalling the launch of the United Nations Strategy and Plan of Action on Hate Speech as an effective tool to fight incitement to discrimination, hostility and violence,

Recalling also the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes,

Emphasizing that the presence of an organized, knowledgeable, strong and representative civil society and free, diverse and independent media able to operate freely would significantly reduce the risk of genocide,

Noting with concern that attempts to deny or to justify the crime of genocide as defined in the Convention and established as such under international law may risk undermining the fight against impunity, reconciliation and efforts to prevent genocide,

Expressing deep concern that justification, biased accounts or denial of past instances of genocide may increase the risk of reoccurrence of violence,

Acknowledging the necessity to protect the cultural heritage of persons belonging to minorities from intentional destruction aimed at erasing evidence of their presence as a key factor for preservation of their identity,

Recognizing the importance of fact-based casualty recording initiatives led by State authorities, independent civil society or internationally mandated organizations, and the contribution they can make to the effectiveness of early warning mechanisms, ensuring accountability, truth, justice, reparation, guarantees of non-recurrence and the preservation of historic memory, and combating genocide denial and other forms of hate speech,

Reaffirming that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Emphasizing that genocide, whether committed in time of peace or in time of war, is a crime under international 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,

Recalling that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

Reaffirming its full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

Taking note of the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Recalling the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan³² and the activities of the Special Adviser,³³ as well as the practice of convening interactive dialogues with the Special Adviser at the sessions of the Council,

Recalling also the 2005 World Summit Outcome,

³² E/CN.4/2006/84.

³³ A/HRC/7/37 and A/HRC/10/30.

Acknowledging the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union and other national, regional and international initiatives,

Acknowledging also the successful outcome of the regional forums on the prevention of genocide – the first, in Buenos Aires, from 10 to 12 December 2008; the second, in Arusha, from 3 to 5 March 2010; the third, in Bern, from 4 to 6 April 2011; and the fourth, in Phnom Penh, from 28 February to 1 March 2013 – and noting the first international meeting of Global Action against Mass Atrocity Crimes, held in San José from 4 to 6 March 2014, the second, held in Manila from 2 to 4 February 2016, the third, held in Kampala from 23 to 25 May 2018, and the fourth, held online from 15 to 18 November 2021, and acknowledging the Third Global Forum against the Crime of Genocide, held in Yerevan from 9 to 11 December 2018, dedicated to the prevention of the crime of genocide through education, culture and museums, and organized with the support of the Special Adviser to the Secretary-General on the Prevention of Genocide,

Acknowledging further that victims of and others affected by the crime of genocide as defined in the Convention call for a form of memorialization, which plays an important role in the prevention of genocide,

Recalling the report of the Secretary-General on the prevention of genocide on the implementation of provisions of its resolution 37/26, with a particular focus on activities aimed at raising awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and the realization of educational programmes and projects that contribute to the prevention of genocide,³⁴

Recalling also the summary report of the Office of the United Nations High Commissioner for Human Rights on the high-level panel discussion to commemorate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,³⁵

Taking note of the summary report of the United Nations High Commissioner for Human Rights on the one-day intersessional meeting with a dialogue on cooperation in strengthening capacities for the prevention of genocide,³⁶

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Reaffirms* that the right to life under article 6 of the International Covenant on Civil and Political Rights is a right from which no derogation is permitted under article 4 of that Covenant, even in public emergencies that threaten the life of the nation, and does not permit derogation from the obligations assumed under the Convention on the Prevention and Punishment of the Crime of Genocide;

4. *Recognizes* the contribution that the Human Rights Council can make to the prevention of genocide, including through the mandate set out by the General Assembly in paragraph 5 (f) of its resolution 60/251 of 15 March 2006;

³⁴ [A/HRC/41/24](#).

³⁵ [A/HRC/40/33](#).

³⁶ [A/HRC/48/42](#).

5. *Calls upon* all States to fully cooperate to this end with United Nations human rights mechanisms, including the special procedures of the Human Rights Council and the treaty bodies;

6. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

7. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

8. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide;

9. *Notes with concern* that the progress in ratifications of and accessions to the Convention has slowed down since the adoption by the Human Rights Council of its resolution 43/29;

10. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

11. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and regional organizations, aimed at fostering the principles enshrined in the Convention;

12. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

13. *Recognizes* the important role of the Secretary-General in contributing to the prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with her/his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

14. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of her/his work, to furnish all relevant information requested and to react promptly to her/his urgent appeals;

15. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

16. *Reiterates* the importance of its universal periodic review mechanism, which is an important instrument for advancing human rights, and invites States to include, where appropriate, information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

17. *Urges* all States to implement accepted universal periodic review recommendations relating to the prevention of genocide, war crimes and crimes against humanity;

18. *Encourages* the engagement of civil society in the prevention of genocide through concrete means, such as advocacy, monitoring, reporting, education, conflict prevention, and resolution and reconciliation initiatives;

19. *Encourages* States to cooperate with relevant United Nations bodies and mechanisms to intensify conflict risk analysis as a significant element in guiding and/or contributing to assessments of the risks of the perpetration of genocide and to identify situations where preventive measures might be necessary;

20. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention, and to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

21. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan and the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

22. *Encourages* States, the United Nations system, international and regional organizations and civil society to work closely in supporting the positive contributions of faith-based organizations and religious leaders;

23. *Recognizes* that early warning signs of genocide may also include an increase in serious acts of violence against women and children or the creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror, and calls upon States to take the legislative and other measures necessary to protect women and children from all forms of violence;

24. *Encourages* States to ensure the full enjoyment of cultural rights, to take the measures necessary to prevent the destruction of historic monuments, memorial sites, including in places where crimes or atrocities have been committed, works of art or places of worship that constitute the cultural or spiritual heritage of peoples in the context of genocide prevention;

25. *Urges* States to preserve archives, oral histories and other forms of evidence concerning genocide and serious violations of international human rights and humanitarian law to facilitate the sharing and dissemination of knowledge and the investigation of such violations, and to provide victims with access to an effective remedy, in accordance with international law;

26. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

27. *Invites* Member States and regional and subregional organizations to look at examples of best practices for the prevention of genocide developed in other regions, where appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

28. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

29. *Emphasizes* the important role that education, including human rights education and training, can play in genocide prevention, and encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

30. *Notes* the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, and other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

31. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, that will ensure that such horrendous crimes are never forgotten and will provide an opportunity for everyone to learn lessons from the past and to create a safer future;

32. *Urges* States to continue efforts aimed at the memorialization and remembrance of past genocides as a way to prevent them by educating society;

33. *Invites* States to contribute to the implementation of Sustainable Development Goal target 4.7 through teaching and learning about, inter alia, past instances and the consequences of genocide;

34. *Recalls* the adoption by consensus of General Assembly resolution 69/323 on 11 September 2015, in which the Assembly proclaimed 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime;

35. *Invites* Member States and regional and subregional organizations to observe the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime with public events that can memorialize and educate, and thereby contribute to preventing the recurrence of genocide and other mass atrocities;

36. *Welcomes* the role that Member States and international organizations, particularly the United Nations Organization, have played in commemorating past instances of genocide by establishing and observing official days of remembrance;

37. *Requests* the Secretary-General, in collaboration with the Office on Genocide Prevention and the Responsibility to Protect and with relevant entities of the United Nations system, Governments and other stakeholders, to help to ensure the success of the observance by the United Nations of the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of This Crime and to assist Member States, upon request and in compliance with the provisions of resolution 69/323 relating to funding, in organizing activities for the observance of the International Day;

38. *Expresses concern* at the spread of disinformation and misinformation, particularly on social media platforms, which can be designed and implemented so as to mislead, to spread racism, intolerance, xenophobia, negative stereotyping and stigmatization, and to violate and abuse human rights;

39. *Invites* the Special Adviser to the Secretary-General on the Prevention of Genocide to continue to execute the activities under her mandate, including in the follow-up to the present resolution, by providing States with guidance, assistance and follow-up, upon their request;

40. *Requests* the Secretary-General to draw up a roster of focal points and networks on the prevention of genocide with updated information from Member States;

41. *Also requests* the Secretary-General to prepare a follow-up report based on information provided by States and other stakeholders on the implementation of the provisions of the present resolution, with a particular focus on the impact of technological advances on prevention of genocide efforts, and on the risks of the perpetration of genocide, and to submit the report to the Human Rights Council at its fifty-third session and to the General Assembly;

42. *Decides* to convene, before its fifty-sixth session, a one-day intersessional meeting to mark the seventy-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and to discuss the role of social media platforms and their instrumentalization by those seeking to spread hate leading to real-world discrimination and violence, which will provide a space for a thorough examination of the issue and a dialogue with various stakeholders;

43. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, the Special Adviser to the Secretary-General on the Prevention of Genocide, the treaty bodies, the special procedures of the Human Rights Council and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions and other stakeholders, including academic experts, transnational corporations and other business enterprises, with a view to ensuring their participation in the meeting;

44. *Also requests* the Office of the High Commissioner to prepare a summary report on the intersessional meeting and to submit it to the Human Rights Council at its fifty-ninth session and to the General Assembly;

45. *Invites* the Special Adviser to the Secretary-General on the Prevention of Genocide to an interactive dialogue with the Human Rights Council at its fifty-third session on the progress made in discharging her/his duties;

46. *Decides* to continue its consideration of this issue in accordance with its programme of work.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/10. Mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Guided by the purposes and principles of 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 and other relevant international human rights instruments,

Bearing in mind General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure 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,

Expressing deep concern at the perpetration of violations of human rights and fundamental freedoms in the context of the fight against terrorism and at the effects of terrorism on the enjoyment of human rights and fundamental freedoms, notably in respect of victims,

Recalling Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Human Rights Council resolutions 6/28 of 14 December 2007, 15/15 of 24 September 2010, 22/8 of 21 March 2013, 31/3 of 20 April 2016 and 40/16 of 22 March 2019, on the mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

1. *Decides* to extend the mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years, with the same terms as provided for by the Human Rights Council in its resolution 40/16;
2. *Recognizes* the work of the Special Rapporteur in addressing the human rights and fundamental freedoms of victims of terrorism, and encourages the Special Rapporteur to continue to address this issue, in consultation with Governments, the individuals concerned, their families, their representatives and civil society organizations;
3. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur's urgent appeals and providing the information requested;
4. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;
5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of the mandate;
6. *Decides* to continue consideration of this question in conformity with its annual programme of work.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/11. Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all international human rights instruments relevant to the right to work, in particular the International Covenant on Economic, Social and Cultural Rights, the fundamental conventions of the International Labour Organization and the 2030 Agenda for Sustainable Development,

Reaffirming also previous Human Rights Council resolutions on the right to work, the most recent being resolution 43/7 of 19 June 2020,

Reaffirming further Human Rights Council resolution 22/3 on work and employment of persons with disabilities of 21 March 2013,

Recalling General Assembly resolution 63/199 of 19 December 2008, entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization", and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and the follow-up thereto, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, and the Centenary Declaration for the Future of Work, adopted by the Conference at its 108th session, on 21 June 2019,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system and through its unique tripartite structure and supervisory system in relation to the promotion and realization of decent work and full, productive and freely chosen employment for all, and recalling its

initiatives and activities in that regard, including the Decent Work Agenda, and the centenary initiatives of the Organization,

Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work, and the Committee on the Rights of Persons with Disabilities, with regard to the realization of the right to work for persons with disabilities,

Acknowledging also the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full, productive and freely chosen employment and decent work for all and the full realization of the right to work, and recognizing the important contributions made by the United Nations Entity for Gender Equality and the Empowerment of Women in relation to the realization of the right to work for women,

Reaffirming that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and social justice, and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

Concerned about discrimination that older persons may face in access to work, including arbitrary mandatory retirement age, salary reductions, forced early retirement, age limits in recruitment, societal norms and negative stereotypes about the ability of older persons to work, and access to opportunities for training and career advancement,

Concerned also about the high unemployment rate faced by persons with disabilities, and their overrepresentation in the informal sector and in self-employment, and that they are more likely to be working in precarious working conditions and to be paid less,

Concerned further that the employment rate of women with disabilities is significantly lower than that of men with disabilities and persons without disabilities, caused by, inter alia, discrimination and stigma attached to disability, the lack of open, inclusive, accessible and enabling environments, the lack of access to information and multiple forms of communication, the lack of inclusive education and job-oriented vocational training skills, and inadequate school-to-work transition for young people with disabilities,

Emphasizing the impact of the coronavirus disease (COVID-19) pandemic on the labour market, the realization of the right to work and its disproportionate burden on persons with disabilities, particularly women with disabilities, who are less likely than others to be employed and thus have less access to social security based on employment, and on their households, whereas the measures related to COVID-19 have resulted in the economic hardship of unemployment and indirectly affected persons with disabilities through the loss of jobs by family members,

Acknowledging the complementarity between the rights to work, to social security and to education and that the realization of the right to work, including to achieve Sustainable Development Goal 8, on decent work for all, contributes to the autonomy and independence of persons with disabilities, boosting their social participation and inclusion in society,

Taking note of the initiatives that the Secretary-General and United Nations agencies and entities have undertaken in order to promote disability inclusion in COVID-19 response and recovery efforts as a vital step towards achieving the pledge to leave no one behind, including the Global Accelerator for Jobs and Social Protection launched by the Secretary-General at the seventy-sixth session of the General Assembly, in September 2021, and noting in this regard the importance of promoting equal access of persons with disabilities to social

services, quality education and health care, full and productive employment and decent work, encouraging their effective and meaningful participation, protecting their human rights, eliminating discrimination against them and systematically collecting and using data disaggregated by sex, age and disability,

Taking note also of the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, adopted by the General Conference of the International Labour Organization on 17 June 2021, in which it called for policies that prioritized the creation of decent work for all, including for persons with disabilities, and addressed inequalities,

Acknowledging that the changing world of work brings new challenges and opportunities related to the right of everyone to the enjoyment of just and favourable conditions of work by persons with disabilities while one of the causes and consequences of the rising inequalities is disability-based discrimination,

Recognizing that, on the one hand, the development of automation enabled by advanced technologies, including robotics and artificial intelligence, brings the promise of higher productivity, job creation, better services and improved well-being, aimed at improving social inclusion, while on the other, it entails challenges that may have a broader impact on jobs, skills, wages and the nature of work itself that may vary widely across different regions and within countries, which could have an impact on those ill-equipped for the transition, with those severely affected often being the most marginalized groups, such as persons with disabilities, particularly women with disabilities,

Recognizing also that climate change poses an existential threat for all, and has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights, including the right to work,

Acknowledging that workers and communities affected by climate change actions, responses and impacts in the context of sustainable and inclusive economies should be covered by social protection, by broader investments aimed at creating economic opportunities and through appropriate training and assistance for job seekers, with a view to ensuring a just transition,

Reaffirming that the Paris Agreement takes into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities;³⁷

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, including for persons with disabilities, pursuant to article 27 of the Convention on the Rights of Persons with Disabilities, that includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take appropriate steps to progressively achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full, productive and freely chosen employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of

³⁷ A/HRC/46/47.

seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures, in consultation with workers' and employers' associations;

5. *Stresses* that the freedom to choose or accept work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for those whose freedom is frequently compromised by discriminatory legal provisions or forced labour, in particular women, young people, older persons and persons with disabilities;

6. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish perpetrators for its use in all its forms, and seek to provide appropriate support to victims;

7. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

8. *Calls upon* States to ensure the effective protection of the right to freedom of association with others, including the right to form and join trade unions of one's own choosing, for the promotion and protection of one's economic and social interests;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Calls upon* those States that have not yet done so to consider ratifying or acceding to the Convention on the Rights of Persons with Disabilities;

11. *Stresses* that disability-specific measures, taken into consultation with persons with disabilities, in the three interrelated areas of work, education and social protection, should be in place to ensure that persons with disabilities can improve their own lives and be empowered to contribute to the development, prosperity and well-being of their societies;

12. *Also stresses* that States should protect persons with disabilities from all forms of labour exploitation, and ensure that persons with disabilities enjoy just and favourable conditions of work, including safe and healthy working conditions, a minimum wage and access to social security, while at the same time dismantling harmful stereotypes about the capabilities of persons with disabilities through awareness-raising, education and training measures;

13. *Underscores* that States should take all appropriate measures to ensure equal opportunities and treatment for women with disabilities, on equal basis with others, in relation to their right to work, and to pay particular attention to combat all forms of discrimination, including multiple intersecting forms of inequality and discrimination, concerning conditions of access to employment and job opportunities, pay, hiring and career advancement;

14. *Also underscores* the responsibility of the State to protect children, including children with disabilities, from economic exploitation and from performing any work that is

likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development, and to take additional measures to eradicate child labour in all its forms;

15. *Emphasizes* that climate change actions, responses and impacts in the context of sustainable and inclusive economies, the fast pace of technological advances and the COVID-19 pandemic present unprecedented opportunities for States to build a better, inclusive, accessible and sustainable world of work that can benefit from the untapped potential of persons with disabilities, and encourages States to incentivize in their policies for recovery from the COVID-19 pandemic an inclusive technological transformation and non-discriminatory artificial intelligence applications that can create an accessible and enabling environment for persons with disabilities;

16. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, and emphasizes that full, productive and freely chosen employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability, thus contributing to sustainable development and peace;

17. *Stresses* the fundamental importance of equal opportunities, education, and technical and vocational training, including the use of new technologies, and that lifelong learning opportunities and guidance for all, including for women, young people, older persons and persons with disabilities, are necessary for the realization of the right to work;

18. *Encourages* States to effectively implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

19. *Stresses* that the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking, and that to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full, productive and freely chosen employment and decent work for all women and men by 2030;

20. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant and inclusive social protection measures, including social protection floors;

21. *Also recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and the exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full, productive and freely chosen employment and decent work for all;

22. *Calls upon* States to put in place cohesive and comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women, by, inter alia, considering undertaking policy commitments and measures to obtain full, productive and freely chosen employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, including those that are owned by women, and considering investing in infrastructure, services and social protection systems to allow for and to promote equitable sharing of care responsibilities between men and women;

23. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full

realization of the right to work and the promotion of inclusive, sustained economic growth, full, productive and freely chosen employment and decent work for all, notes the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals and the Addis Ababa Action Agenda by 2030, and also notes the need to promote the implementation of the Guiding Principles on Business and Human Rights and the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women, as applicable;

24. *Recognizes* the important contribution of workers' and employers' organizations, including through strong, influential and inclusive mechanisms of social dialogue in the area of full, productive and freely chosen employment and decent work for all, and the importance of promoting equitable representation, participation and leadership in such organizations;

25. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full, productive and freely chosen employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities for women and men, and reaffirms that opportunities for all to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the empowerment of persons with disabilities, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth, and sustainable development;

26. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination, violence and harassment, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

27. *Decides* to organize a panel discussion during the fifty-first session of the Human Rights Council on the future of the right to work in connection with climate change actions, responses and impacts in the context of sustainable and inclusive economies, with an emphasis on the importance of international cooperation and partnerships in this regard, to identify major challenges, experiences and best practices, and invites relevant United Nations agencies, funds and programmes, particularly the International Labour Organization and its social partners, and the treaty bodies, the special procedures, civil society, national human rights institutions and other stakeholders to contribute actively to the panel discussion;

28. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare an analytical report on the future of the right to work in connection with climate change actions, responses and impacts in the context of sustainable and inclusive economies, based on the panel discussion, and to submit the report to the Human Rights Council at its fifty-fourth session.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/12. Participation of persons with disabilities in sport, and statistics and data collection

The Human Rights Council,

Reaffirming the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their human rights and freedoms without discrimination,

Reaffirming all of its previous resolutions on the rights of persons with disabilities, the most recent of which was resolution 43/23 of 22 June 2020 on awareness-raising on the rights of persons with disabilities, and habilitation and rehabilitation, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling General Assembly resolution 76/154 of 16 December 2021 entitled “Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: participation”,

Reaffirming that disability is a social construct and that impairments must not be taken as a legitimate ground for denial or restriction of human rights,

Reaffirming also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person, while reaffirming further that the adoption of specific measures, including reasonable accommodations, that are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination,

Noting with deep concern the disproportionate negative impact of the coronavirus disease (COVID-19) pandemic on persons with disabilities, while recognizing that they face a greater risk of COVID-19 infection and have higher mortality rates, and face aggravated barriers in their access to timely and quality health services, which has an impact on their human rights,

Expressing concern at the adverse impact of climate change on individuals with multiple vulnerability factors, including women and girls with disabilities, and emphasizing the need for States to take and to support adequate measures to address their specific needs and to ensure participation in disaster response planning for emergency situations and evacuations, humanitarian emergency response and health-care services,

Reaffirming the need to mainstream a gender perspective and to take disability-inclusive measures to address multiple, aggravated and intersecting forms of discrimination, including ableism and ageism, in all efforts to promote gender equality and the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities,

Recalling the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, individual autonomy and independence of persons, equality between men and women and respect for the evolving capacities of children with disabilities,

Recalling also that article 30 (5) of the Convention on the Rights of Persons with Disabilities obliges States parties, with a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, to take appropriate measures to encourage and promote their participation, to the fullest extent possible, in mainstream sporting activities at all levels, and to ensure that they have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities, encouraging the provision, on an equal basis with others, of appropriate instruction, training and resources,

Recalling further that article 30 (5) of the Convention obliges States parties to take appropriate measures to ensure that persons with disabilities have access to sporting, recreational and tourism venues, as well as access to services from those involved in the organization of recreational, tourism, leisure and sporting activities, and to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system,

Recalling the Universal Declaration of Human Rights, 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 and all other relevant international human rights instruments,

Recalling also the revised International Charter of Physical Education, Physical Activity and Sport and the Kazan Action Plan of the United Nations Educational, Scientific and Cultural Organization, and the guidelines on physical activity and sedentary behaviour of the World Health Organization, while taking note of the Constitution of the International Paralympic Committee,

Recognizing the potential of sport as a universal language that contributes to educating people about the values of respect, dignity, diversity, equality, tolerance and fairness, and as a means to eliminate all forms of discrimination and to promote social inclusion for all, and reaffirming the need to eliminate multiple and intersecting forms of discrimination and combat intolerance where they occur, within and outside the sporting context,

Recognizing also that the participation of persons with disabilities in recreation, leisure and sport has physical, psychological, emotional and social benefits, including improving physical and mental health and rehabilitation outcomes, enhancing the sense of belonging and inclusion in the community, self-esteem, self-confidence and individual autonomy, and is closely linked to the full and equal enjoyment of all human rights and fundamental freedoms,

Concerned that persons with disabilities experience poorer health outcomes in part because of lack of physical activity, and that persons with disabilities face greater barriers than others in access to physical activity and sport owing to inaccessible infrastructure, inaccessible facilities and services, lack of personal assistance, forms of live assistance and intermediaries or other community support services, lack of financial support and lack of context-appropriate and affordable assistive technology, including assistive technology and devices for physical activity and sports, as well as attitudinal barriers, such as stereotypes, stigma and prejudices about their capabilities, among other reasons,

Deeply concerned that women and girls with disabilities of all ages face multiple, aggravated and intersecting forms of stigma and discrimination in sport, are disproportionately excluded from physical activities not only compared to other women and girls without disabilities but also compared to men and boys with disabilities, and are also disproportionately exposed to violence, including sexual and gender-based violence and abuse,

Acknowledging the role that the Paralympic Movement plays in showcasing the achievements of athletes with disabilities to a global audience and in acting as a primary vehicle to promote positive perceptions and greater inclusion of persons with disabilities in sport and society, and taking note of the “WeThe15” campaign launched at the Tokyo 2020 Paralympic Games and promoted at the Beijing 2022 Paralympic Winter Games,

Recognizing that major international sports events for persons with disabilities should be organized in the spirit of peace, mutual understanding, friendship, tolerance and the inadmissibility of discrimination of any kind, and that the unifying and conciliative nature of such events should be respected,

Acknowledging that the private sector, particularly in the areas of tourism, fitness and wellness, has a prominent role to play in facilitating access to physical activity and sport for persons with disabilities, and a responsibility to respect human rights consistent with the Guiding Principles on Business and Human Rights,

Recalling in particular that article 31 of the Convention on the Rights of Persons with Disabilities, on statistics and data collection, calls upon States parties to collect appropriate and disaggregated information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention, to help to assess the implementation of States parties’ obligations under the Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights, and also calls upon States parties to assume responsibility for the dissemination of statistics and to ensure their accessibility to persons with disabilities and others,

Recalling also that article 31 of the Convention on the Rights of Persons with Disabilities requires that the process of collecting and maintaining appropriate information, including statistical and research data, comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons

with disabilities, as well as with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics,

Recognizing that the involvement and meaningful participation of persons with disabilities and their representative organizations, as experts on the barriers they face, in data-collection processes, including community-based and citizen-driven data-collection, can contribute substantively to data-collection efforts,

Mindful that persons with disabilities are specifically exposed to higher risks of discrimination based on their impairments, which makes personal data and sensitive data on health and rehabilitation particularly relevant and in need of protection,

Concerned about the possible human rights violations and abuses stemming from the misuse of big data and the disproportionately high risks that persons with disabilities may face arising from biased data sets and discriminatory algorithms that restrict persons with disabilities' access and ability to afford services, including in social protection and health care, and their access to opportunities in employment and education,

Recognizing that encryption and anonymity may contribute to the full enjoyment of human rights by persons with disabilities, including the right to freedom of opinion and expression and the right to privacy, in accordance with international law, and may empower individuals, including persons with disabilities, to access information and ideas, to seek help, assistance and guidance and to freely explore and express ideas relating to their identity and human rights,

Noting the cross-cutting nature of equality and non-discrimination in the 2030 Agenda for Sustainable Development, which has an impact across the Sustainable Development Goals and targets, and noting also in particular Goals 3, 4, 5 and 10, and target 17.18 to increase significantly the availability of high-quality, timely and reliable data disaggregated by, inter alia, gender, age, disability and other characteristics relevant in national contexts as a means to measure progress under the 2030 Agenda and to ensure that no one is left behind,

Welcoming the work of the Special Rapporteur on the rights of persons with disabilities, and taking note with appreciation of his reports,³⁸

Welcoming also the work of the Committee on the Rights of Persons with Disabilities, and taking note with appreciation of its general comments,

Welcoming further the work undertaken by the task force on secretariat services, accessibility for persons with disabilities and use of information technology,

1. *Welcomes* the fact that, to date, 184 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 100 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the reports of the Office of the United Nations High Commissioner for Human Rights on participation in physical activity and sport under article 30 of the Convention³⁹ and on statistics and data collection under article 31 of the Convention,⁴⁰ and calls upon all stakeholders to consider the findings and recommendations made in those studies with a view to implementing them, where appropriate;

³⁸ A/HRC/46/27 and A/HRC/49/52.

³⁹ A/HRC/46/49.

⁴⁰ A/HRC/49/60.

Physical activity and sport

4. *Calls upon* all States to take appropriate measures to enable persons with disabilities to participate, on an equal basis with others and without discrimination, in recreational, leisure and sporting activities, applying an approach that is gender-responsive and age-sensitive, such as by:

(a) Integrating physical activity into health policy objectives and taking a multidisciplinary and multisectoral approach to achieve those objectives through recreation and leisure, education and sport;

(b) Adopting legislation and policies that enable persons with disabilities to engage in physical activity and sport on an equal basis with others, explicitly prohibiting discrimination based on disability, and providing a policy framework that creates incentives for the private sector to act and prevent discrimination;

(c) Ensuring the meaningful and effective participation of persons with disabilities in public decision-making processes relevant to physical activity and sport, in particular by closely consulting with and actively involving persons with disabilities, including women and children with disabilities, through their representative organizations;

(d) Ensuring access for persons with disabilities to mainstream recreation and leisure, physical education and sport and to disability-specific sports, including as participants, spectators or in any other role in sports events, without discrimination, in the public and private sectors;

(e) Ensuring accessibility for persons with disabilities to all open spaces and public facilities, transport, paths, venues and related services, including by promoting universal design principles in new buildings and structures, and adequate and appropriate information and communications in accessible formats, including using sign languages, as participants, staff and spectators or in any other role of sports events;

(f) Taking effective measures to ensure that persons with disabilities can organize and develop disability-specific sporting activities themselves, in addition to efforts made by mainstream sports organizations;

(g) Developing awareness-raising programmes, including in accessible formats, about the importance of physical activity for persons with disabilities, including health and social inclusion outcomes, targeting family members and involving the media and other stakeholders;

(h) Ensuring that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, as well as physical education, both in the context of inclusive education and out of school, increasing teachers' and educators' capacity in this respect and hiring persons with disabilities as teachers;

(i) Ensuring that education entities responsible for training teachers and educators on physical education and sport take effective measures to develop, include and strengthen disability-specific and disability-inclusive sports and practices in the curricula, including when addressing the workforce that supports extracurricular activities, and ensuring that persons with disabilities have equal opportunities to become teachers and educators on physical education and sport;

(j) Implementing governance structures with appropriate and equitable funding distribution to provide equal opportunities, grants and awards for athletes with disabilities to develop their careers on an equal basis with others;

(k) Identifying and promoting athletes with disabilities with potential in sports, without discrimination of any kind, so that they can, eventually, fully participate at all levels of local, national and international competition of their choice, including but not limited to Olympic and Paralympic competitions and the Special Olympics World Games;

(l) Recognizing indigenous or traditional sports and supporting indigenous athletes with disabilities, including women and girls, in order to enable them to participate in leisure activities, including sport;

(m) Conducting, promoting and funding research and data collection, analysis and use, systematizing existing administrative data and considering also community-driven and crowdsourced data collection, disaggregating by age, sex and disability, in order to assess, inter alia, the health outcomes of physical activity of persons with disabilities, the availability and affordability of assistive technology for physical activity and sport, the current participation of persons with disabilities in recreational, amateur and professional sports and the opportunities available and accessible to them;

(n) Creating partnerships with the private sector, including sports organizations and the tourism, recreational, fitness and wellness industries, and building capacity to implement accessibility measures and to reduce the impact of attitudinal barriers;

5. *Calls upon* all States to take specific actions to counter disability-based structural exclusion and discrimination in recreational, leisure and sporting activities and to develop safeguards to prevent, monitor and act on violence and abuse in sports against persons with disabilities, especially women and girls with disabilities, children with disabilities and persons with intellectual disabilities, providing proper means to monitor sports activity, investigate and, as appropriate, prosecute perpetrators of crimes, provide redress for victims, adopt measures of non-repetition and ensure access to justice for persons with disabilities on an equal basis with others, and to promote education campaigns on violence and abuse prevention;

6. *Encourages* all relevant business enterprises, in particular business enterprises in the sport, tourism, recreational, fitness and wellness industries, to design more inclusive and affordable sports systems for persons with disabilities, including through artificial intelligence, to ensure access for persons with disabilities, on an equal basis with others, in mainstream settings, to develop specific capacities or skills among staff, and to recruit persons with disabilities within the workforce at all levels;

7. *Encourages* local, national and international organizations involved in sport, recreation, fitness and physical activities to commit to the full inclusion of persons with disabilities by developing internal policies on non-discrimination and disability inclusion, creating internal safeguarding systems to prevent and address violence against persons with disabilities, especially against women and girls with disabilities, and promoting opportunities for exchange among athletes, coaches and referees with disabilities and their peers without impairments, fostering camaraderie and a community of practice;

Statistics and data protection

8. *Calls upon* all States to take appropriate measures to ensure sustainable, comprehensive and inclusive data collection, analysis and use on persons with disabilities and on the barriers they face in exercising their rights, applying a human rights-based approach to data in order to formulate and implement policies, and monitor and assess the implementation of the Convention on the Rights of Persons with Disabilities, such as by:

(a) Including questions identifying persons with disabilities in data collection, including in censuses and all household surveys, and ensuring that those questions incorporate a functional approach, such as that adopted by the Washington Group short set of questions;

(b) Disaggregating by disability all individual- and household-level indicators;

(c) Conducting regular disability-specific surveys to collect more detailed information, including qualitative information, on persons with disabilities and the environmental, attitudinal and institutional barriers they face;

(d) Strengthening health information management systems to collect and report information by disability, which, when supported by qualitative data on environmental barriers, can be used to inform policy decisions, health planning, budgetary allocation and health emergency response efforts;

(e) Systematizing their administrative data collection processes to collect data on disability and using the data to guide inclusive policy planning and to identify gaps in policy implementation that prevent the enjoyment of human rights by persons with disabilities;

(f) Harmonizing disability-related data collection so that sets of data from different data tools can be consistent and used in conjunction with each other;

(g) Considering, in data collection and analysis, the multiple, aggravated and intersecting forms of discrimination against persons with disabilities, particularly against women and girls, children and older persons with disabilities;

(h) Supporting citizen-driven and community-based data collection processes and analyses led by or involving persons with disabilities and their representative organizations, recognizing persons with disabilities as experts in the barriers they face;

(i) Selecting disability assessment tools that are fit for purpose and take into consideration the standards of accessibility, availability, acceptability and quality in the processes of determining eligibility for disability-related programmes;

(j) Supporting quantitative and qualitative research aimed at evaluating existing policies, identifying policy gaps and guiding policy development by using inclusive research methodologies that meaningfully involve persons with disabilities as researchers and value their experiences as a source of knowledge;

(k) Improving data-collection systems for adequate monitoring and evaluation on the implementation of the Convention and the Sustainable Development Goals for all persons with disabilities;

9. *Also calls upon* all States to involve persons with disabilities and their representative organizations at the different stages of data-collection processes, from strategic planning, identifying data needs and testing data collection methodologies to collecting, storing, analysing, disseminating and interpreting data, as well as in the design, implementation, monitoring and evaluation of data-related policies;

10. *Further calls upon* all States to ensure that data being collected, stored, analysed, disseminated and interpreted on persons with disabilities and on the barriers they face are accessible to persons with disabilities in accessible formats, and that persons with disabilities can rectify incorrect or outdated information and can request the deletion of data unlawfully stored;

11. *Calls upon* all States to take appropriate measures to protect personal data and ensure confidentiality and respect for the privacy of persons with disabilities at all stages of data-collection processes, such as by:

(a) Adopting or amending existing data protection laws to include persons with disabilities;

(b) Using data privacy and data protection principles when developing disability-related policies or other policies that may affect them;

(c) Ensuring that statistical confidentiality and data protection are enforced in data collection and data management for statistical purposes;

(d) Ensuring that persons with disabilities provide their informed consent in accordance with the standards set out in the Convention, and that adequate and appropriate information is provided in accessible formats, including using sign languages, for obtaining informed consent;

(e) Requiring greater transparency and accountability in respect of algorithms used in disability-related services and all other services that may affect them, and adopting a human rights-based approach to big data, including on persons with disabilities and their human rights;

(f) Considering the enactment of legislation requiring human rights due diligence on big data collection, storage and sharing, as well as on artificial intelligence deployed by the public or private sector;

(g) Requiring people and entities processing data on persons with disabilities, particularly health-related and rehabilitation data, to have internal supervisory mechanisms to avoid direct or indirect unauthorized disclosure of impairments;

Follow-up

12. *Calls upon* States to engage in international cooperation efforts at all levels aimed at enhancing their national capacities to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, to ensure sustainable and comprehensive data collection regarding persons with disabilities, and to encourage the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development, and invites the Office of the High Commissioner and relevant United Nations agencies, and other donor mechanisms and partnerships, to consider ways to foster international cooperation activities in that regard, in close consultation with persons with disabilities and their representative organizations;

13. *Encourages* States to integrate in their reports to the high-level political forum on sustainable development the advances made with regard to the rights of persons with disabilities as reflected in laws, policies and practices developed relevant to the commitments under the 2030 Agenda for Sustainable Development, and to develop human rights indicators and collect data disaggregated by age, sex and disability to inform those indicators using a functional approach, such as the Washington Group short set of questions, for disaggregation;

14. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

15. *Requests* the Office of the High Commissioner to present an oral report to the Human Rights Council on the implementation of the United Nations Disability Inclusion Strategy across its programmes and operations at its fifty-third and fifty-sixth sessions, and also requests the Office to make its report to the Secretary-General on the Strategy publicly available in an easy-to-read version and in an accessible format;

16. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its fifty-second session, and will focus on support systems to ensure community inclusion of persons with disabilities, including as a means of building forward better after the coronavirus disease (COVID-19) pandemic, and will have international sign interpretation and captioning;

17. *Also decides* to hold at its fifty-fifth session an interactive debate on the rights of persons with disabilities, which will focus on good practices of support systems enabling community inclusion of persons with disabilities, and will have international sign interpretation and captioning;

18. *Requests* the Office of the High Commissioner to prepare its next annual thematic study on the rights of persons with disabilities on support systems to ensure community inclusion of persons with disabilities, including as a means of building forward better after the COVID-19 pandemic, and to prepare its subsequent study on good practices of support systems enabling community inclusion of persons with disabilities, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, the studies themselves and an easy-to-read-version of them be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the fifty-second and fifty-fifth sessions of the Human Rights Council;

19. *Encourages* the task force on secretariat services and accessibility for persons with disabilities to report orally to the Human Rights Council on its work and on the progress made in the implementation of its accessibility plan;

20. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

21. *Encourages* representative organizations of persons with disabilities, civil society, national mechanisms as described in article 33 of the Convention, and national human rights institutions to participate actively in the debates referred to in paragraphs 16 and 17 above and in regular and special sessions of the Human Rights Council and its working groups;

22. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue to work collaboratively on the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Decides* to remain seized of the matter.

55th meeting
31 March 2022

[Adopted without a vote.]

49/13. Mandate of Special Rapporteur on the right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, and all resolutions of the Commission on Human Rights on the issue,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling further all previous Human Rights Council resolutions on the mandate of Special Rapporteur on the right to food,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his or her health and well-being, including food, as well as all relevant provisions set up in other internationally agreed commitments and development goals, including the Sustainable Development Goals,

Recognizing in that context that the coronavirus disease (COVID-19) crisis is exacerbating food insecurity, including through its devastating impact on the livelihoods of people, agriculture and food systems, value chains, food prices, nutrition and food security,

Recognizing also that other interrelated global crises are likely to increase food insecurity globally, including the risk that millions of people could face famine in many regions of the world, and acknowledging the important role of the Food and Agriculture Organization of the United Nations and the World Food Programme, among other relevant United Nations development-related agencies, funds and programmes in that regard,

1. *Takes note with appreciation* of the work of the Special Rapporteur on the right to food in the matters related to the mandate;

2. *Decides* to extend the mandate of Special Rapporteur for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

4. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur by supplying all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable more effective fulfilment of the mandate;

5. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of the mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

6. *Requests* the Special Rapporteur to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their programmes of work;

7. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/14. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

Mindful of article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities and other relevant international standards,

Reaffirming the 2030 Agenda for Sustainable Development, of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Sustainable Development Goals and targets seek to realize the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda in order to ensure that no one is left behind,

Emphasizing the need to strengthen efforts to meet the goal of the full enjoyment of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, and to end any type of discrimination against them,

Noting that 2022 marks the thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Affirming that the aforementioned anniversary offers an important opportunity for States to reflect on achievements, best practices and continuing challenges with regard to the implementation of the Declaration and to take further steps for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Stressing that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and cohesion,

Noting with concern that disregard for the identity of persons belonging to national or ethnic, religious and linguistic minorities, their political and socioeconomic marginalization, hate speech and the denial of their human rights often precede violence and should therefore serve as early warning signs of a risk of serious crimes and conflict,

Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, and encouraging States, which are the primary duty-bearers, and business enterprises, including social media companies, to implement the Guiding Principles in order to foster respect for human rights, online and offline, including in the context of addressing hate speech,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities, and that such persons often suffer disproportionately from the effects of conflicts resulting in the violation of their human rights and are particularly vulnerable to forced displacement through, inter alia, population transfers, the revocation of previously held identity documents, refugee flows and forced relocation,

Recognizing that a vast majority of stateless persons are persons belonging to national or ethnic, religious and linguistic minorities, and in this regard emphasizing the need for birth registration, civil registration and national identification documents to be provided without discrimination on any grounds, in particular race, ethnicity, religion or language, in line with the 2030 Agenda, especially Goal target 16.9 thereof aimed at providing a legal identity for all,

Stressing the importance of the full, equal and meaningful participation of persons belonging to national or ethnic, religious and linguistic minorities, including women, youth and persons with disabilities and their representatives at all levels of policymaking and decision-making and in conflict prevention and resolution, mediation, post-conflict reconstruction, peacekeeping, peacemaking and peacebuilding, and emphasizing the need to address persisting barriers to the full implementation of Security Council resolution 1325 (2000) of 31 October 2000,

Emphasizing the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

Emphasizing also the fundamental importance of human rights education, training and learning, dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society relating to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including through the sharing of best practices relating to, inter alia, the promotion of mutual understanding of minority issues, the management of diversity through the recognition of plural identities and the promotion of inclusive, just and stable societies and of social cohesion therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues,⁴¹ his report on the recommendations of the Forum on Minority Issues at its fourteenth session⁴² and his report submitted to the General Assembly at its seventy-sixth session;⁴³

2. *Notes* the completion, in December 2021, of the fourteenth session of the Forum on Minority Issues, on conflict prevention and the protection of the human rights of minorities, which, through the widespread participation of stakeholders, provided an

⁴¹ A/HRC/49/46.

⁴² A/HRC/49/81.

⁴³ A/76/162.

important platform for promoting dialogue on that topic, and encourages States to take into consideration the relevant recommendations of the Forum;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;⁴⁴

4. *Commends* the Special Rapporteur on minority issues for his work and for the important role that he has played in raising awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for his guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights commitments as well as obligations, and recommends that all measures taken with a view to implementing the Declaration be, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the fourteenth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the full enjoyment of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Considering ratifying and acceding and adhering to relevant international and regional human rights instruments that protect and promote the rights of persons belonging to national or ethnic, religious and linguistic minorities;

(b) Encouraging conditions for the promotion of the identity of persons belonging to national or ethnic, religious and linguistic minorities by providing them with adequate education and facilitating their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, applying a gender perspective while doing so;

(c) Creating a safe and enabling environment for civil society representatives, lawyers, journalists and media workers, humanitarian workers and human rights defenders working on the human rights of persons belonging to national or ethnic, religious and linguistic minorities, including in armed conflict;

(d) Strongly condemning any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and adopting and implementing measures to criminalize incitement to imminent violence based on nationality, race, religion or belief, both online and offline, while respecting all internationally recognized human rights and fundamental freedoms;

(e) Ensuring the full, equal and meaningful participation of persons belonging to national or ethnic, religious and linguistic minorities, including women, youth and persons with disabilities, at all levels of decision-making and implementation of conflict prevention and resolution, mediation, post-conflict reconstruction, peacekeeping, peacemaking and peacebuilding;

(f) Promoting the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and relevant resolutions of United Nations bodies, including on situations of armed conflict;

(g) Collecting reliable and, as applicable, disaggregated data to establish and evaluate the impact of ongoing violence on persons belonging to national or ethnic, religious

⁴⁴ [A/HRC/49/36](#).

and linguistic minorities, including the number of persons killed, injured, deprived of their liberty or displaced, and subjected to sexual and gender-based violence;

(h) Ensuring that those responsible for human rights violations and abuses against persons belonging to national or ethnic, religious and linguistic minorities are held accountable, that root causes are investigated and addressed and that victims have access to adequate remedies and assistance;

(i) Developing reconciliation and remembrance policies based on inclusive dialogue that address past violence against and oppression of persons belonging to national or ethnic, religious and linguistic minorities, thereby contributing to the prevention of the most serious crimes while also ensuring that such initiatives complement and do not replace judicial processes;

(j) Facilitating the participation, as appropriate, of persons belonging to national or ethnic, religious and linguistic minorities, including women, youth and persons with disabilities, in the design, establishment and implementation of comprehensive transitional justice strategies;

(k) Enabling intercultural and interreligious dialogue for the recognition and promotion of and respect for diversity, including as a critical tool for fostering mutual understanding and the promotion of peace, sustainable development, peaceful coexistence, conflict prevention and reconciliation processes in post-conflict societies;

7. *Invites* international and regional organizations to increase efforts within their respective mandates to promote and help to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, and in this regard to take into consideration relevant recommendations of the Forum on Minority Issues;

8. *Welcomes* the fact that the fourteenth Forum on Minority Issues was fully interpreted in sign language, and stresses the importance that discussions at the Forum remain fully inclusive and accessible to persons with disabilities;

9. *Invites* the Office of the High Commissioner, United Nations entities and Member States to support and collaborate in the organization of regional forums on minority issues in order to complement and enrich the work and recommendations of the Forum on Minority Issues;

10. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, drawing also on relevant outcomes of the Forum on Minority Issues and taking into account the work of relevant regional organizations;

11. *Notes in particular* in this regard the initiatives and activities of the United Nations network on racial discrimination and protection of minorities co-led by the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant special procedures and treaty bodies, and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

12. *Encourages* States, the United Nations network on racial discrimination and protection of minorities, civil society organizations and other stakeholders to promote and support the participation of persons belonging to national or ethnic, religious and linguistic minorities in relevant meetings and processes of United Nations human rights mechanisms;

13. *Requests* the United Nations High Commissioner for Human Rights to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the High Commissioner at headquarters and in the field

that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

14. *Decides* to continue its consideration of this issue in accordance with its programme of work.

55th meeting
31 March 2022

[Adopted without a vote.]

49/15. Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the most recent being Council resolution 46/8 of 23 March 2021,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the primacy of the means of implementation for the 2030 Agenda for Sustainable Development, and in this regard underlining the fundamental principles of international cooperation, which are pivotal for the practical achievement of the Sustainable Development Goals,

Stressing also the determination expressed in the 2030 Agenda to assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and to address the external debt of highly indebted poor countries to reduce debt distress,

Recognizing the commitments made in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, and noting that, despite international debt relief efforts, many countries remain vulnerable to debt crisis and some are in the midst of a deepened crisis due to the coronavirus disease (COVID-19) pandemic, including a number of least developed countries and small island developing States and some developed countries,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Reaffirming that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication, and that, for many developing and some developed countries, excessive debt servicing has severely constrained their capacity to promote social development and to

provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recognizing that States have an obligation to respect and protect human rights, even in times of economic and financial crisis or a global pandemic, and to ensure that their policies and measures do not result in impermissible retrogression in the realization of human rights, as recognized in relevant international human rights instruments, and acknowledging that the guiding principles on human rights impact assessments of economic reforms⁴⁵ constitute an important reference for States in that regard,

Recognizing also the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

Recognizing further that illicit financial flows, including tax evasion by high net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Emphasizing that inequality continues to increase worldwide, and that it often contributes to social exclusion and the marginalization of certain groups and individuals,

Expressing deep concern at estimates that the COVID-19 pandemic has ended global progress in poverty reduction, pushing 150 million people into extreme poverty in 2021, with possible additional increases of between 23 and 35 million people,

Recognizing that, together with the health crisis associated with the COVID-19 pandemic and other systemic crises, the global economy is being confronted with a rapidly unfolding, synchronized and severe economic recession affecting both developed and developing economies and all continents at the same time,

Recognizing also the need for reform of the global financial architecture, including of credit rating agencies, and that credit rating agencies should play a role in debt crisis prevention, and emphasizing that a more effective international financial architecture is required now more than ever in order to respond to the socioeconomic fallout resulting from the COVID-19 pandemic,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is therefore a serious impediment to the realization of all human rights,

1. *Looks forward* to the contributions of the new holder of the mandate of Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, to the field under her mandate, and recognizes the work of the previous mandate holder;

2. *Takes note with appreciation* of the first report of the new mandate holder on the preliminary workplan for the mandate and the thematic areas identified therein,⁴⁶ and of the report of the previous mandate holder on international debt architecture reform and human rights;⁴⁷

3. *Invites* the Independent Expert to give, in accordance with her mandate, appropriate consideration to the impact of all international financial obligations on groups living below the poverty line, including women, youth, children, persons with disabilities, indigenous peoples, migrants and persons belonging to national, ethnic, religious and linguistic minorities suffering from socioeconomic inequalities and discrimination;

⁴⁵ A/HRC/40/57.

⁴⁶ A/HRC/49/47.

⁴⁷ A/76/167.

4. *Recognizes* that developing countries require massive liquidity and financing support to deal with the immediate fallout resulting from the COVID-19 pandemic and its repercussions for the economy and for all human rights owing to the challenges faced in the areas of health care, education, employment and social protection systems, as well as to the heavy debt burden and deteriorating economic buffer;

5. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and to that end has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

6. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the 2030 Agenda for Sustainable Development, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

7. *Reiterates* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries covered by the programme in return for their making demonstrable commitments to poverty reduction;

8. *Stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

9. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the countries affected;

10. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

11. *Also reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

12. *Encourages* the Independent Expert to cooperate, in accordance with her mandate, with the Committee on Economic, Social and Cultural Rights, the special procedures of the Human Rights Council and the Advisory Committee of the Council on issues relating to economic, social and cultural rights and the right to development in her work;

13. *Requests* the Independent Expert to continue to report regularly to the Human Rights Council and the General Assembly in accordance with their programmes of work;

14. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources, required to carry out her functions;

15. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of the mandate;

16. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

55th meeting
31 March 2022

[Adopted by a recorded vote of 29 to 14, with 4 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Brazil, Finland, France, Germany, Japan, Lithuania, Luxembourg, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Armenia, Marshall Islands, Mexico, Paraguay]

49/16. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and that entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the

duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for and the promotion of cultural rights are essential for development, peace, the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural *rights*, and respect for cultural diversity should reinforce each other;

9. *Looks forward* to the contribution of the new holder of the mandate of Special Rapporteur in the field of cultural rights to the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity;

10. *Takes note with appreciation* of the first report of the new mandate holder, on the preliminary workplan for the mandate and the thematic areas identified therein;⁴⁸

11. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the field of cultural rights in the discharge of the mandate, to provide the mandate holder with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

12. *Requests* the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

13. *Requests* the Special Rapporteur to continue to work, within her mandate, with relevant stakeholders towards the comprehensive promotion and protection of cultural rights, and to report regularly to the Human Rights Council and the General Assembly, in accordance with their respective programmes of work;

14. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

55th meeting
31 March 2022

[Adopted without a vote.]

49/17. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the

⁴⁸ A/HRC/49/54.

Rights of Persons with Disabilities, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Recalling also all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of the right to adequate housing as a component of the right to an adequate standard of living and General Assembly resolution 76/133 of 16 December 2021 on inclusive policies and programmes to address homelessness, including in the aftermath of the coronavirus disease (COVID-19),

Recalling further that the effects of racial discrimination on housing were recognized in the Vienna Declaration and Programme of Action, in the International Convention on the Elimination of All Forms of Racial Discrimination and in the Durban Declaration and Programme of Action,

Recalling all resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge her or his duties in accordance with those resolutions and the annexes thereto,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits, inter alia, the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), and underlining the importance of the implementation of the 2030 Agenda for Sustainable Development, including target 11.1,

Recalling the Universal Declaration of Human Rights, which states 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 forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Concerned that the right to adequate housing is not realized for many throughout the world and that millions continue to live in substandard housing, and millions more are homeless or at immediate risk of homelessness, and that especially those facing multiple and intersecting forms of discrimination, particularly women and girls, persons with disabilities and internally displaced persons, are in a vulnerable situation in this regard, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

Deeply concerned about the negative impact of the COVID-19 pandemic on the enjoyment of all human rights around the world by all, including, inter alia, on the right to adequate housing as a component of the right to an adequate standard of living, and emphasizing the importance of human rights obligations in shaping the response to the pandemic in terms of both the public health emergency and the broader impact on persons' lives and livelihoods, recognizing in that regard the importance of the right to adequate housing as a component of the right to an adequate standard of living for protecting and realizing the right to the highest attainable standard of physical and mental health,

Deeply concerned also that the COVID-19 pandemic perpetuates and exacerbates existing inequalities, and that those disproportionately at risk are women, children, in particular girls, persons with disabilities, older persons, migrants, and other persons in a

vulnerable situation, and expressing deep concern about the increased risk of eviction, homelessness and the increased occurrence of domestic violence as a consequence of the pandemic,

Recalling its deep concern at the lack of progress regarding discrimination in the enjoyment of the right to adequate housing affecting women, and underlining the need to urgently act to ensure their security of tenure, irrespective of their family or relationship status, their equal access to credit, low-cost housing, mortgages, home ownership and rental housing, including through subsidies, to ensure in situations of domestic violence immediate access to emergency shelters, including through legislative measures, and to guarantee women's full, equal and meaningful participation in all aspects of housing-related policymaking, including housing design and construction, community development and planning, and transportation and infrastructure, among others,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination,

Deeply concerned in that regard about the effects of racial discrimination and of systemic racism, including as it relates to structural and institutional racism, on the enjoyment of human rights for all, including, inter alia, on the right to adequate housing as a component of the right to an adequate standard of living, and emphasizing in this regard the need to ensure the universal ratification of or accession to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Encouraging States to examine the extent of systemic racism and its impact on the enjoyment of all human rights for all, including, inter alia, on the right to adequate housing, and to adopt effective legal, policy and institutional measures that address racism beyond a summation of individualized acts that promote housing choice and economic opportunity and achieve diverse, inclusive, integrated and representative communities, and recommending that progress be measured according to indicators grounded in impact rather than intent,

Deeply concerned that persons with disabilities, especially children and older persons, often lack equal access to adequate housing and infrastructure facilities that are accessible and appropriate to their needs, which has an impact on their equal right to live in the community, including their equal opportunity to live independently and participate fully in all aspects of life, including education and employment,

Expressing deep concern that climate change increases the frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the right to adequate housing as a component of the right to an adequate standard of living, and recalling the need to accelerate action on mitigation, enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change, including through resilient urban planning and housing design, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030,

Emphasizing that the adverse effects of climate change have a range of negative implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living,

Recognizing that, while the implications of climate change-related impacts and environmental damage for the enjoyment of the right to adequate housing as a component of the right to an adequate standard of living affect individuals and communities around the world, the consequences are felt most acutely by those who are already in a vulnerable situation or are most sensitive to the effects of climate change, such as children, persons living in informal settlements, people living in least developed countries, small island States and rural and local communities, and indigenous peoples,

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil

and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Recalling the guiding principles on security of tenure for the urban poor,⁴⁹ the basic principles and guidelines on development-based evictions and displacement,⁵⁰ and the Guidelines for the Implementation of the Right to Adequate Housing,⁵¹ submitted to the Human Rights Council by previous mandate holders,

Noting with appreciation the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

1. *Calls upon States:*

(a) To give due consideration to integrating the human right to adequate housing into the implementation of the New Urban Agenda and the 2030 Agenda for Sustainable Development, with a particular view to the right to non-discrimination in this context;

(b) To take urgent measures to address inadequate housing, to promote the integration of all to counter social exclusion and marginalization, and to improve the living circumstances of persons residing in informal settlements, unplanned urban and peri-urban areas, and rural areas, in compliance with international human rights law;

(c) To take the measures necessary to curb factors that result in a lack of affordable housing, such as housing speculation and the “financialization of housing”;

(d) To take the right to adequate housing into account in strategies for adaptation to and mitigation of climate change;

(e) To work with affected communities and individuals to develop and promote environmentally sustainable and sound housing design, construction and maintenance to address the effects of climate change while ensuring the right to adequate housing;

(f) To enhance international cooperation and assistance, in particular capacity-building, for mitigation and adaptation measures to assist especially those countries that are particularly vulnerable to the adverse effects of climate change, to promote and protect human rights, in particular the right to adequate housing as a component of the right to an adequate standard of living;

(g) To consider adopting national programmes and legislation compliant with human rights law and due process and with respect for human dignity and proportionality, to prevent, avoid and reduce evictions, and to promote affordable housing for all;

(h) To ensure that evictions are consistent with the principles of legality, proportionality and necessity and comply with international human rights law and international humanitarian law, with full respect for due process and human dignity, and avoid disproportionate and unnecessary use of force;

(i) To consider adopting or extending special measures to prevent and avoid evictions provoked by the economic impact of the COVID-19 pandemic, paying special attention to persons in vulnerable situations;

(j) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for regular

⁴⁹ See [A/HRC/25/54](#).

⁵⁰ [A/HRC/4/18](#), annex.

⁵¹ [A/HRC/43/43](#).

monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

(k) To ensure women's equal right to adequate housing as a component of the right to an adequate standard of living in all aspects of housing strategies, including through equal access to credit, mortgages, home ownership and rental housing, to take the safety of such housing properly into account, especially when women and children face any form of violence or threat of violence, and to undertake legislative and other reforms to realize equal rights for all with respect to property and inheritance;

(l) To guarantee the full, effective and meaningful participation of women in all aspects of housing-related policymaking, including housing design and construction, community development and planning, and transportation and infrastructure, including women living in informal housing or in camps;

(m) To undertake additional efforts to prevent and eliminate all forms of violence, both online and offline, including sexual and gender-based violence and domestic violence, especially against women and girls, in compliance with international human rights law, including through the use of restraining orders, the provision of alternative housing, crisis centres, shelters, hotlines and medical, psychological and counselling services;

(n) To take all measures necessary to eliminate legislation that criminalizes homelessness, and to take positive measures with a view to prevent and eliminate homelessness by adopting and implementing laws, administrative orders, cross-sectional strategies and programmes at all levels that are, among others, gender-, age- and disability-responsive and based on international human rights law;

(o) To ensure that construction companies work in accordance with building regulations and in compliance with safety and accessibility standards;

(p) To take appropriate measures to ensure that business enterprises, including financial entities, in the housing sector meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights;

2. *Also calls upon* States to ensure equality and non-discrimination when fulfilling the right to adequate housing, and to strive towards the full realization of the right to adequate housing for all, including by considering:

(a) Prohibiting all forms of discrimination, in particular racial discrimination as well as racism, in the context of the right to adequate housing as a component of the right to an adequate standard of living by public and private entities, including public and private housing and credit providers and home value appraisers, and through technology platforms for credit scoring, tenant screening and mortgage loan applicants, and ensuring that housing and anti-discrimination legislation provides sufficiently dissuasive fines or other dissuasive sanctions for housing discrimination and leads to diverse, inclusive communities;

(b) Regularly monitoring and identifying any forms of systemic discrimination, in particular racial discrimination in relation to housing, including spatial segregation, and adopting special, positive measures and policies at the local, national and regional levels to eliminate such discrimination, in conformity with international human rights law;

(c) Establishing accessible and sufficiently resourced non-judicial mechanisms, such as equality bodies, ombudspersons and national human rights institutions, that have the competence to investigate individual and collective complaints of housing discrimination, including systemic forms of housing discrimination and spatial segregation, and that monitor discrimination in relation to housing through age-, disability- and sex-disaggregated statistical analysis, surveys and other means, make recommendations for eliminating housing discrimination and provide legal advice and effective remedies to victims of housing discrimination;

3. *Further calls upon* States to provide, in an accessible, affordable, timely and effective manner, an effective remedy and equal access to justice and administrative procedures in complementing judicial recourses for all for violations and abuses in the context of the realization of the right to adequate housing, including housing discrimination and spatial segregation, by considering:

- (a) Adopting domestic legislation and administrative orders giving full effect to the right to adequate housing, and redress for violations of that right;
- (b) Making provisions for legal support and legal aid;
- (c) Promoting the establishment of national human rights institutions, equality bodies, ombudspersons and civil society organizations supporting the interests of affected persons in accordance with their respective procedural law;
- (d) Ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities, if not yet ratified or acceded to;
4. Welcomes the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and takes note of his reports, including his most recent reports on discrimination, spatial segregation and the right to adequate housing;⁵²
5. Decides to continue its consideration of this matter under the same agenda item.

*55th meeting
31 March 2022*

[Adopted without a vote.]

49/18. Recognizing the contribution of human rights defenders, including women human rights defenders, in conflict and post-conflict situations, to the enjoyment and realization of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders, and the continued validity and application of all its provisions, and reiterating the importance of the Declaration and its promotion and full and effective implementation,

Recalling also all other previous resolutions on this subject, including Human Rights Council resolutions 22/6 of 21 March 2013, 31/32 of 24 March 2016, 34/5 of 23 March 2017, 40/11 of 21 March 2019 and 43/16 of 22 June 2020, and General Assembly resolutions 68/181 of 18 December 2013, 70/161 of 17 December 2015, 72/247 of 24 December 2017, 74/146 of 18 December 2019 and 76/174 of 16 December 2021,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Reaffirming that States have the primary responsibility and are under the obligation to respect, protect and fulfil all human rights and fundamental freedoms of all persons, and welcoming the steps taken by many States to create a safe and enabling environment for human rights defenders,

⁵² [A/76/408](#) and [A/HRC/49/48](#).

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Underscoring that human rights defenders, including women human rights defenders, are civilians under international humanitarian law and shall be protected as such unless and for such time as they directly participate in hostilities,

Underscoring also that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Reaffirming the importance of the Declaration on Human Rights Defenders and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights, including in conflict and post-conflict situations, inter alia, in support of conflict prevention and resolution and post-conflict reconstruction,

Recognizing the important and legitimate role played by human rights defenders, including women human rights defenders, in the promotion and protection of human rights in conflict and post-conflict situations with regard to monitoring, documenting and raising awareness about human rights violations and abuses and violations of international humanitarian law, promoting accountability, fighting impunity, countering disinformation and misinformation, assisting victims of human rights violations and abuses in gaining access to justice, raising the human rights impacts of conflict and humanitarian crises, and contributing to the building of accountable and responsive institutions,

Recognizing also that, in conflict and post-conflict situations, it is essential for subregional, regional and international bodies, including the United Nations, its representatives and mechanisms in the field of human rights, to cooperate with all relevant actors, including with human rights defenders, inter alia for early identification of patterns of human rights violations and abuses, and to gather and corroborate information and evidence about human rights violations and abuses and violations of international humanitarian law to fight impunity,

Recognizing further the importance of gender equality and the role that women play in conflict and post-conflict situations in upholding human rights and supporting efforts for peace, and deeply concerned at the persistence of the multiple and intersecting forms of violence, intimidation and discrimination against women human rights defenders and women peacebuilders,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, and conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, including sexual and gender-based violence,

Alarmed at the killing, kidnapping, enforced disappearance, arbitrary detention, torture, harassment, intimidation, criminalization and judicial harassment of, and the smear campaigns, violence, including sexual and gender-based violence, and threats used against human rights defenders, including women human rights defenders, in conflict and post-conflict situations, or their family members, associates and legal representatives,

Expressing deep concern at the threats to the safety of human rights defenders posed by non-State actors, including terrorist groups and criminal organizations,

Emphasizing the particular risks with regard to the safety of human rights defenders in the digital age, including their exposure to unlawful or arbitrary surveillance, unlawful or arbitrary interference with privacy, targeted interception of communications, hacking, including government-sponsored hacking, and measures that prevent or disrupt access to information and communication channels, including Internet shutdowns,

Deeply concerned that unpunished threats, attacks and violence against human rights defenders, including in conflict and post-conflict situations, contribute to a persistent climate of impunity, which in turn contributes to the recurrence of these crimes,

Gravely concerned that national security, counter-terrorism and cybercrime legislation and other measures, such as laws regulating civil society organizations, are in some instances misused to target human rights defenders, or have hindered their work and endangered their safety, in contravention of international law,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, discrimination, obstructions or restrictions thereof contrary to the obligations and commitments of States under international human rights law,

Reaffirming that exceptional measures taken by Governments in times of emergency must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory and transparent way, have a specific focus and time-limited duration, and be in accordance with the State's obligations under applicable international law, and recalling that certain rights are non-derogable,

Acknowledging with concern that the diversion of arms and unregulated or illicit arms transfers fuel armed conflicts and can have a negative impact on a wide range of human rights, and negative humanitarian, development and socioeconomic consequences, including a disproportionate impact in terms of violence perpetrated against women and girls, and noting the contribution of civil society and human rights defenders in building understanding about the human rights impact of such arms transfers,

Stressing the need for further action by States and non-State actors to promote a safe and enabling environment for human rights defenders and their protection, taking into account their diversity and the diverse contexts in which they operate,

Recognizing the need for protection and support mechanisms in conflict and post-conflict situations, including for human rights defenders, taking into account the systemic protection gaps and the negative impact of the conditions in which they operate, including exposure to conflict-related trauma, and the intersectional dimensions of violations against women human rights defenders, youth, indigenous peoples, persons belonging to rural and marginalized communities, persons with disabilities, people of African descent and persons belonging to minorities, and to take concrete steps to prevent and stop the use of legislation that would hinder or limit unduly the ability of human rights defenders to exercise their work,

Recognizing also that the protection of human rights defenders can be fully achieved only in the context of a holistic approach that includes the strengthening of democratic institutions, safeguarding civic space, the fight against impunity, ending gender and economic inequality and social exclusion, and equal access to justice,

1. *Stresses* that the right of everyone, individually or in association with others, to promote and strive for the protection and realizations of all human rights and fundamental freedoms, as enshrined in the Declaration on Human Rights Defenders, without retaliation or fear thereof, including in conflict and post-conflict situations, is essential in building and maintaining inclusive, peaceful and democratic societies;

2. *Also stresses* the positive, important and legitimate role of human rights defenders, including women human rights defenders, in promoting and protecting human rights, strengthening understanding, tolerance and peace, and contributing to conflict prevention and resolution and post-conflict reconstruction, and urges States to create and support a safe, enabling, accessible and inclusive environment online and offline for their participation in all relevant activities;

3. *Strongly condemns* the violence against and the criminalization, intimidation, attacks, torture, enforced disappearance, killing of and all other human rights violations or abuses against human rights defenders, including women, environmental and indigenous human rights defenders, by State and non-State actors, and stresses the need to combat impunity by ensuring that those responsible for violations and abuses against human rights defenders, or against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations, and underlines that ensuring accountability is a key element in preventing future attacks;

4. *Recognizes* that democracy and the rule of law are essential components for the protection of human rights defenders, and urges States to take measures to strengthen democratic institutions, safeguard civic space, uphold the rule of law and combat impunity;

5. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and pursuing accountability for all forms of attacks and threats by State and non-State actors against any human rights defender, or against their legal representatives, family members and associates, and by condemning publicly all forms of violence, discrimination, intimidation and reprisal, underlining that such practices can never be justified;

6. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, and takes note of her reports submitted to the Human Rights Council and the General Assembly,⁵³ and strongly encourages all States to cooperate with and to assist the Special Rapporteur;

7. *Condemns* all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals, groups and organs of society, including against human rights defenders and their legal representatives, associates and family members, who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations, its representatives and mechanisms in the field of human rights;

8. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council and its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms, and strongly calls upon all States to give effect to this right;

9. *Calls upon* States:

(a) To respect, protect and fulfil human rights in conflict and post-conflict situations, including the rights to life and to liberty and security of person;

(b) To respect international humanitarian law and international human rights law, as applicable, in situations of armed conflict, in order to secure the protection of human rights defenders;

(c) To promote a safe and enabling environment for human rights defenders and to ensure that laws, policies and practices are in compliance with applicable obligations and commitments under international law, including international human rights law, so that they do not hinder or limit unduly the ability of human rights defenders to carry out their work and have access to resources;

(d) To develop comprehensive age- and gender-responsive legislation and policies protecting human rights defenders, including appropriate protection mechanisms, with particular attention paid to the protection needs of different groups, accessible to defenders operating in conflict and post-conflict areas, functioning also as an early warning system to ensure that human rights defenders, when threatened, have immediate access to authorities that are competent and adequately resourced to provide effective protective measures, and to ensure human rights training of State personnel deployed to conflict-affected areas, including military, police and other security personnel;

(e) To promote, through public statements, policies, programmes or laws, the important and legitimate role of human rights defenders in the promotion of all human rights, democracy and the rule of law as essential components of ensuring their protection, including by respecting the independence of their organizations and by denouncing the stigmatization of their work;

⁵³ [A/HRC/49/49](#) and [A/76/143](#).

(f) To refrain from delegitimization, criminalization or smear campaigns targeting human rights defenders for documenting human rights violations and abuses, including for communicating with non-State actors, such as armed groups for this purpose;

(g) To refrain from Internet shutdowns, network restrictions or any other measures aiming to disrupt or prevent human rights defenders from having access to and disseminating information and communicating safely and securely, including interference with the use of technologies, such as encryption and anonymity tools;

(h) To refrain from the use of surveillance technologies against human rights defenders, including through hacking, in a manner that is not compliant with international human rights obligations and commitments, and to make available mechanisms to provide appropriate remedies for victims of surveillance-related violations of law, consistent with international human rights law;

(i) To ensure that the criminalization and prosecution of terrorism or national security offences, and the measures used to address threats in this regard, are in accordance with their obligations under international human rights law, to avoid endangering the safety of human rights defenders or unduly hindering their work;

(j) To take concrete steps to prevent and put an end to arbitrary arrest and detention, including of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, peaceful assembly and association, including in relation to cooperation with the United Nations or other international mechanisms in the area of human rights;

10. *Calls upon* non-State actors, including armed groups, to respect international humanitarian law and human rights and to secure the protection of civilians, including human rights defenders, and to uphold respect for the right of everyone, *inter alia* human rights defenders, to communicate with international human rights mechanisms;

11. *Continues to express particular concern* about systemic and structural discrimination, economic disenfranchisement, violence and harassment disproportionately faced by women human rights defenders in diverse situations and conditions, including sexual and gender-based violence, as well as defamation and smear campaigns, both online and offline, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights;

12. *Calls upon* States to create and support an enabling environment for the full, equal and meaningful participation of, *inter alia*, women mediators, women mediator networks, women's civil society organizations, women peacebuilders and women human rights defenders, in the creation and implementation of all relevant activities related to conflict prevention and resolution, mediation, post-conflict reconstruction, peacemaking and peacebuilding, and emphasizes that women's participation and leadership roles in these settings are an essential element for ensuring their protection;

13. *Also calls upon* States to adopt a survivor-centred approach to address, prevent and respond to sexual and gender-based violence, including conflict-related sexual violence, and threats thereof, including against women human rights defenders, women journalists and women peacebuilders, as well as female health workers, and to take the steps necessary to provide effective and accessible remedies for survivors, including access to reparations and psychosocial support, access to justice and accountability for perpetrators;

14. *Stresses* the importance of access to psychosocial support and rehabilitation programmes, including for human rights defenders, *inter alia* women human rights defenders, affected by conflict-induced and work-related trauma, and urges States to develop, where necessary, and to support such programmes;

15. *Recognizes* the value of voluntary, accessible and lawful relocation initiatives to protect human rights defenders from violence and attacks, that take into account their family situation, and recalls in this regard the rights of everyone, including human rights

defenders, to freedom of movement and to leave any country, including their own, to seek and enjoy asylum, and to be protected against refoulement;

16. *Calls upon* all States to implement the Guiding Principles on Business and Human Rights, and to encourage all business enterprises to carry out human rights due diligence with regard to human rights impacts as a result of business activities, and to conduct meaningful and inclusive consultations with potentially affected groups and other relevant stakeholders, including human rights defenders;

17. *Takes note with appreciation* of the guidance on ensuring respect for human rights defenders of the Working Group on the issue of human rights and transnational corporations and other business enterprises,⁵⁴ and underlines that business enterprises operating in conflict and post-conflict situations need to be especially wary of the impact of their activities on human rights defenders;

18. *Underscores* the responsibility of all business enterprises, both transnational and others, in accordance with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights;

19. *Encourages* business enterprises, including social media companies, to engage in heightened due diligence and to establish or participate in effective, accessible and conflict-sensitive operations-level grievance mechanisms for individuals and communities who may be adversely affected when operating in conflict-affected areas, and to commit to ongoing, active, meaningful and inclusive engagement with local communities as part of due diligence processes, including civil society and human rights defenders;

20. *Underlines* the importance of national human rights institutions, established and operating in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in the continued engagement with human rights defenders, including, where applicable, in monitoring and addressing violations against human rights defenders, and in the monitoring of existing legislation, including exceptional legislative and executive provisions, and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations, while noting with concern that national human rights institutions and their members and staff may themselves sometimes be in need of protection, including in conflict and post-conflict situations;

21. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection, individually and collectively, of human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures of the Human Rights Council, other relevant international agencies and organizations, and with other States;

22. *Encourages* the Office of the High Commissioner, in consultation with the Special Rapporteur and other special procedures of the Human Rights Council, to continue to compile and share information on best practices and challenges for the development of a more coherent approach to support the Declaration on Human Rights Defenders by the United Nations;

23. *Encourages* the Office of the United Nations High Commissioner for Refugees, in consultation with the Office of the United Nations High Commissioner for Human Rights, to develop guidance on access to international protection and refugee status determination, in accordance with the Convention Relating to the Status of Refugees, for human rights defenders from conflict and post-conflict areas;

⁵⁴ See [A/HRC/47/39/Add.2](#).

24. *Encourages* all United Nations system entities and organizations concerned, within their mandates, to strengthen training and guidance for staff as appropriate, including staff working with the special procedures and ad hoc investigation mechanisms, on due diligence and digital safety and security when cooperating with human rights defenders in conflict and post-conflict situations, with training specifically focusing on the situation faced by women human rights defenders in conflict, and follow up systematically on reports and acts of intimidation and reprisal against human rights defenders, including women human rights defenders, who seek to cooperate, are cooperating or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including against their family members, associates and legal representatives, and include these cases in the annual report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

25. *Decides* to remain seized of the matter.

56th meeting
1 April 2022

[Adopted by a recorded vote of 39 to 0, with 8 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, Côte d'Ivoire, Cuba, Finland, France, Gabon, Gambia, Germany, Honduras, India, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Namibia, Nepal, Netherlands, Pakistan, Paraguay, Poland, Republic of Korea, Senegal, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

China, Eritrea, Qatar, Russian Federation, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)]

49/19. Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and all other relevant international human rights treaties,

Recalling also the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome, the Declaration on the Right to Development, the 2030 Agenda for Sustainable Development and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that everyone, as a member of society, has the right to social security and is entitled to the realization, through national efforts and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his or her dignity and the free development of his or her personality,

Recognizing that the full and effective enjoyment and realization of economic, social and cultural rights, exercised without discrimination of any kind, contributes to addressing inequalities within and among States and ensuring that no one is left behind,

Recognizing also that inequalities affect the enjoyment and realization of all human rights, civil, political, economic, social and cultural rights including the right to development, and are inconsistent with the core value enshrined in the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights,

Recognizing further that the 2030 Agenda for Sustainable Development covers a wide range of issues relating to economic, social and cultural rights and commits to leaving no one behind, and its implementation contributes to the further promotion and protection of economic, social and cultural rights and to a reduction in inequalities,

Welcoming international, regional and national development initiatives that contribute to the implementation of the 2030 Agenda for Sustainable Development and the promotion and protection of economic, social and cultural rights within the context of addressing inequalities,

Deeply concerned about the unprecedented threat posed to societies worldwide by the coronavirus disease (COVID-19) pandemic and its negative impact on a wide range of human rights, particularly economic, social and cultural rights, such as the right of everyone to an adequate standard of living, including adequate food, clothing and housing, the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health, water and sanitation, social security, education and work, which has shone a light on the structural consequences of decades of underfunded or dismantled public services and policies related to economic and social rights, as well as on systemic discrimination,

Gravely concerned that the COVID-19 pandemic has drastically exacerbated existing inequalities within and among States, with hard-won development gains reversed, global poverty increased, and those in vulnerable and marginalized situations disproportionately bearing the brunt from the negative impacts of the COVID-19 pandemic,

Deeply concerned about the impacts of the COVID-19 pandemic on women and girls in all contexts, exacerbating existing inequalities, with a risk of reversing the progress that has been made on gender equality and the empowerment of all women and girls,

Stressing the urgent need to mitigate and tackle the negative impacts of the COVID-19 pandemic on the enjoyment and realization of economic, social and cultural rights, especially the poor and those in vulnerable and marginalized situations, and to address exacerbated inequalities,

Recalling the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of economic, social and cultural rights without discrimination of any kind, by all appropriate means,

Emphasizing the crucial importance of strengthening international assistance and cooperation in support of national efforts of States, in particular developing and least-developed States, including through the provision of technical assistance and capacity-building upon their request, with a view to ensuring promotion and protection of economic, social and cultural rights in all countries and addressing inequalities within and among States in the recovery from the COVID-19 pandemic,

Recalling that international cooperation for development and for the realization of economic, social and cultural rights requires the active commitment of all States, particularly those in a position to assist others in this regard,

Emphasizing the important role and contribution of civil society in promoting and advocating the realization of economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic,

Recalling that the Office of the United Nations High Commissioner for Human Rights is mandated to, inter alia, promote and protect the effective enjoyment by all of all human rights, including economic, social and cultural rights,

Acknowledging the active contribution of the Office of the High Commissioner, the Human Rights Council, as well as the Committee on Economic, Social and Cultural Rights and relevant mandate holders of the Human Rights Council, in mobilizing international solidarity and assistance to promote and protect economic, social and cultural rights, and to address inequalities, especially in response to the COVID-19 pandemic,

Welcoming that the Office of the High Commissioner has put the combat against inequalities at the core of its work, and appreciating its commitment to further expand its work for the realization and enjoyment of economic, social and cultural rights,

Noting that the Office of the High Commissioner, including its field offices, needs more financial and human resources to carry out its mandated activities to promote and protect economic, social and cultural rights and to address inequalities,

1. *Stresses* the importance of promoting and protecting economic, social and cultural rights within the context of addressing inequalities within and among States in the recovery from the COVID-19 pandemic;

2. *Emphasizes* that States have the responsibilities and commitments to use their maximum available resources to promote and protect economic, social and cultural rights in responding effectively to the COVID-19 pandemic and other global challenges, including to provide adequate investments, in accordance with the organization and resources of each State and its national legislation, in public health systems, education, social protection, decent work, housing, food, water and sanitation systems;

3. *Also emphasizes* that States need to enhance their ongoing efforts in order to create conditions conducive to the enjoyment and realization of economic, social and cultural rights, including by mobilizing resources towards the full and equal enjoyment of these rights and avoiding any further economic burden on those in marginalized or vulnerable situations;

4. *Stresses* that it is essential to scale up international cooperation to support developing and least-developed countries and those in marginalized and vulnerable situations who are disproportionately bearing the socio-economic impacts of the pandemic, to ensure that everyone everywhere have access to essential services, resources and social protection, as part of the global response and recovery efforts based on unity, solidarity, multilateral cooperation and the principle of leaving no one behind;

5. *Calls* for enhanced international solidarity in the COVID-19 response and recovery, including joint and concerted response and recovery efforts that are people-centred, gender-sensitive, inclusive and with full respect for human rights, and actions supporting the timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health products and technologies necessary;

6. *Encourages* international financial institutions as appropriate to refrain from imposing austerity policies and programmes that may impede enjoyment and realization of economic, social and cultural rights and in this regard encourages the enhanced provision of concessional loans, assistance and support to programmes related to the promotion and protection of economic, social and cultural rights;

7. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the United Nations development system, international financial institutions, regional organizations and other stakeholders, as appropriate and within their respective mandate, to take into consideration the needs of States, especially in developing and least-developed countries, to fulfil their responsibilities to better promote and protect economic, social and cultural rights, address inequalities, implement the 2030 Agenda for Sustainable Development and promote the well-being of all human beings in their relevant strategies and policies;

8. *Requests* the Office of the High Commissioner to enhance its work, within its mandate, in the field of economic, social and cultural rights, in order to effectively assist all countries in promoting and protecting economic, social and cultural rights and addressing inequalities in the recovery from the COVID-19 pandemic;

9. *Calls upon* the Secretary-General and the United Nations High Commissioner for Human Rights, to take steps to ensure that the necessary financial and human resources

are allocated for the fulfilment of the Office's mandate related to the promotion and protection of economic, social and cultural rights and to addressing inequalities;

10. *Encourages* States to come forward and make more voluntary contributions to the Office of the High Commissioner for its work in promoting and protecting economic, social and cultural rights and addressing inequalities;

11. *Calls upon* the Office of the High Commissioner to guide its work and set its priorities on economic, social and cultural rights, taking into consideration relevant resolutions and decisions of the Human Rights Council, with due regard to the fulfilment of the obligations of international cooperation, as essential requirements for the realization of these rights;

12. *Requests* the High Commissioner, with dedicated capacity and the support of specialized experts, to prepare a report on the research activities and projects of the Office of the High Commissioner in promoting and protecting economic, social and cultural rights within the context of addressing inequalities, as well as on efforts and the progress the Office has made in improving its capacity in this field, and to present the report to the Human Rights Council at its fifty-first session;

13. *Requests* the High Commissioner to convene, before the fifty-second session of the Human Rights Council, a three-day workshop, in a hybrid format and fully accessible to persons with disabilities, including with sign language interpretation and webcasts, open to the participation of States, relevant treaty bodies and mandate holders, academia, civil society and other relevant stakeholders, to discuss practical ways to further enhance and strengthen the work of the Human Rights Council and the Office of High Commissioner in promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic, including through focused advocacy on easing economic burdens, vaccine equity, the removal of structural impediments and the development of technical assistance programmes aimed at enhancing the capacity-building of States, especially developing and least-developed States;

14. *Requests* the President of the Human Rights Council to appoint, in consultation with regional groups, an expert to chair and facilitate the workshop;

15. *Requests* the High Commissioner to ensure that the expert receives the necessary support to fulfil the work;

16. *Also requests* the High Commissioner, with dedicated capacity based on the workshop discussions and proposals presented, to present the vision of the Office of the High Commissioner for reinforcing its work in promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic in the form of a report, for consideration by the Human Rights Council at its fifty-fourth session, to be followed by an interactive dialogue;

17. *Decides* to remain seized of the matter.

*56th meeting
1 April 2022*

[Adopted by a recorded vote of 31 to 14, with 2 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Paraguay, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:
Mexico, Ukraine]

49/20. Rights of the child: realizing the rights of the child and family reunification

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the international legal foundation for the respect, protection and fulfilment of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation,

Recalling all previous resolutions on the rights of the child of the General Assembly, the Commission on Human Rights and the Human Rights Council, the most recent being Assembly resolution 76/147 of 16 December 2021 and Council resolution 45/30 of 7 October 2020,

Recalling also all relevant international human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, the Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

Taking note of all relevant international instruments on the rights of migrants and refugees, and stressing the need to continue working on comprehensive and balanced migration policies, international cooperation and partnerships between countries of origin, transit and destination,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching, indivisible and people-centred set of universal and transformative Sustainable Development Goals and targets, and the commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner and to realizing the human rights of all, leaving no one behind and reaching those furthest behind first, and recognizing that the realization of the rights of the child is crucial to achieving the goals outlined in the 2030 Agenda for Sustainable Development,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

Welcoming the attention paid by the Committee on the Rights of the Child to the issue of the rights of the child and family reunification, recalling the Committee’s day of general discussion held on 28 September 2012, which was focused on the rights of all children in the context of international migration, and taking note of the outcome report and the recommendations of the Committee,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, in particular the work of the Special Rapporteur on the sale and sexual exploitation of children, including

child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, and taking note with appreciation of their most recent reports submitted to the Council,⁵⁵

Recalling the twenty-fifth anniversary of the adoption of General Assembly resolution 51/77 of 12 December 1996, by which the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict was created, and the twentieth anniversary of the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and emphasizing that these anniversaries offer a valuable opportunity to raise awareness about conflict-affected children and to reflect on achievements, best practices and challenges,

Recalling also that the Convention on the Rights of the Child recognizes the right of the child to preserve his or her identity, including nationality, name and family relations, as recognized by law, without unlawful interference, and the right of the child to the protection of the law against arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and affirming that these rights should be fully respected, protected and fulfilled in relation to every child, without discrimination of any kind, regardless of his or her residency, nationality or any other status,

Reaffirming that children, for the full and harmonious development of their personalities, should grow up in a family environment, that their best interests shall be the guiding principle of those responsible for their nurture and protection and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted,

Reaffirming also that States' obligations to respect, protect and fulfil human rights entail taking positive measures to ensure that children are not separated from their families against their will, including by addressing the underlying causes of separation and supporting the reunion of separated family members, as well as refraining from actions that could result in family separations, except when competent authorities subject to judicial review have determined that such separation is necessary for the best interests of the child,

Stressing that all unaccompanied children and children separated from their families should have access to family reunification procedures, without discrimination of any kind,

Profoundly concerned that millions of children worldwide continue to grow up deprived of parental care or separated from their families for many reasons, including but not limited to poverty, discrimination, violence, exploitation, abuse, neglect, trafficking in persons, child labour, migration, displacement, humanitarian emergencies, armed conflict, natural disasters, climate change, death or illness of a parent or lack of access to adequate food, decent work and social services, such as education, universal health care and family-support services, and reaffirming the need to address the root causes of family separation, including by supporting all children and their families through the necessary protection and assistance for the well-being of the child,

Deeply concerned that the effects of family separation may undermine the full enjoyment of a vast range of the rights of the child, inter alia, the right to life, the right of the child to preserve his or her identity, including nationality, name and family relations, the right of the child to, as far as possible, know and be cared for by his or her parents, the right to acquire a nationality, the right to protection from all forms of physical and mental violence, the right to education and the right to the enjoyment of the highest attainable standard of physical and mental health,

Noting with concern that children are often deprived of their family environment owing to multiple and intersecting forms of discrimination on the basis of, inter alia, migration status, age, sex, health status, disability, nationality, race, ethnicity, language and

⁵⁵ [A/HRC/49/57](#) and [A/HRC/49/58](#).

economic and social background, and as victims of abduction, recruitment and use by armed forces and armed groups, including groups designated as terrorist groups by the United Nations, and stressing the need to ensure that all legislation, policies and measures to promote the right of the child to preserve family relations and the right to the protection of the law against arbitrary or unlawful interference with his or her family adhere to the principles of substantive equality and non-discrimination, including by taking into account and addressing the root causes of pre-existing gender inequality and the way it is compounded by other forms of discrimination,

Noting with deep concern that girls are disproportionately affected by the effects of family separation due to their being at greater risk of various forms of discrimination, violence, exploitation and abuse, and stressing the importance of eliminating and preventing gender-based discrimination and violence, inter alia, by protecting girls from sexual and gender-based violence, including harmful practices, such as child, early and forced marriage and female genital mutilation, as well as from trafficking in persons and all forms of exploitation, including child labour,

Expressing serious concern that children with disabilities are subject to stigmatization, discrimination and exclusion, which can be a cause of family separation and impair their equal rights with respect to family life, and stressing the importance of preventing and eliminating all forms of mental, physical and sexual violence and abuse in all settings, including medical procedures performed without full and informed consent, while underscoring the need to prevent and eliminate discrimination arising from the way gender inequality and ableism interact and compound each other,

Recognizing that the separation of children from their families may be in their best interests in some circumstances, including where children flee from abusive family situations, exploitation, neglect and harmful practices, including female genital mutilation and child, early and forced marriage,

Stressing the importance of ensuring the inclusive and meaningful participation of children in decision-making affecting their lives, in accordance with the evolving capacities of the child, including in the context of formal assessments of best interests and determination procedures,

Noting with concern that, in family reunification processes in the context of cross-border migration, children above 15 years of age may be provided with lower levels of protection than younger children, and recalling that all children are entitled to the same rights and levels of protection, regardless of their migration or other status, in accordance with States' obligations under international law,

Noting with concern also that children may be separated from their parents and placed in alternative care by child protection systems when doing so is not in their best interests, and stressing that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care, for denying access to family reunification or for preventing a child's social reintegration,

Underscoring that the removal of a child from the care of his or her family should be seen as a measure of last resort and that any placement children separated from their parents in alternative care shall be guided by the best interests of the child, recalling the Guidelines for the Alternative Care of Children,⁵⁶ which serve to help to inform policy and practice for the protection and well-being of children deprived of parental care or who are at risk of being so, and acknowledging the progress that has been achieved since the adoption of the Guidelines,

Concerned by the large and growing number of migrant children, and recognizing that children are disproportionately affected in humanitarian emergencies and conflict situations and are placed in a particularly vulnerable situation when they are unaccompanied or separated from their families,

⁵⁶ General Assembly resolution 64/142, annex.

Expressing serious concern about the particular vulnerable situation and risks faced by refugee and migrant children, especially unaccompanied and separated children, which can arise from the reasons for leaving their country of origin, circumstances encountered en route, at borders and at destination, including trafficking in persons, or discrimination related to specific aspects of a child's identity or circumstances, or a combination of these factors,

Recalling States' obligations to respect, protect and fulfil the human rights of refugee and migrant children at all stages of the migration cycle, and underscoring the importance of ensuring that children separated from their families and children with disabilities receive appropriate protection and assistance and of providing for their well-being and for their enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health and psychosocial health, as well as access to health information and health-care services, education and psychosocial development, ensuring that the best interests of the child are a primary consideration in policies on integration, return and family reunification,

Strongly condemning the recruitment and use of children by armed forces and armed groups, including those designated as terrorist groups by the United Nations, in violation of applicable international law, as well as all other violations and abuses committed by these actors against children in all circumstances, including those involving killing and maiming, abduction and rape and other forms of sexual and gender-based violence, acknowledging that sexual violence in these situations disproportionately affects girls, but that boys are also targets, as well as attacks against educational facilities, including schools, and hospitals and denial of humanitarian access,

Recalling the obligations of all parties to armed conflict applicable to them under international law, including international humanitarian law and international human rights law, emphasizing that children allegedly associated with armed forces and armed groups, including those designated as terrorist groups by the United Nations, should be treated primarily as victims, as stipulated in relevant General Assembly resolutions relating to juvenile justice, taking the best interests of the child as a primary consideration, and in a manner consistent with their rights, and that no child should be deprived of his or her liberty unlawfully or arbitrarily, calling upon all parties to conflict to cease unlawful or arbitrary detention, as well as torture or other cruel, inhuman or degrading treatment or punishment, and emphasizing that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time and that alternatives, including non-custodial solutions to detention, should be sought,

Stressing the importance of the due integration of the rights of the child into all stages of all peace processes, in particular the integration of child protection provisions, and of the importance of peace agreements that put strong emphasis on the best interests of the child and the treatment of children who have separated from armed forces or armed groups, including those designated as terrorist groups by the United Nations, as victims of grave human rights violations and abuses and of violations of international humanitarian law, and of family-based and community-based reintegration, psychosocial reintegration through education and trauma-informed, long-term survivor-centred and gender-responsive rehabilitation,

Taking note with appreciation of the United Nations global study on children deprived of liberty⁵⁷ and welcoming the leadership of the Special Representative of the Secretary-General on Violence against Children in the follow-up to the study, in cooperation with the other entities on the United Nations inter-agency task force, the non-governmental organization panel and other relevant stakeholders, and encouraging the Special Representative to continue her work in this regard,

Reaffirming that every child should be registered immediately after birth and that every child has the right from birth to a name and to acquire a nationality, which can contribute to preventing, inter alia, poverty, marginalization, stigmatization, exclusion, discrimination, statelessness, illegal adoption, abduction, the sale of children, violence and

⁵⁷ A/74/136.

abuse, human trafficking and exploitation, including child labour, child, early and forced marriage and other harmful practices, and child recruitment or use of children in armed conflict, and can also assist in the reunification of families separated by conflict, disaster or humanitarian crisis,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on the rights of the child, and takes note with appreciation of her report on the rights of the child and family reunification;⁵⁸

2. *Calls upon* States to consider ratifying the Convention on the Rights of the Child and the Optional Protocols thereto, and calls for renewed efforts towards their full implementation by all parties;

3. *Also calls upon* States to take all measures necessary to ensure full respect for and the protection and fulfilment of the rights of the child, without discrimination of any kind, giving particular attention to the right to, as far as possible, know and be cared for by his or her parents and the right to preserve his or her identity, including nationality, name and family relations, as recognized by law, without unlawful interference, and taking positive measures to prevent family separation, including by reuniting separated family members, unless such separation is necessary for the best interests of the child, and refraining from actions that may constitute arbitrary or unlawful interference with family life;

4. *Urges* States to put into place, if they have not yet done so, appropriate legislation, policies, systems and procedures to ensure that the best interests of the child are a primary consideration in all actions affecting children, including those who may become or who have been separated from their families, and in all decisions taken relating to their family reunification, regardless of the child's status, including in the context of cross-border migration;

5. *Reaffirms* that children shall not be separated from their parents against their will except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, including through psychosocial evidence, that such separation is necessary for the best interests of the child and that such determination is necessary in a particular case, such as one involving abuse or neglect of the child by the parents or one where the parents are living separately and a decision must be made as to the child's place of residence;

6. *Encourages* States to take further actions to support family reunification, unless it is not in the best interests of the child, taking into account that many children living without parental care have families, including at least one living parent and/or other living relatives;

7. *Calls upon* States to enhance policy coherence with respect to family reunification by reviewing relevant laws, policies and procedures, placing particular priority on the prevention of family separation;

8. *Urges* States to take effective measures to address existing barriers to efficient, transparent, child-friendly and age-, disability- and gender-responsive family reunification procedures, including by facilitating access to application processing and consular services, accelerating proceedings, providing all necessary information in a timely, accessible and child-friendly manner and by working towards easing financial burdens, taking into account that having insufficient financial resources should not prevent family reunification;

9. *Recalls* that the Convention on the Rights of the Child recognizes that a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State, and that States parties shall, in accordance with their national laws and their obligations under the relevant international instruments in this field, ensure safe and appropriate quality alternative care for such a child, prioritizing family-based interim care;

⁵⁸ A/HRC/49/31.

10. *Urges* States to strengthen child welfare and child protection systems and to improve care reform efforts, which should include increased multisectoral collaboration and comprehensive intersectoral policies between, inter alia, the child protection system and the welfare authorities in charge of health, food security and nutrition, education, justice, immigration, law enforcement and gender equality, and the active coordination among all relevant authorities and to improve cross-border cooperation, capacity-building and training programmes for relevant stakeholders and to enhance mechanisms to hold accountable those who profit from exploitation, including child labour, the sale of children and child trafficking;

11. *Also urges* States to take all appropriate and reasonable measures necessary to prevent businesses from causing or contributing to abuses of children's rights in the context of migration, and calls upon all business enterprises to meet their responsibility to respect the rights of the child by undertaking child rights due diligence, appropriate to their size, the risk of severe impact and the context of their operation, as outlined in the recommendations of the Committee on the Rights of the Child in its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Guiding Principles on Business and Human Rights, the International Labour Organization Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the Children's Rights and Business Principles;

12. *Recalls* that, in accordance with article 10 of the Convention on the Rights of the Child, applications by a child or his or her parents to enter or leave a State party for the purpose of family reunification shall be dealt with by States parties in a positive, humane and expeditious manner, and that States parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family;

13. *Calls upon* all States to protect refugee, asylum-seeking, migrant and internally displaced children, in particular those who are unaccompanied or separated from their families, who are particularly exposed to violence, abuses and risks in connection with armed conflict and trafficking in persons, and to continue to pay more systematic and in-depth attention to the provision of trauma-informed, gender-, age- and disability-specific assistance and protection in response to the development needs of those children through, inter alia, screening for protection concerns, including the proactive identification of children who are victims of trafficking, programmes aimed at rehabilitation, education and physical and psychological recovery and, where appropriate and feasible, local integration and resettlement, to give priority to family tracing and family reunification and reintegration and, where appropriate, to cooperate with international humanitarian and refugee organizations, as well as with child protection actors in disarmament, demobilization and reintegration processes;

14. *Urges* States to ensure that equal rights and appropriate standards of protection are provided to every child, including those above 15 years of age, regardless of their migration or other status, in accordance with their obligations under international law;

15. *Also urges* States to ensure the right to the enjoyment of the highest attainable standard of physical and mental health to all children, without discrimination of any kind and regardless of their status, including but not limited to sexual and reproductive health and psychosocial health, throughout their life course, and to redouble efforts to prevent, respond to and eliminate all forms of violence, online and offline, including sexual and gender-based violence and domestic violence, and all forms of exploitation and neglect and harmful practices, such as child, early and forced marriage and female genital mutilation;

16. *Further urges* States to ensure that children have access to justice and timely, effective, inclusive and gender-, disability- and age-responsive remedies when their rights are violated in the context of cross-border migration, and to uphold child-sensitive due process guarantees in administrative and judicial proceedings related to family reunification and separation, taking into account the best interests of the child as a primary consideration and that the child shall be provided the opportunity to be heard in such proceedings, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law, and to provide the child with relevant information concerning violations and reparation mechanisms, access to effective legal representation and

assistance for children and, where relevant, for and through their parents, caregivers and legal guardians;

17. *Urges* States to comply with their obligations under international law, including international humanitarian law and international human rights law, particularly the Convention on the Rights of the Child and the Optional Protocols thereto, emphasizing the importance of accountability for all violations and abuses of the rights of the child;

18. *Calls upon* States to continue to foster international cooperation to tackle the existing gaps with respect to family reunification, strengthen family tracing and enhance policy coherence and the availability and accessibility of safe and regular family reunification processes, and to provide universal access to functioning civil registration systems, taking into account that the collection, use and retention of, and access to, children's personal data, in particular biometric data, should comply with strict enforcement of appropriate rules thereon and shall be consistent with States' obligations under the Convention on the Rights of the Child;

19. *Also calls upon* States to take appropriate measures to respond to the separation of children from their families in cross-border migration settings, including humanitarian contexts, inter alia, by giving priority to family tracing and family reunification and reintegration and, where appropriate, by strengthening cooperation with international humanitarian and refugee organizations, in line with their obligations under international law, including international humanitarian law;

Migration and international protection

20. *Calls upon* States to use alternatives to the detention of migrant children, including by promoting the use of non-custodial solutions implemented by competent child protection actors engaging with the child and, where applicable, his or her family;

21. *Urges* States to undertake a preventive approach to family separation in the context of migration by ensuring that no child is subjected to arbitrary or unlawful interference with his or her family, and that children have the protection of the law against such interference and can fully enjoy their right to preserve family relations and grow up in a family environment, including by:

(a) Recognizing the importance of family reunification and promoting its incorporation into relevant national legislation in order to enable migrant children to grow up with their families;

(b) Ensuring that the principle of the best interests of the child is a primary consideration in all actions concerning children undertaken pursuant to migration laws, policies and programmes, and that all migrant children, regardless of their migration status, are treated first and foremost as children, including by developing procedures and guidance that uphold the rights of the child and are directed to all relevant institutions and persons involved in migration procedures;

(c) Developing and putting into practice a best interests assessment and determination procedure, with the participation of child welfare authorities, aimed at identifying and applying comprehensive, secure and sustainable measures on a case-by-case basis, including in cases requiring further integration and settlement in the country of current residence, return to the country of origin or resettlement in a third country;

(d) Taking specific measures to ensure that the right of the child to preserve family relations is duly taken into account when assessing the child's best interests in decisions on family reunification in the context of migration and that any restrictions thereof are legitimate, necessary and proportionate;

(e) Ensuring that unaccompanied and separated children are identified promptly and protected during border controls and other migration-control procedures within States' jurisdiction, with the participation of qualified authorities, including welfare authorities, in line with a multidisciplinary, child-friendly and age-, disability- and gender-responsive approach, that children are identified and treated as such, promptly referred to child protection authorities and other relevant services and appointed a guardian, if unaccompanied

or separated; and increasing efforts to put into place the measures necessary to trace and reunite unaccompanied or separated children with their families, taking into consideration the best interests of the child as a primary consideration;

(f) Enabling unaccompanied and separated children to communicate with their families without delay by facilitating access to means of communication along routes and at their destination, as well as access to consular missions, local authorities and organizations that can provide assistance with contacting family members, except when this is not in the best interests of the child;

(g) Ensuring that decisions with regard to family reunification in the country of origin are guided by the best interests of the child as a primary consideration and are not pursued when against States' obligations under international law, including where there is a reasonable risk that such a return would lead to the violation of the rights of the child;

(h) Taking steps to facilitate the joint temporary accommodation of families with children that are in transit or at their destination, in a safe and child-friendly environment;

(i) Considering providing avenues for status regularization for migrants in an irregular situation residing with their children, including when a child has been born or has lived in the country of destination for an extended period of time, or when returning a child to the parent's country of origin would be against international obligations, including the child's best interests;

(j) Taking appropriate measures for children's inclusive and meaningful participation relating to family reunification, taking into account that every child capable of forming his or her views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, including by providing children with all relevant information in a timely, child-friendly and age- and disability-responsive manner;

(k) Integrating child-friendly and gender-, disability- and age-responsive measures into the migration laws, policies and procedures relevant to the protection of children from the effects of family separation, including by addressing risks of violence and abuse, sexual and gender-based violence, both online and offline, exploitation and human trafficking in all its forms and manifestations, and the smuggling of migrant children;

22. *Encourages* States to develop effective and accessible family reunification procedures that allow children to migrate in a regular manner and to facilitate access to procedures for family reunification for migrants at all skill levels through appropriate measures;

23. *Calls upon* States of origin, transit and destination to find effective and timely responses to the needs of unaccompanied or separated children as soon as they are identified as such, including, where appropriate and feasible, their integration, voluntary and safe return, in keeping with the principles of due process, the best interests of the child and the principle of non-refoulement, in accordance with international law, and urges States to develop agreements that standardize approaches for identifying and implementing sustainable solutions for unaccompanied or separated children, including a procedure for monitoring their return;

Children allegedly associated with armed forces and armed groups, including those designated as terrorists by the United Nations

24. *Urges* States to ensure that children associated, or allegedly associated, with armed groups or terrorist groups are treated primarily as victims, with the best interests of the child as a primary consideration, to consider non-judicial measures as alternatives to prosecution, and alternatives to detention for those accused of crimes, as stipulated in relevant General Assembly resolutions relating to juvenile justice, and to take measures that are focused on rehabilitation and reintegration in an environment that fosters the health, self-respect and dignity of the child, in accordance with relevant provisions of international humanitarian law and international human rights law, in particular the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict;

25. *Stresses* that States should not detain, prosecute or take punitive measures against children who have been associated with armed forces or armed groups solely for their membership in such forces or groups, while recalling that detention should be used only as a measure of last resort and for the shortest appropriate period of time, in line with their obligations under the Convention on the Rights of the Child;

26. *Also stresses* the need to pay particular attention to the treatment of children associated, or allegedly associated, with all non-State armed groups, including those who commit acts of terrorism, in particular by establishing standard operating procedures for the rapid handover of such children to relevant civilian child protection actors;

27. *Encourages* States to redouble efforts to ensure that children are reunited with their families and communities or integrated into a family and community environment as soon as possible after their release from armed forces or armed groups unless contrary to the best interests of the child, and to invest in measures to decrease stigma and discrimination against children associated or allegedly associated with such forces or groups, including those designated as terrorist groups by the United Nations;

28. *Also encourages* States to focus on long-term and sustainable reintegration and rehabilitation opportunities, with special attention paid to programming across the humanitarian-development nexus, for children affected by terrorism and armed conflict that are gender-, disability- and age-responsive, including access to health-care services, psychosocial support and education programmes, as well as to raising awareness and working with communities to avoid the stigmatization of such children and to facilitate their return and family reunification, while taking into account the specific needs of all girls and boys, to contribute to the well-being of children and to sustainable peace and security;

Follow-up

29. *Encourages* the special procedures and other human rights mechanisms of the Human Rights Council to continue to integrate a child rights perspective in the implementation of their mandates and to include in their reports information, qualitative analysis and recommendations on the rights of the child, paying attention to the adverse impact of family separation on the full enjoyment of the rights of the child;

30. *Invites* all human rights treaty bodies to continue to integrate the rights of the child into their work, in particular into their concluding observations and general comments and recommendations, paying attention to the adverse impact of family separation on the full enjoyment of the rights of the child;

31. *Welcomes* ongoing efforts to mainstream the rights of the child into the work of the United Nations system, requests the United Nations High Commissioner for Human Rights to prepare a comprehensive report, in an accessible format, in follow up to the high-level panel on human rights mainstreaming held in 2020, with specific recommendations on how to strengthen a child rights-based approach in the work of the United Nations, in consultation with all relevant stakeholders, including the United Nations Children's Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Committee on the Rights of the Child, relevant special procedure mandate holders, regional organizations and human rights bodies and civil society, including through consultations with children themselves, and to present the report to the Human Rights Council at its fifty-fifth session;

32. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and requests the Office of the United Nations High Commissioner for Human Rights to organize its annual full-day meeting on the rights of the child in 2023 on the theme, "Rights of the child and the digital environment", and to make the discussion fully accessible to persons with disabilities;

33. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the rights of the child and inclusive social protection, in close cooperation with all relevant stakeholders, including States, the United Nations Children's Fund, other relevant

United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including through consultations with children themselves, to make the report available in an accessible and child-friendly format and to present the report to the Human Rights Council at its fifty-fourth session, and requests the Office of the High Commissioner to organize the annual full-day meeting on the rights of the child in 2024 on the theme of the rights of the child and inclusive social protection, and to make the discussion fully accessible to persons with disabilities.

56th meeting
1 April 2022

[Adopted without a vote.]

49/21. Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and the obligations of States under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments,

Recalling relevant resolutions adopted by the General Assembly and the Human Rights Council, including Assembly resolution 76/227 of 24 December 2021, on countering disinformation for the promotion and protection of human rights and fundamental freedoms, and Council resolutions 44/12 of 16 July 2020, on freedom of opinion and expression, and 47/16 of 13 July 2021, on the promotion, protection and enjoyment of human rights on the Internet,

Recalling also the Guiding Principles on Business and Human Rights,⁵⁹ as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

Reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and affirming that the same rights that people have offline must also be protected online,

Concerned by the increasing and far-reaching negative impact on the enjoyment and realization of human rights of the deliberate creation and dissemination of false or manipulated information intended to deceive and mislead audiences, either to cause harm or for personal, political or financial gain,

Emphasizing that disinformation can be designed and spread so as to mislead, and to violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, including in times of emergency, crisis and armed conflict, when such information is vital,

Emphasizing also that disinformation campaigns can be used to vilify individuals and groups, to exacerbate social divisions, to sow discord, to polarize societies, to spread hatred, racism, xenophobia, negative stereotyping and stigmatization and to incite violence, discrimination and hostility,

Emphasizing further that disinformation is a threat to democracy that can suppress political engagement, engender or deepen distrust towards democratic institutions and processes, and hinder the realization of informed participation in political and public affairs,

⁵⁹ [A/HRC/17/31](#), annex.

Recognizing with concern that online disinformation campaigns are increasingly being used to deter women from participating in the public sphere, and that women journalists, women politicians, women human rights defenders and advocates for women's rights are targeted in particular,

Reaffirming the essential role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information play in strengthening democracy, promoting pluralism and multiculturalism, enhancing transparency and media freedom and countering disinformation, and that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Taking note of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on disinformation and freedom of opinion and expression,⁶⁰

Recognizing the importance of safeguarding free, independent, plural and diverse media, of ensuring the safety of journalists and media workers online and offline and of providing and promoting access to independent, factual and evidence-based information to counter disinformation,

Recognizing also the importance of the accessibility and availability of information and means of communication, as well as information and communications technology, systems and formats, to ensuring that all persons, in all their diversity, including persons with disabilities, are able to enjoy their right to freedom of expression, including the freedom to seek, receive and impart information, on an equal basis with others, without which persons with disabilities may be at an increased risk of the negative impact of disinformation,

Expressing concern about the dissemination of disinformation by both traditional and digital means, and that digital technology can be used to create, disseminate and amplify disinformation by State and non-State actors for political, ideological or commercial motives at an alarming scale, speed and reach,

Noting that disinformation is part of a broader set of challenges that can accompany the development and use of information and communications technology, such as arbitrary or unlawful surveillance and malign cyber activities, and can pose a threat to the enjoyment and realization of human rights,

Recognizing a primary responsibility of States, as the main duty bearers, to promote and protect human rights online and offline, and the importance of their support for relevant efforts that strengthen the resilience of societies against the negative impact of disinformation at all levels, in particular through digital and media literacy education and inclusion, intercultural understanding, fact-checking and transparent and accountable technological solutions,

Emphasizing the role of States in promoting access to diverse and reliable information to counter disinformation, including by increasing their own transparency, proactively disclosing official data online and offline and reaffirming the commitment to media diversity and independence, and in ensuring the protection of the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds, through any media,

Expressing deep concern at State restrictions on the freedom to seek, receive and impart information and the dissemination of disinformation through State institutions or proxies to promote false narratives, control public debate and limit the exercise of the rights to freedom of opinion and expression and to peaceful assembly,

Stressing that the spread of disinformation often can be a transnational phenomenon and may be used by States and State-sponsored actors as part of hybrid influence operations that exploit and undermine the freedom of societies, and can accompany serious violations of international law,

⁶⁰ [A/HRC/47/25](#).

Deeply concerned at the proliferation of disinformation about the coronavirus disease (COVID-19) pandemic, including online, and stressing the importance of providing science-based and evidence-based data and information to the public to counter such practices,

Strongly condemning the use of Internet shutdowns and restrictions to intentionally prevent or disrupt access to, or the dissemination of, information online, including as a means of countering disinformation, and stressing the importance of a free, open, interoperable, reliable and secure Internet,

Underlining that countering disinformation requires multidimensional and multi-stakeholder responses that are in compliance with international human rights law and the proactive engagement of international organizations, States, civil society, human rights defenders, academia, independent regulators and the private sector, including the media, online platforms and social media and technology companies, and that States are in a unique position to promote and facilitate cooperation among the involved parties,

Recalling article 20, paragraph 2 of the International Covenant on Civil and Political Rights, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Stressing that condemning and countering disinformation should not be used as a pretext to restrict the enjoyment and realization of human rights or to justify censorship, including through vague and overly broad laws criminalizing disinformation, and that all policies or legislation undertaken to counter disinformation must be in compliance with States' obligations under international human rights law, including the requirement that any restrictions on freedom of expression comply with the principles of legality and necessity,

1. *Affirms* that disinformation can negatively affect the enjoyment and realization of all human rights, and that States play a central role in countering disinformation;

2. *Calls upon* States to ensure that their responses to the spread of disinformation comply with international human rights law and that their efforts to counter disinformation promote, protect and respect individuals' freedom of expression and freedom to seek, receive and impart information, as well as other human rights;

3. *Urges* States to facilitate an environment supportive of countering disinformation through multidimensional and multi-stakeholder responses that are in compliance with international human rights law, including through enhanced cooperation with international organizations, civil society, the media, the private sector and other stakeholders;

4. *Invites* States to encourage business enterprises, including social media companies, to address disinformation while respecting human rights, including through the review of business models, in particular the role of algorithms and ranking systems in amplifying disinformation, enhancing transparency, enforcing all applicable legal protections for users and encouraging due diligence in line with the Guiding Principles on Business and Human Rights;

5. *Calls upon* all States to refrain from conducting or sponsoring disinformation campaigns domestically or transnationally for political or other purposes, and encourages them to condemn such acts;

6. *Commits* to the promotion of international cooperation to counter the negative impact of disinformation on the enjoyment and realization of human rights;

7. *Decides* to convene, at its fiftieth session, a high-level panel discussion on countering the negative impact of disinformation on the enjoyment and realization of human rights, and ensuring a human rights-based response thereto, open to the participation of States, members of civil society and the private sector, United Nations experts and other stakeholders, to identify challenges and to share best practices and lessons learned, and to make the panel discussion fully accessible to persons with disabilities;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a summary report on the above-mentioned panel discussion and to present it to the Human Rights Council at its fifty-second session.

[Adopted without a vote.]

49/22. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 43/25 of 22 June 2020 and Assembly resolution 76/177 of 16 December 2021, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,⁶¹ which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned about the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and about the impunity of perpetrators, as described in the report of the commission of inquiry,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting that the General Assembly, in its resolution 76/177, recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators were prosecuted and brought to justice,

Concerned that the precarious humanitarian situation in the country is exacerbated by the restrictions imposed by the Government of the Democratic People's Republic of Korea on the free and unimpeded access for humanitarian agencies to all populations in need,

Deeply concerned that the humanitarian and human rights situation in the Democratic People's Republic of Korea and the conditions for international staff working in the country may further deteriorate as a result of the global coronavirus disease (COVID-19) pandemic, emphasizing the importance of timely assistance to the Democratic People's Republic of Korea in addressing the impact of COVID-19, and underlining in this regard the importance of allowing entry into and exit out of the country by international staff, free and unimpeded access to all populations in need and the import of materials necessary for assisting vulnerable people, in accordance with relevant Security Council resolutions,

Stressing that any restrictions on addressing the pandemic must be necessary, proportionate, non-discriminatory, time-bound, transparent and strictly in line with international law, including the obligations of the Democratic People's Republic of Korea under international human rights law and relevant Security Council resolutions,

⁶¹ [A/HRC/25/63](#).

Acknowledging General Assembly resolution 76/177, in which the Assembly noted with concern the findings of the United Nations in 2020 that 10.4 million people in the Democratic People's Republic of Korea were in need of nutrition support and food and improved access to basic services, such as health care, clean water, sanitation and hygiene, one third of children aged 6 to 23 months did not receive a minimum acceptable diet, which contributed to one in five children suffering from stunting (chronic malnutrition), around 8.4 million people were estimated to have limited access to quality health services and 33 per cent, or an estimated 8.4 million, of people did not have access to a safely managed drinking water source, including 50 per cent of people in rural areas, condemning the Democratic People's Republic of Korea for its national policies of, among other things, diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people and their access to food, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including the right to an adequate standard of living, including adequate food, and to respect, among other things, freedom of movement, freedom of religion or belief, freedom of association and of peaceful assembly, and freedom of expression, including the freedom to seek, receive and impart information,

Recognizing that particular risk factors, such as neglect, abuse, exploitation and violence, affect women, children, persons with disabilities and older persons, and the need to ensure their full enjoyment of all their human rights and fundamental freedoms, and taking note in this regard of the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second to fourth periodic reports of the Democratic People's Republic of Korea⁶² and the concluding observations of the Committee on the Rights of the Child on the fifth periodic report of the Democratic People's Republic of Korea,⁶³

Encouraging the Democratic People's Republic of Korea to implement all of the recommendations made by the Special Rapporteur on the rights of persons with disabilities in her report on her visit to the Democratic People's Republic of Korea, submitted to the Human Rights Council at its thirty-seventh session,⁶⁴ and recalling with appreciation the submission of the initial report of the Democratic People's Republic of Korea on the implementation of the Convention on the Rights of Persons with Disabilities,⁶⁵ in December 2018,

Acknowledging the participation of the Democratic People's Republic of Korea in the third cycle of the universal periodic review, noting the acceptance by the Government of the Democratic People's Republic of Korea of 132 of the 262 recommendations contained in the outcome of the review⁶⁶ and its stated commitment to implementing them and to looking into the possibility of implementing a further 56 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Noting with regret that independent civil society organizations cannot operate in the Democratic People's Republic of Korea and that, as a result, no civil society organization based in the Democratic People's Republic of Korea was able to submit a stakeholder report for the universal periodic review process,

⁶² CEDAW/C/PRK/CO/2-4.

⁶³ CRC/C/PRK/CO/5.

⁶⁴ A/HRC/37/56/Add.1.

⁶⁵ CRPD/C/PRK/1.

⁶⁶ A/HRC/42/10.

Stressing the importance of extending the cooperation of the Government of the Democratic People's Republic of Korea to the Office of the United Nations High Commissioner for Human Rights,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Stressing again with grave concern the urgency and importance of the issue of international abductions, which involves a serious violation of human rights, and of the immediate return of all abductees, as they and their family members age, expressing grave concern at the long years of severe suffering experienced by abductees and their families, the lack of any concrete or positive action by the Democratic People's Republic of Korea, notably since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and the identical and non-substantive replies by the Democratic People's Republic of Korea to the numerous communications transmitted by the Working Group on Enforced or Involuntary Disappearances, and strongly demanding again that the Democratic People's Republic of Korea address all allegations of enforced disappearances, clarify the fate and whereabouts of disappeared persons and faithfully provide accurate and detailed information to the families of victims, and resolve immediately all issues relating to all abductees, in particular the realization of the immediate return of all abductees of Japan and the Republic of Korea,

Noting with concern the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants,

Welcoming the international community's diplomatic efforts, and stressing the importance of dialogue, including inter-Korean dialogue, engagement and cooperation for the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Stressing the urgency and importance of the issue of separated families, including affected Koreans worldwide, in this regard encouraging the resumption of reunions of separated families across the border and in accordance with the commitments made on this issue at the inter-Korean summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families, and highlighting the importance of allowing permanent regular reunions and contact between separated families, including through meetings at an easily accessible location and regular facility, regular written correspondence, video reunions and the exchange of video messages, in accordance with relevant Security Council resolutions,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses again its grave concern at the detailed findings made by the commission of inquiry in its report, and the developments since then, including:

(a) The denial of the right to freedom of thought, conscience and religion, including the right to adopt a religion or belief, and of the rights to freedom of opinion, expression and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth and also includes consideration of political opinions and religion, and which intersects with gender-based discrimination against women, including unequal access to employment, discriminatory laws and regulations and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to adequate food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape and other grave forms of sexual and gender-based violence and persecution on any grounds, including on the grounds of political opinion, religion or belief and sexual orientation and gender identity, in political prison camps and ordinary prisons, and the widespread practice of collective punishment, with harsh sentences imposed on innocent individuals;

(f) Persistent violations and abuses of all rights of women and girls, who remain the most vulnerable to trafficking for the purposes of sexual exploitation or domestic servitude and to early, child or forced marriage and other forms of sexual and gender-based violence;

(g) The enforced and involuntary disappearance of persons by arrest, detention or abduction against their will, the refusal to disclose the fate and whereabouts of the persons concerned and the refusal to acknowledge the deprivation of their liberty, which places persons subjected thereto outside the protection of the law and which has had the effect of inflicting severe suffering on them and their families;

(h) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge its crimes, abuses and human rights violations, in and outside of the country, and to take immediately all steps necessary to end all such crimes, abuses and violations through, inter alia, the implementation of relevant recommendations contained in the report of the commission of inquiry and in General Assembly resolution 76/177, including but not limited to the following steps:

(a) Ensuring the right to freedom of thought, conscience and religion or belief and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media;

(b) Ending discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and taking immediate steps to ensure gender equality and the full enjoyment by all women and girls of their human rights and the protection of women and girls from sexual and gender-based violence;

(c) Ensuring the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(d) Promoting equal access to food, including by allowing humanitarian access to all people in need and full transparency regarding the provision of humanitarian assistance so that such assistance is provided to vulnerable persons, including individuals in detention, children, and pregnant and lactating women and girls;

(e) Allowing humanitarian organizations and humanitarian personnel to carry out their activities in the context of the COVID-19 pandemic, commencing with the immediate reopening of the national borders of the Democratic People's Republic of Korea for the delivery of urgently required humanitarian goods such as food, medicines and agricultural supplies;

(f) Cooperating with the Access to COVID-19 Tools Accelerator initiative and its COVID-19 Vaccine Global Access (COVAX) Facility and relevant bodies to ensure the timely delivery and equitable distribution of a sufficient amount of vaccines, recognizing that the sufficient availability of vaccines is an essential dimension of each person's right to the enjoyment of the highest attainable standard of health, including through the entry of international staff and the prioritization of the shipment of life-saving humanitarian

assistance, in accordance with guidance and best practice provided by the World Health Organization;

(g) Halting immediately all human rights violations in detention facilities, including in prison camps, including the practice of forced labour and the use of torture and other cruel, inhuman and degrading treatment or punishment and sexual and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, and ensuring that justice sector reforms provide for protections for fair trials and due process;

(h) Urgently resolving the issue of all persons who have been abducted or otherwise forcibly disappeared and their descendants, in good faith and with transparency, including by ensuring the realization of their immediate return;

(i) Ensuring the reunion of separated families across the border;

(j) Abolishing immediately the practice of guilt-by-association punishment;

(k) Ensuring that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(l) Providing nationals of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with and access to consular officers, in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

3. *Recalls* General Assembly resolution 76/177, in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, and the right to strike, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

4. *Also recalls* paragraph 11 of Security Council resolution 2371 (2017), paragraph 17 of Council resolution 2375 (2017) and in particular paragraph 8 of Council resolution 2397 (2017), in which the Council decided that States Members of the United Nations should repatriate to the Democratic People's Republic of Korea all nationals of the Democratic People's Republic of Korea earning income in their jurisdictions and all Democratic People's Republic of Korea government safety oversight attachés monitoring Democratic People's Republic of Korea workers abroad immediately, but no later than 24 months from 22 December 2017, urges all States to fully comply, unless the particular State determines that the national is a national of that State or is prohibited from repatriation under applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations or the Convention on the Privileges and Immunities of the United Nations, and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers that were repatriated to the Democratic People's Republic of Korea by 22 December 2019, in accordance with paragraph 8 of Council resolution 2397 (2017);

5. *Further recalls* paragraph 4 of General Assembly resolution 76/177, in which the Assembly underscored its very serious concern regarding reports of torture, cruel, inhuman and degrading treatment or punishment, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

6. *Reiterates* its deep concern at the findings of the commission of inquiry concerning the situation of refugees and asylum seekers returned to the Democratic People's

Republic of Korea and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment or punishment, sexual and gender-based violence, enforced disappearance or the death penalty, in this regard strongly urges all States to respect the fundamental principle of non-refoulement, including where the Government of the Democratic People's Republic of Korea exerts pressure on returning States to effectuate such returns, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, with a view to protecting the human rights of those who seek refuge, and once again urges States to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

7. *Stresses and restates* its grave concern at the finding of the commission of inquiry that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership, and that the crimes against humanity entail extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape, forced abortions and other sexual and gender-based violence, persecution on political, religious, racial and gender-related grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

8. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations and abuses, and encourages all States, the United Nations system, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and other stakeholders to cooperate with accountability efforts, especially the efforts made by the Office of the United Nations High Commissioner for Human Rights, and to ensure that the crimes do not remain unpunished;

9. *Welcomes* General Assembly resolution 76/177, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations, which the commission has indicated may constitute crimes against humanity;

10. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

11. *Welcomes* the report of the Special Rapporteur;⁶⁷

12. *Recalls* the recommendations of the commission of inquiry and those contained in General Assembly resolution 76/177, and reiterates the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the High Commissioner to strengthen those activities;

13. *Welcomes* the oral update of the High Commissioner on the implementation of Human Rights Council resolution 46/17, and commends the Office of the High Commissioner, including its field-based structure in Seoul, for the efforts it has made to date, and encourages it to take into account the experience of other relevant mechanisms and to actively engage and cooperate with national, regional and international mechanisms, as

⁶⁷ A/HRC/49/74.

appropriate, as part of its efforts to identify strategies for accountability, in accordance with international law standards;

14. *Also welcomes* the steps taken to continue to strengthen the capacity of the Office of the High Commissioner, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report, aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository and having experts in legal accountability assess all information and testimonies, with a view to developing possible strategies to be used in any future accountability process, and encourages cooperation with a wide range of stakeholders in the procurement of evidence that could be used in future criminal proceedings;

15. *Requests* the High Commissioner to submit a full report on the implementation of the recommendations to the Human Rights Council at its fifty-second session;

16. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 37/28, for a period of one year;

17. *Requests* the High Commissioner to include additional options for strengthening, institutionalizing and further advancing work on accountability in the Democratic People's Republic of Korea in the report to be submitted to the Human Rights Council at its fifty-second session;

18. *Requests* the Office of the High Commissioner to organize a series of consultations and outreach activities with victims, affected communities and other relevant stakeholders with a view to including their views into avenues for accountability;

19. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

20. *Encourages* the field-based structure of the Office of the High Commissioner in Seoul to continue its endeavours, welcomes its regular reports to the Human Rights Council, and invites the High Commissioner to provide the Council with regular updates on the situation of human rights in the Democratic People's Republic of Korea;

21. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources to fulfil its mandate, that it enjoys full cooperation with relevant States and that it is not subjected to any reprisals or threats;

22. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

23. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

24. *Urges* the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with all special procedure mandate holders, especially the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, to provide them with all information necessary to enable them to fulfil such a mandate and to promote technical cooperation with the Office of the High Commissioner;

25. *Encourages* the Government of the Democratic People's Republic of Korea to extend an invitation to the Office of the High Commissioner to visit the country;

26. *Also encourages* the Government of the Democratic People's Republic of Korea to provide comprehensive information on the implementation of the recommendations it accepted in the second and third cycles of the universal periodic review, and to further

expand cooperation with other United Nations human rights mechanisms in order to address all human rights violations and abuses in the country;

27. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

28. *Encourages* all States, the United Nations, including its relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take those recommendations forward;

29. *Also encourages* all States, the United Nations, including its relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders to support efforts aimed at improving dialogue on and engagement with regard to the humanitarian and human rights situation, including international abductions, in the Democratic People's Republic of Korea, including inter-Korean dialogue;

30. *Urges* the Democratic People's Republic of Korea to refrain from the use of deadly and other excessive force at its borders and elsewhere, to work with the international community, including the United Nations system, in the context of COVID-19, and to facilitate conditions to alleviate the suffering of the citizens of the Democratic People's Republic of Korea and to allow international staff to operate in the country so that the international community can provide assistance based on independent needs assessments, including of vulnerable populations in detention centres, and a monitoring capacity, consistent with international standards and humanitarian principles and in accordance with relevant Security Council resolutions;

31. *Encourages* the United Nations system as a whole to continue to address the grave situation of human rights in the Democratic People's Republic of Korea in a coordinated and unified manner, including through consideration by the Security Council;

32. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations and abuses, including by closing political prison camps and undertaking profound institutional reforms;

33. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with sufficient resources and the support necessary to carry out the mandate effectively, including to support the information and evidence repository, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

34. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

*56th meeting
1 April 2022*

[Adopted without a vote.]

49/23. Situation of human rights in Myanmar

For the text of the resolution, see chapter II.

49/24. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling Human Rights Council resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014, 28/21 of 27 March 2015, 31/19 of 23 March 2016, 34/23 of 24 March 2017, 37/30 of 23 March 2018, 40/18 of 15 March 2019, 43/24 of 22 June 2020 and 46/18 of 23 March 2021, General Assembly resolution 76/178 of 16 December 2021 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,⁶⁸ and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its fifty-second session and to the General Assembly at its seventy-seventh session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country, and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*56th meeting
1 April 2022*

[Adopted by a recorded vote of 19 to 12, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Armenia, Bolivia (Plurinational State of), China, Cuba, Eritrea, India, Indonesia, Kazakhstan, Pakistan, Russian Federation, Uzbekistan, Venezuela (Bolivarian Republic of)

Abstaining:

Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, Libya, Malaysia, Mauritania, Namibia, Nepal, Qatar, Senegal, Somalia, Sudan, United Arab Emirates]

49/25. Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic

The Human Rights Council,

⁶⁸ [A/HRC/49/75](#).

Guided by the purposes and principles of the Charter of the United Nations,

Stressing that States bear the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms,

Recalling that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling other relevant international human rights instruments, including the Declaration on the Right to Development, and the Vienna Declaration and Programme of Action, in which it is established that all human rights are universal, indivisible and interdependent and interrelated,

Emphasizing that States need to ensure that all human rights are respected, protected and fulfilled while combating the pandemic and that their responses to the COVID-19 pandemic respect and are in full compliance with their obligations under international law, including international humanitarian law and international human rights law,

Recalling also General Assembly resolutions 74/270 of 2 April 2020, 74/274 of 20 April 2020, 74/306 of 11 September 2020, 74/307 of 11 September 2020 and 76/175 of 16 December 2021, Human Rights Council resolutions 41/10 of 19 July 2019, 44/2 of 21 July 2020 and 46/14 of 23 March 2021, World Health Assembly resolutions WHA73.1 of 19 May 2020 and WHA74.7 of 31 May 2021, as well as World Health Assembly decision 74(16) of 31 May 2021, and statement PRST/43/1 made by the President of the Human Rights Council on 29 May 2020,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and the Sustainable Development Goals enshrined therein, in particular the commitment made by all States to ensure healthy lives and to promote well-being for all at all ages, to achieve gender equality and to reduce inequalities within and among countries,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which requires that States take the steps necessary to prevent, treat and control epidemic, endemic, occupational and other diseases and to create the conditions that would assure medical services and medical attention for all in the event of sickness,

Recognizing that universal health coverage implies that all people have access without barrier or discrimination to nationally determined sets of needed promotive, preventive, curative, palliative and rehabilitative essential health-care services and essential, safe, affordable, effective and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population,

Recognizing also that the availability of vaccines, medicines, health technologies and health therapies is critically important to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Noting that, since the beginning of the vaccine roll-out, the majority of all vaccines administered have been concentrated in high-income countries, while low-income countries still lag behind in gaining access to coronavirus disease (COVID-19) vaccines,

Expressing its serious concern at the disparity between developing countries and developed countries in terms of the distribution and administration of COVID-19 vaccines, which is one of the major factors preventing the entire international community from ending the acute phase of the COVID-19 pandemic as soon as possible, and also further hampers progress in the realization of the 2030 Agenda for Sustainable Development,

Recognizing the need to tackle health inequities and inequalities within and among countries through political commitment, international cooperation and policies, including those that address the social, economic and environmental determinants of health,

Welcoming the global initiatives promoting global solidarity in response to the pandemic, including the efforts of countries that have supplied or supported the administration of safe and effective COVID-19 vaccines, including through the COVID-19 Vaccine Global Access (COVAX) Facility, as well as the initiatives to support an inclusive recovery from the COVID-19 pandemic, and recalling the thirty-first special session of the General Assembly, held in response to the COVID-19 pandemic on 3 and 4 December 2020, the high-level meeting of the Assembly on universal health coverage, held on 23 September 2019, and the political declaration of the high-level meeting, entitled “Universal health coverage: moving together to build a healthier world”,⁶⁹

Recognizing that the encouragement and development of international partnerships and cooperation in the scientific and cultural fields contribute to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, bearing in mind that everyone has the right to enjoy the broader social benefits of scientific progress and its applications,

Recognizing also the importance of international cooperation and effective multilateralism in ensuring that all States, in particular developing States, including the least developed States, have affordable, timely, equitable and universal access to safe and effective COVID-19 vaccines for strengthening safe vaccines markets in order to minimize negative effects in all affected States and to avoid the emergence of new variants,

Taking note of the guidance issued by the treaty bodies⁷⁰ and the special procedures and mechanisms of the Human Rights Council on States’ human rights obligations in the context of the COVID-19 pandemic, and the joint statement issued by several special procedure mandate holders on universal access to vaccines, medicines, health technologies, diagnostics and health therapies,⁷¹

Acknowledging with appreciation the guidance note issued on 13 May 2020 by the Office of the United Nations High Commissioner for Human Rights on human rights-compliant responses to the COVID-19 pandemic, and the guidance note issued by the Office on 17 December 2020 on human rights and access to COVID-19 vaccines,

Taking note of the report of the United Nations High Commissioner for Human Rights on the human rights implications of the lack of affordable, timely, equitable and universal access and distribution of COVID-19 vaccines and the deepening inequalities between States, including the related vulnerabilities and challenges and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,⁷²

Deeply concerned about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasizing the importance of human

⁶⁹ General Assembly resolution 74/2.

⁷⁰ See [E/C.12/2020/2](#) and [E/C.12/2021/1](#).

⁷¹ Office of the United Nations High Commissioner for Human Rights, “Universal access to vaccines is essential for the prevention and containment of COVID-19 around the world”, statement by UN Human Rights Experts, 9 November 2020.

⁷² [A/HRC/49/35](#).

rights in shaping the response to the pandemic, in terms of both the public health emergency and the broader impact on people's lives and livelihoods,

Underscoring that equitable access to health products is a matter of global priority and that the availability, accessibility, acceptability and affordability of health products of assured quality and safety are fundamental to tackling the pandemic, and expressing its concern about the fact that the unequal distribution of vaccines delays the end of the acute phase of the pandemic,

Reaffirming the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in providing support to States, and in this regard acknowledging the crucial leading role played by the World Health Organization,

Emphasizing the central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, in a manner that is consistent with its human rights obligations and that contributes to advancing sustainable development and the realization of human rights,

Recognizing the primary responsibility of States to adopt and implement responses to the COVID-19 pandemic that are specific to their national context, and that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk, applied in a non-discriminatory way, have a specific focus and duration and be in accordance with States' obligations under applicable international human rights law,

Deeply concerned about the disproportionate and negative impact of the COVID-19 pandemic on the enjoyment of human rights by women and girls and on gender equality worldwide, including due to the increased incidence of domestic violence and interrupted access to sexual and reproductive health, and underscoring the need to ensure a human rights-based and gender-responsive approach to recovery, mindful in particular of the need to ensure the full enjoyment by women and girls of their human rights,

Recognizing that persons with disabilities face ableism and a greater risk of COVID-19 infection and have higher mortality rates, and face aggravated barriers to access to timely and quality health care and services,

Deeply concerned that the COVID-19 pandemic perpetuates and exacerbates existing inequalities and that those most at risk are persons in vulnerable and marginalized situations, such as older persons, migrants, refugees, internally displaced persons, persons with disabilities, persons belonging to minorities, indigenous peoples, persons deprived of their liberty, homeless persons and persons living in poverty, and recognizing the need to ensure non-discrimination and equality while stressing the importance of age-responsive, gender-responsive and disability-sensitive measures in this regard,

Emphasizing the need for full respect for and the protection and fulfilment of human rights, and stressing that there is no place for any form of stigmatization, discrimination, racism and xenophobia in response to the pandemic, further exacerbating the negative impact on the right to health, including mental health,

Stressing the importance of improving the transparency of markets for medicines, vaccines and other health products across the whole value chain, and taking note of World Health Assembly resolution WHA72.8 of 28 May 2019,

Noting with concern the uneven access to quality, timely, safe, efficacious and affordable COVID-19 vaccines and the difficulties that a large number of countries face in supplying and administering them to their populations, stressing the important role of the Access to COVID-19 Tools (ACT) Accelerator initiative, Global VAX, and of other relevant initiatives that are aimed at accelerating development, production, equitable and timely access to COVID-19 diagnostics, therapeutics and vaccines to all countries and at strengthening health systems, and recognizing in particular its vaccines pillar, the COVAX Facility, which remains key to ensuring an equitable global distribution of vaccines to all States,

Recognizing that the COVID-19 pandemic requires a global response based on unity, solidarity and multilateral cooperation to ensure that all States, in particular developing States, including the least developed countries, have unhindered, timely, fair and equitable access to safe diagnostics, therapeutics, medicines, vaccines and essential health technologies and their components, as well as equipment, bearing in mind that extensive immunization against COVID-19 is a global public good for health in preventing, containing and hindering transmission, and in bringing the pandemic to an end,

1. *Emphasizes* the urgent need to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to facilitate the development of robust health systems and universal health coverage, encompassing universal, timely and equitable access to all essential health technologies, diagnostics, therapeutics, medicines and vaccines in response to the COVID-19 pandemic and other health emergencies, in order to ensure full access to immunization for all, in particular persons and groups in vulnerable situations, as a matter of global priority for all States;

2. *Calls upon* States to take the necessary steps to safeguard and protect health and care workers at all levels, including their physical and mental health, especially in health emergencies, through the equitable distribution of personal protective equipment, therapeutics, vaccines and other health services, effective infection prevention control and occupational safety and health measures within a safe and enabling work environment that is free from racial and all other forms of discrimination;

3. *Calls upon* States and other relevant stakeholders to take appropriate measures to guarantee the fair, transparent, equitable, efficient, universal and timely access and distribution of safe, quality, efficacious, effective, accessible and affordable COVID-19 vaccines and to enable international cooperation;

4. *Calls for* intensified international cooperation and solidarity to contain, mitigate and overcome the pandemic and its consequences, including the human rights implications, through responses that are people-centred, gender-responsive, multidimensional, coordinated, inclusive, innovative, swift and decisive at all levels, with full respect for human rights, including by supporting the exchange of information, scientific knowledge and best practices and enhancing maintenance capacity, in particular to assist people in vulnerable situations, including all migrants, and the poorest and most vulnerable countries, to build a more equitable, inclusive, sustainable and resilient future and to realize the 2030 Agenda for Sustainable Development;

5. *Encourages* States to work in partnership with all relevant stakeholders to increase research and development funding for vaccines and medicines, leverage digital technologies and strengthen the scientific international cooperation necessary to combat COVID-19 and to bolster coordination, including with the private sector, towards the further development, manufacturing and distribution of diagnostics, antiviral medicines, personal protective equipment and vaccines while adhering to the objectives of quality, efficacy, safety, equity, accessibility and affordability;

6. *Recognizes* the importance of tools to achieve extensive immunization against COVID-19 as a global public good for health in preventing, containing and stopping transmission, and to bring the pandemic to an end, by ensuring the availability of safe, quality, efficacious, effective, accessible and affordable vaccines;

7. *Calls upon* States and other relevant stakeholders to remove unjustified obstacles resulting in an unequal distribution in access to COVID-19 vaccines between developed and developing countries, and to promote equitable global distribution and universal access to vaccines in order to further the principles of international cooperation and solidarity and to promote the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Urges* States to facilitate the production, trade, acquisition, access to and distribution of COVID-19 vaccines as a crucial element of their responses to the pandemic, to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to support the administration of vaccines to address the pandemic, in accordance with their international human rights obligations and the Sustainable

Development Goals and other international legal frameworks, taking into account the principles of non-discrimination and transparency;

9. *Reiterates* the call for States to continue to collaborate, as appropriate, on models and approaches that support the delinking of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases, to ensure their sustained accessibility, affordability and availability and to support access to treatment for all those in need;

10. *Calls upon* States and all relevant stakeholders to promote research and capacity-building initiatives and to enhance cooperation on and access to science, innovation, technologies, technical assistance and knowledge-sharing, to ensure universal, equitable and affordable access for all persons to COVID-19 vaccines, including through improved coordination among mechanisms, especially with developing countries, in a collaborative, coordinated and transparent manner and on mutually agreed terms, in response to the COVID-19 pandemic and towards advancing the realization of the Sustainable Development Goals;

11. *Urges* States to leverage digital technologies for the response to COVID-19, including in support of efficient, transparent and robust immunization, addressing the socioeconomic impact of COVID-19, paying particular attention to digital inclusion, patient empowerment and the right to privacy and protection of personal data;

12. *Reaffirms* the right of States to use the provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the flexibilities therein, as reaffirmed in the Doha Declaration on the TRIPS Agreement and Public Health, in which it is recognized that the agreement should be interpreted and implemented in a manner supportive of the right of States to protect public health, in particular to promote access to medicines for all, to facilitate access for all to COVID-19 vaccines and to bolster coordination, including with the private sector, towards the rapid development, manufacturing and distribution of vaccines while adhering to the objectives of transparency, efficacy, safety, equity, accessibility and affordability;

13. *Calls upon* States, other partners and donors to urgently support funding and close the funding gap for the Access to COVID-19 Tools Accelerator and its mechanisms, such as the COVID-19 Vaccine Global Access (COVAX) Facility, to support the equitable distribution of diagnostics, therapeutics and vaccines and to further explore innovative financing mechanisms aimed at ensuring affordable, timely, equitable and universal access to and the fair distribution of COVID-19 vaccines for all and the continuity and strengthening of essential health services;

14. *Encourages* States and other stakeholders to voluntarily share technology and support the development of voluntary patent pools, such as the World Health Organization COVID-19 Technology Access Pool (C-TAP);

15. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right of everyone to enjoy the benefits of scientific progress and its applications, including through access to medicines that are affordable, safe, efficacious and of quality and through financial and technical support for and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

16. *Requests* all States, international organizations and relevant stakeholders to commit to transparency in all matters relating to the production, distribution and fair pricing of vaccines, in accordance with national and regional legal frameworks, and urges States to take immediate steps to prevent speculation and undue export controls and stockpiling that may hinder affordable, timely, equitable and universal access for all countries to COVID-19 vaccines;

17. *Recognizes* the immense logistical challenges posed by the lack of infrastructure for the distribution of vaccines in developing countries, including the least developed countries, and calls for greater assistance and building the capacities of developing countries, including through effective training programmes in vaccine delivery in this regard;

18. *Strongly urges* all States to refrain from taking any economic, financial or trade measures that may adversely affect equitable, affordable, fair, timely and universal access to COVID-19 vaccines, in particular in developing countries;

19. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, funds and programmes, in particular the World Health Organization, the special procedures of the Human Rights Council, the treaty bodies, civil society organizations and other stakeholders, to prepare a report on the human rights implications of and good practices and key challenges in affordable, timely, equitable and universal access to and distribution of quality, safe, efficacious and affordable COVID-19 vaccines and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to submit the report to the Human Rights Council at its fifty-second session, to be followed by an interactive dialogue, and to provide an oral update thereon to the Council at its fifty-first session;

20. *Decides* to remain seized of the matter.

57th meeting
1 April 2022

[Adopted without a vote.]

49/26. Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 46/20 of 24 March 2021 and 47/19 of 13 July 2021, and all relevant statements made by the United Nations High Commissioner for Human Rights, the Office of the Secretary-General and special procedure mandate holders of the Human Rights Council on the deteriorating situation of human rights in Belarus,

Recalling also the report of the rapporteur of the Organization for Security and Cooperation in Europe, appointed under the Moscow Mechanism, invoked with regard to alleged human rights violations during the presidential election of 9 August 2020 in Belarus, and the recommendations contained therein, and the invocation of the Vienna Mechanism on 4 November 2021 in relation to serious human rights violations in Belarus,

Reaffirming its commitment to the sovereignty and independence of Belarus, and reaffirming also that it is the responsibility of each State to uphold its obligations under international human rights law and to ensure the full enjoyment of all human rights and fundamental freedoms of all persons within its territory and subject to its jurisdiction,

Regretting the inadequate response and lack of cooperation by the Belarusian authorities to the requests made by the Human Rights Council in the above-mentioned resolutions and by the Office of the United Nations High Commissioner for Human Rights,

1. *Welcomes* the interim oral update on the situation of human rights in Belarus presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its forty-eighth session and her comprehensive written report presented to the Council at its forty-ninth session,⁷³ and her appointment of the three independent experts and their ongoing work together with the examination by the Office of the United Nations High Commissioner for Human Rights of the situation of human rights in Belarus;

2. *Expresses deep concern* at the further deterioration of the situation of human rights in Belarus in the aftermath of the presidential election held on 9 August 2020 and the

⁷³ [A/HRC/49/71](#).

continued impunity and lack of accountability for human rights violations committed in Belarus since 1 May 2020;

3. *Condemns* in this respect the continuing systematic denial of human rights and fundamental freedoms, including the arbitrary detention and arrest of an unprecedented scale of opposition members, journalists and other media workers, human rights defenders, lawyers, medical workers, cultural workers, teachers, students, children, persons belonging to national minorities, members of trade unions and strike committees, and other members of civil society and individuals for expressing dissenting opinions and exercising their human rights and fundamental freedoms, including those peacefully expressing protest or speaking out against the armed conflict in Ukraine stemming from the aggression by the Russian Federation and against the constitutional referendum held in Belarus on 27 February 2022, and also condemns the prison sentences handed down to political prisoners without any guarantee of their right to a fair trial;

4. *Expresses continued grave concern* at reports of systematic and widespread acts of torture and other cruel, inhuman or degrading treatment or punishment of, and sexual and gender-based violence against, individuals detained and arrested in Belarus, including children, with the knowledge of the Belarusian State authorities, and the reported inhumane detention conditions and denial of access to medical and legal assistance in detention centres and prisons, which urgently require an independent investigation, and regrets that, despite being a State party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, Belarus has, according to reports, not complied with its obligations under those treaties;

5. *Expresses continued serious concern* about other ongoing severe politically motivated acts of repression against independent media and civil society, including through the large-scale ordered closure of civil society organizations, arbitrary decisions to cancel professional licences, including of lawyers, the revocation of foreign media workers' accreditations, the blocking of independent media websites and Internet shutdowns, the reported numerous raids on private houses and offices, and the increasing legislative restrictions of the rights to freedom of peaceful assembly, association and expression, both online and offline, in particular the amendments to the Law on Mass Gatherings, the Law on Mass Media, the Law on Countering Extremism and the Law on the Bar and Advocacy, adopted in May 2021, and the amendments to the Criminal Code adopted in December 2021;

6. *Expresses once again its regret* that the Government of Belarus has not fulfilled its obligations with regard to the right of every citizen to vote and to be elected at free, fair and inclusive periodic elections, which should be by universal and equal suffrage and should be held by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with the State's obligations under article 25 (b) of the International Covenant on Civil and Political Rights, and also regrets the failure of Belarus to implement previous recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe on holding free, fair and inclusive elections that meet international standards, and its non-cooperation in issuing a timely invitation, which precluded the deployment of a mission by that Office to observe the 2020 presidential election or the constitutional referendum held on 27 February 2022 under a legal framework that did not take into account the said recommendations;

7. *Notes with deep concern* that, according to the report released by the International Civil Aviation Organization on 17 January 2022 on the incident involving a civilian flight in the Belarus airspace, the Belarusian authorities have failed to produce evidence of threat that was used to justify the diversion and landing of the flight in Minsk in May 2021;

8. *Strongly urges* the Belarusian authorities to fully respect, protect and fulfil all their international human rights obligations, including those under the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

9. *Urges* in this respect the Belarusian authorities to cease the excessive use of force against peaceful demonstrators, of torture and other cruel, inhuman or degrading

treatment or punishment, and to stop carrying out arbitrary arrests, detentions and imprisonment, and immediately cease the arbitrary criminal or administrative prosecution, harassment, intimidation and repression, of persons for exercising their human rights and fundamental freedoms, and urges the Belarusian authorities to immediately and unconditionally release all political prisoners arbitrarily detained in the lead-up to, during and since the 2020 presidential election, while noting the release of a few political prisoners to date;

10. *Calls upon* the Belarusian authorities to ensure free, fair and inclusive elections, to enter into a genuine national dialogue with the political opposition and civil society, and to guarantee the independence of the judiciary and of the legal profession in order to restore and maintain the rule of law, democracy and respect for human rights law and standards, and to that end to engage meaningfully with the Organization for Security and Cooperation in Europe;

11. *Recognizes* the important role played by journalists and other media workers, lawyers and civil society, including human rights defenders, in particular women human rights defenders, in continuing to carry out essential human rights work, including by documenting and monitoring, in challenging circumstances, allegations of human rights violations in the lead-up to, during and since the 2020 presidential election, and encourages all efforts, including by Belarusian and international civil society groups, to document human rights violations in Belarus;

12. *Stresses* the need for accountability for human rights violations, which is critical for the prevention of further violations, and urges the Belarusian authorities to ensure prompt, effective, independent, transparent and impartial investigations into all reported human rights violations committed in the lead-up to, during and since the 2020 presidential election, including cases involving deaths, arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment of detainees and protesters and of enforced disappearance and forced expulsions, and to guarantee that victims have access to justice and redress, including reparations, and that perpetrators are held fully accountable, in compliance with fair trial guarantees under international human rights law, and regrets that, to date, there is no indication that such investigations have been opened in Belarus following the thousands of complaints filed by victims of torture or other cruel, inhuman or degrading treatment, and in relation to the deaths in the context of the protests;

13. *Urges* the Belarusian authorities to cooperate fully with the Special Rapporteur on the situation of human rights in Belarus, in particular by granting her free, full and unhindered access to the territory of the country, including unhindered access to all places of detention, to extend full cooperation to the thematic special procedures of the Human Rights Council and to the treaty bodies, to restore their cooperation with and extend full and unhindered access to the Office of the United Nations High Commissioner for Human Rights, and to implement the recommendations contained in the report of the Office of the High Commissioner;

14. *Decides* to extend, for a period of one year, the mandate of the United Nations High Commissioner for Human Rights, and requests the High Commissioner, with the assistance of the three appointed experts and special procedure mandate holders, to continue:

(a) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged human rights violations committed in Belarus since 1 May 2020 in the run-up to the 2020 presidential election and in its aftermath, including the possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations, and to collect, consolidate, preserve and analyse information and evidence and, where possible, to identify those responsible with a view to contributing to accountability for perpetrators and justice for victims, such as through relevant judicial and other proceedings, including criminal proceedings in courts and tribunals that have competent jurisdiction;

(b) To make general recommendations on improving respect for and the protection of human rights, and to provide guidance on access to justice, including reparations, and accountability, as appropriate;

(c) To engage with the Belarusian authorities and all stakeholders, in particular Belarusian, regional and international civil society, international human rights organizations, United Nations agencies, the Organization for Security and Cooperation in Europe, relevant companies and States with a view to exchanging information, as appropriate, and providing support for national, regional and international efforts to promote accountability for human rights violations in Belarus;

15. *Requests* the High Commissioner to present an interim oral update to the Human Rights Council at its fifty-first session, and a comprehensive written report at its fifty-second session, both to be followed by an interactive dialogue;

16. *Requests* the Secretary-General to provide the Office of the High Commissioner with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate.

*57th meeting
1 April 2022*

[Adopted by a recorded vote of 22 to 6, with 19 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Brazil, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Armenia, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan

49/27. Situation of human rights in the Syrian Arab Republic

For the text of the resolution, see chapter II.

49/28. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of the acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples, and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this *jus cogens* norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploing the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and expressing deep regret at the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and the diaspora,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, result in grave breaches of international humanitarian and serious violations of international human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Noting that the failure to bring the occupation to an end after 55 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine remains unresolved 75 years since General Assembly resolution 181 (II) of 29 November 1947 on partition,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Also reaffirms* the need to achieve a just, comprehensive and lasting peaceful solution to the Israeli-Palestinian conflict in conformity with international law and other internationally agreed parameters, including all relevant United Nations resolutions;

3. *Calls upon* Israel, the occupying Power, to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and to reverse and redress any impediments to the political independence, sovereignty and territorial integrity of Palestine, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

4. *Expresses grave concern* at any action taken in contravention of the General Assembly and Security Council resolutions relevant to Jerusalem;

5. *Also expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and *construction* of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

6. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

7. *Calls upon* all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel, in particular of the prohibition of the acquisition of territory by force, in order to ensure the exercise of the right to self-determination, and also calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of Israel's illegal policies and practices;

8. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

9. *Decides* to remain seized of the matter.

58th meeting
1 April 2022

[Adopted by a recorded vote of 41 to 3, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, China, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, India, Indonesia, Japan, Kazakhstan, Libya, Luxembourg, Malawi, Malaysia, Mauritania, Mexico, Montenegro, Namibia, Nepal, Netherlands, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Ukraine, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Marshall Islands, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Cameroon, Honduras, Lithuania]

49/29. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling all relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also all relevant United Nations reports, including reports by mechanisms of the Human Rights Council, and calling upon all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained therein,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, and reaffirming that States should not recognize as lawful a situation arising from breaches of peremptory norms of international law,

Affirming that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a grave breach of the Fourth Geneva Convention and relevant provisions of customary international law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, thereby causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining its viability, creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and making the two-State solution physically impossible to implement,

Noting that the International Court of Justice concluded, inter alia, that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

Expressing its grave concern also at the calls made by Israeli officials for the annexation of Palestinian territory in whole or in part, and recalling that such measures are internationally wrongful and are not to be recognized, aided or assisted,

Noting that Israel has been planning, implementing, facilitating and promoting the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Affirming that the Israeli settlement policies and practices in the Occupied Palestinian Territory, including East Jerusalem, seriously endanger the viability of the two-State solution, undermining the physical possibility of its realization and entrenching a one-State reality of unequal rights,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely undermining the exercise of

Palestinian self-determination, and deeply concerned that the magnitude, persistence and character of the settlement enterprise suggest that the occupation has been established with the intention of making it permanent, in violation of the prohibition of acquisition of territory resulting from the use of force,

Noting also that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Deploring in particular the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes, livelihoods and community infrastructure, including those structures provided as humanitarian relief by State-donors and independent humanitarian agencies, the eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the West Bank, including East Jerusalem, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Gravely concerned about all acts of terror, violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the appropriation of land, denial of access to farmers and the dispossession of their land and crops, the forced diversion of water resources, the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic and humanitarian consequences in this regard, including the loss of livelihoods in the agricultural sector, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Aware also that numerous Israeli policies and practices relating to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, amount to blatant discrimination, including through the creation of a system privileging Israeli settlements and settlers against the Palestinian people, and in violation of their human rights,

Recalling the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, aware that the conditions of harvesting and production of products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard, including the obligation to ensure respect for the Fourth Geneva Convention,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel, and concerned about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements, thereby contributing to the economic incentive structure perpetuating the occupation and its illegal manifestations throughout the Occupied Palestinian Territory, including East Jerusalem,

Noting that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and to cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and in this regard calls for the full implementation of all relevant Security Council resolutions, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 497 (1981) of 17 December 1981, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice, including to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, and to make reparation for the damage caused to all natural or legal persons affected by the construction of the wall;

5. *Condemns* the continuing settlement and related activities by Israel, including the transfer of its nationals into the occupied territory, the construction and expansion of settlements, the expropriation and de facto annexation of land, the demolition of homes and community infrastructure, disruptions to the livelihood of protected persons, the confiscation and destruction of property, including humanitarian relief consignments, the forcible transfer of Palestinian civilians or the threat thereof, including of entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, constitute a violation of international humanitarian law, in particular article 49 of the Fourth Geneva Convention, and of international human rights law, and undermine the viability of the two-State solution;

6. *Expresses its grave concern* at and calls for the cessation of:

(a) The conduct of economic activities in the Occupied Palestinian Territory, including East Jerusalem, for the benefit of the settlement enterprise and associated activities;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and “relocation” plans, the obstruction and destruction of humanitarian assistance, including projects funded by the international community, and the creation of a coercive environment and unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of “State lands”, closed “military zones”, “national parks” and “archaeological” sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel’s obligations under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing the full participation of Palestinians in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

7. *Calls upon* Israel, the occupying Power:

(a) To end without delay its occupation of the territories occupied since 1967, which may be contrary to international law, to reverse and redress the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the establishment of new settlements and the expansion of existing settlements, including so-called natural growth and related activities, and to discard any and all plans to install settlers in the occupied territories, including in East Jerusalem;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(c) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of institutionalized discrimination;

(d) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called State land, and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all practices and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including the confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties and to afford all victims of settler violence access to justice and effective remedy without discrimination in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

8. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

9. *Urges* all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and to continue to actively pursue policies that ensure respect for their obligations under international law with regard to these and all other illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem;

10. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention;

11. *Calls upon* all States:

(a) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories with regard to, *inter alia*, the issue of trade with settlements, consistent with their obligations under international law;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the inmitigable nature of the adverse impact of their activities on human rights;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, the importation of settlement products, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(d) To increase monitoring of settler violence with a view to promoting accountability;

12. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights, and to avoid contributing to the establishment, maintenance, development or consolidation of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory;

13. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human

Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

14. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the provisions of the present resolution to the Human Rights Council at its fifty-second session;

15. *Decides* to remain seized of the matter.

58th meeting
1 April 2022

[Adopted by a recorded vote of 38 to 4, with 5 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), China, Côte d’Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, India, Indonesia, Japan, Kazakhstan, Libya, Luxembourg, Malaysia, Mauritania, Mexico, Montenegro, Namibia, Nepal, Netherlands, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Malawi, Marshall Islands, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Brazil, Cameroon, Honduras, Lithuania, Ukraine]

49/30. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolutions 74/90 of 13 December 2019, 75/99 of 10 December 2020 and 76/81 of 9 December 2021, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Recalling further General Assembly resolutions 73/98 of 7 December 2018, 74/88 of 13 December 2019, 75/97 of 10 December 2020 and 76/82 of 9 December 2021.

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,⁷⁴ and in this connection deploring the Israeli settlements in the

⁷⁴ A/76/360.

occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention) and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolutions 37/33 of 23 March 2018, 40/21 of 22 March 2019, 43/30 of 22 June 2020 and 46/24 of 24 March 2021,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Deplores* the continuing settlement policies and practices in the occupied Syrian Golan, including the holding of the Israeli cabinet in the occupied Syrian Golan recently to announce new plans to establish and expand illegal settlements, and to double the numbers of the settlers in the occupied Syrian Golan within five years, and demands that Israel, the occupying Power, immediately cease all settlement-related plans and activities in the occupied Syrian Golan;

3. *Calls upon* Israel, the occupying Power, to cease changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and *emphasizes* that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

4. *Also calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;⁷⁵

5. *Further calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the International Covenant on Civil and Political Rights;

6. *Demands* that Israel stop its repressive measures against the Syrian citizens in the occupied Syrian Golan and release immediately the Syrian detainees in Israeli prisons;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian

⁷⁵ Ibid.

Golan are null and void, constitute a flagrant violation of international law and of the Fourth Geneva Convention, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Deplores* the practices of the Israeli occupation authorities affecting the human rights of the Syrian citizens in the occupied Syrian Golan, including the confiscation of the private property of Syrians by imposing so-called “Israeli documents” on them, expresses grave concern at the continued illegal exploitation of natural resources,⁷⁶ the unlawful mine-laying practices of the Israeli occupation forces in the occupied Syrian Golan, and also expresses deep concern at the non-cooperation of Israel with the Office of the United Nations High Commissioner for Human Rights;

10. *Also deplores* the approval given to commence construction works on a wind turbine project despite its harmful impact on a wide range of human rights of the Syrian population in the occupied Syrian Golan, and calls upon Israel, the occupying Power, to stop immediately all action on the project;

11. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its fifty-second session;

12. *Decides* to continue its consideration of the human rights violations in the occupied Syrian Golan at its fifty-second session.

*58th meeting
1 April 2022*

[Adopted by a recorded vote of 29 to 15, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), China, Côte d’Ivoire, Cuba, Eritrea, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Paraguay, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Finland, France, Germany, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Brazil, Cameroon, Honduras]

49/31. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014, 28/29 of 27 March 2015, 31/26 of 24 March 2016, 34/32 of 24 March 2017, 37/38 of 23 March 2018, 40/25 of 22 March 2019, 43/34 of 22 June 2020 and 46/27 of 24 March 2021 and General Assembly

⁷⁶ See [A/HRC/49/84](#) and [A/HRC/49/85](#).

resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014, 70/157 of 17 December 2015, 71/195 of 19 December 2016, 72/196 of 19 December 2017, 73/164 of 17 December 2018, 74/163 of 18 December 2019, 75/187 of 16 December 2020 and 76/157 of 16 December 2021,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons on the basis of their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence based on religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Recalling General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and recalling the initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme “United in diversity” and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons on the basis of their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence and of negative stereotyping of individuals on the basis of religion or belief continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of expert meetings held in Washington, D.C., London, Geneva, Doha, Jeddah, Singapore and The Hague, the Netherlands, and hosted online by Pakistan, in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that open, public debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and is convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws upon his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence on the basis of religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of their ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 46/27, summarizing the contributions received from States,⁷⁷ and also takes note of the conclusions of the report based on those contributions;

⁷⁷ [A/HRC/49/86](#).

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its fifty-second session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief.

58th meeting
1 April 2022

[Adopted without a vote.]

49/32. Strengthening the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council

The Human Rights Council,

Recalling its resolution 19/26 of 23 March 2012 establishing the terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council,

Recalling also its resolution 34/40 of 24 March 2017 on promoting the Trust Fund,

Recalling further its decision 46/115 of 30 March 2021 to convene a high-level panel discussion on the occasion of the tenth anniversary of the Trust Fund,

Welcoming the efforts of the Trust Fund to meet fully its mandate, and encouraging voluntary contributions made by States to the Trust Fund,

Acknowledging the significant and impactful support provided by the Trust Fund despite the financial, organizational and administrative challenges encountered over the years, including the amplification of these challenges by the coronavirus disease (COVID-19) pandemic,

Taking note of the Georgetown, Nadi, Ouagadougou-Port Louis and Malé “Towards 2022” declarations adopted at the regional workshops held respectively in the Caribbean, the Pacific, Africa and Asia,

Recognizing that universal and meaningful participation is enhanced by strengthening the capacity of delegations of least developed countries and small island developing States to participate in the activities of the Human Rights Council, and welcoming the contributions of all relevant stakeholders in that regard,

Noting the activities undertaken by the Trust Fund with international organizations, such as the International Organization of la Francophonie, the Caribbean Community and the Commonwealth,

Commending the efforts of the secretariat of the Trust Fund to promote the participation of women delegates and the inclusion of persons with disabilities in its work and activities, and encouraging the secretariat of the Trust Fund to continue such efforts,

Noting with satisfaction the efforts of the Trust Fund, in collaboration with the Voluntary Fund for Participation in the Universal Periodic Review, leading to an increased participation of least developed countries and small island developing States in the universal periodic review process,

1. *Welcomes* the tenth anniversary of the establishment of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, which offers an important opportunity to take action in furtherance of the universal participation of all States Members of the United Nations in the work of the Human Rights Council;

2. *Also welcomes* the holding of the annual high-level panel discussion on human rights mainstreaming, on 28 February 2022, on the theme “The contribution of universal participation to the mainstreaming of human rights throughout the United Nations system on the occasion of the tenth anniversary of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council”;

3. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the operations of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council,⁷⁸ reflecting the views of former beneficiaries of the Trust Fund, through the four regional workshops, and in which the Office of the High Commissioner evaluated the activities of the Trust Fund in meeting its training and capacity-building mandate in accordance with Human Rights Council resolution 34/40;

4. *Recognizes* the continued achievements of the Trust Fund since its operationalization in 2014, and in particular its contribution to:

(a) The creation and provision of an e-learning tool in the two working languages of the secretariat of the Trust Fund, providing initial training and information on the rules, functioning and customary practices of the Human Rights Council and its mechanisms;

(b) The participation of 173 delegates, namely 108 women and 65 men, from 71 of the 72 eligible least developed countries and small island developing States, in the work of the Council, as at February 2022;

(c) The conduct of virtual and in-person induction training sessions prior to the regular sessions of the Council;

(d) The holding of four regional workshops in Africa, Asia, the Caribbean and the Pacific on identifying where further improvements to the activities of the Trust Fund might be made and assessing the value of its activities in fulfilling its training and capacity-building mandate in support of the engagement of least developed countries and small island developing States and its mechanisms, in accordance with Human Rights Council resolution 34/40;

(e) The implementation of the activities of the Trust Fund in the two working languages of the secretariat of the Trust Fund;

5. *Encourages* the secretariat of the Trust Fund to continue its training and capacity-building activities by:

(a) Regularly updating the e-learning tool to reflect the working methods of the Human Rights Council and include new modules on the work of the Council;

(b) Disseminating the training tools to the Permanent Missions of all least developed countries and small island developing States to the United Nations in Geneva and New York, on a trial basis, using cost-effective methods;

(c) Disseminating practical guides on the rules, functioning and practices of the Council and its mechanisms to new diplomats arriving in Geneva from least developed countries and small island developing States;

(d) Including a virtual segment in the induction course currently organized prior to the commencement of each regular session of the Council;

⁷⁸ A/HRC/49/92 and A/HRC/49/92/Corr.1.

6. *Welcomes with appreciation* the voluntary contributions made to the Trust Fund by States from all five regional groups, and encourages all States to make such voluntary contributions;

7. *Invites* the secretariat of the Trust Fund to organize an annual briefing to raise awareness and review the activities of the Trust Fund;

8. *Also invites* the secretariat of the Trust Fund to explore, on a trial basis, ways to support delegates from least developed countries and small island developing States with a view to facilitating their participation in special sessions of the Human Rights Council and in important intersessional activities;

9. *Encourages* the Trust Fund to support the conduct of at least one briefing on the outcomes of the regular and special sessions of the Human Rights Council each year in New York for least developed countries and small island developing States, with a view to supporting the engagement of these delegations in the work of the Third Committee of the General Assembly;

10. *Also encourages* the Trust Fund to continue to engage former beneficiaries of the Trust Fund from Africa, Asia, the Caribbean and the Pacific to exchange ideas on strengthening engagement with the Human Rights Council and its mechanisms;

11. *Further encourages* the Trust Fund to support the conduct of a regional workshop in Africa, Asia, the Caribbean and the Pacific, with government officials, including former beneficiaries of the Trust Fund, before the fifteenth anniversary of the Trust Fund in 2027, reflecting on its achievements, identifying where further improvements to the activities of the Trust Fund might be made and assessing the value of its activities in fulfilling its training and capacity-building mandate in support of the engagement of least developed countries and small island developing States in the work of the Human Rights Council and its mechanisms;

12. *Requests* the Office of the High Commissioner to prepare a report, based on the outcomes of the consultations in the four regional groups, in which the Office evaluates the activities of the Trust Fund to increase the engagement of least developed countries and small island developing States in the work of the Human Rights Council, and to present the report to the Council at its sixty-fourth session.

*58th meeting
1 April 2022*

[Adopted without a vote.]

49/33. Cooperation with Georgia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Taking note of the judgment of 21 January 2021 of the European Court of Human Rights in the case *Georgia v. Russia (II)*, which confirmed, inter alia, the effective control of the Russian Federation over Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia after the war between the Russian Federation and Georgia in August 2008, and its responsibility for the human rights violations committed therein,

Acknowledging the recent developments in the ongoing investigation by the International Criminal Court on alleged war crimes and crimes against humanity committed from 1 July to 10 October 2008, including during the war between the Russian Federation and Georgia in August 2008,

Recalling Human Rights Council resolutions 34/37 of 24 March 2017, 37/40 of 23 March 2018, 40/28 of 22 March 2019, 43/37 of 22 June 2020 and 46/30 of 24 March 2021,

Expressing serious concern that the provisions of the above resolutions with regard to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia have not been implemented,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva International Discussions established on the basis of the ceasefire agreement of 12 August 2008 as an instrument for addressing security, stability, human rights and humanitarian issues on the ground,

Underlining the role of the Incident Prevention and Response Mechanisms in Gali and Ergneti in finding durable solutions for the safety and humanitarian needs of conflict-affected persons on the ground,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights and its office in Tbilisi, and with other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the reports of the United Nations High Commissioner for Human Rights,⁷⁹ and noting the recommendations by the High Commissioner made therein,

Condemning the illegitimate, so-called parliamentary elections held in Abkhazia, Georgia on 12 March 2022, and the illegitimate, so-called presidential elections scheduled to be held in the Tskhinvali region/South-Ossetia, Georgia in April 2022,

Stressing the findings of the High Commissioner in the reports, in which the High Commissioner underscored the responsibility of the authorities exercising effective control in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to uphold the fundamental freedoms and human rights of all people living therein and to address any conduct that violates or abuses their human rights, and expressed regret at the continued refusal of those in control of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to grant immediate and unimpeded access to staff members of the Office of the High Commissioner and to the United Nations human rights mechanisms to both regions,

Expressing serious concern at the continued process of installation and advancement of barbed wire fences and different artificial barriers, which are enforced periodically along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia and adjacent areas, including during the coronavirus disease (COVID-19) pandemic, which continue to have a negative impact on the already poor socioeconomic conditions of the conflict-affected population and their sense of security, while also preventing their access to property, grazing and farming lands, religious sites and cemeteries,

Noting with concern that, despite the Secretary-General's appeal for an immediate global ceasefire, the situation of human rights has further deteriorated in both Georgian regions, particularly owing to growing violations and restrictions on humanitarian access,

Expressing serious concern at various forms of reported discrimination against ethnic Georgians, cases of torture and other forms of ill-treatment, infringements of the right to life, the right to liberty and security of person, the right to the highest attainable standard of health and property rights, kidnappings, restrictions on education in one's native language in both Georgian regions, and the continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia, and the

⁷⁹ [A/HRC/36/65](#), [A/HRC/39/44](#), [A/HRC/42/34](#), [A/HRC/45/54](#) and [A/HRC/48/45](#).

obliteration and alteration of Georgian features from Georgian cultural heritage monuments in both regions,

Expressing serious concern also at the negative consequences of the prolonged closure of the so-called crossing points and the increasing restrictions on freedom of movement, particularly the denial of medical evacuations by the authorities exercising effective control in both regions, which has contributed to a number of deaths and the further isolation of the regions, thereby aggravating the humanitarian and socioeconomic situation on the ground which has been compounded by the COVID-19 pandemic, particularly with regard to women's and girls' full enjoyment of all human rights,

Expressing serious concern further at the arbitrary detentions and kidnappings, which in some cases involve shooting, torture and other forms of ill-treatment, and continue to have a negative impact on human security and the health conditions of conflict-affected people, and restrict their freedom of movement,

Expressing serious concern at the lack of accountability for unlawful killings of Georgian citizens committed in the period from 2014 to 2020, which continues to contribute to impunity in both Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia in a safe and dignified manner,

Expressing serious concern that violations and abuses of human rights and fundamental freedoms of persons living therein create an additional threat of further displacement,

Expressing serious concern also at the repeated denial of access to international and regional monitors, including the United Nations human rights mechanisms, to both Georgian regions by the authorities exercising effective control in those regions,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through the Office of the United Nations High Commissioner for Human Rights in Tbilisi;

2. *Demands* that immediate and unimpeded access be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its fiftieth session, and to present a written report on developments relating to and the implementation of the present resolution at its fifty-first session.

*58th meeting
1 April 2022*

[Adopted by a recorded vote of 19 to 6, with 20 abstentions. The voting was as follows:

In favour:

Finland, France, Gambia, Germany, Honduras, Japan, Libya, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Netherlands, Paraguay, Poland, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Argentina, Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Republic of Korea, Senegal, Sudan, United Arab Emirates, Uzbekistan]

49/34. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

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

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, 25/36 of 28 March 2014, 31/28 of 24 March 2016, 34/39 of 24 March 2017, 37/39 of 23 March 2018, 40/26 of 22 March 2019, 43/38 of 22 June 2020 and 46/28 of 24 March 2021, by which it extended the mandate of the Independent Expert,

Reaffirming the primary responsibility of all States to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are parties,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Taking note with satisfaction of the report of the Independent Expert on the situation of human rights in Mali,⁸⁰

Noting the disruption of the constitutional order in Mali and the failure to hold elections within the time frame provided for, and calling for continued dialogue with the Economic Community of West African States, the African Union and the international community with a view to arriving at an acceptable transition timetable for a rapid return to constitutional order, in particular through the organization of free, fair, transparent, inclusive and credible elections,

Remaining concerned about the persistence of security problems, violent extremism and intercommunal violence despite a slight improvement in the situation, mainly in the north and centre of the country, and continued terrorist activities, the proliferation of small arms, the smuggling of drugs and migrants, trafficking in persons and other forms of transnational organized crime,

Remaining concerned also about continued human rights violations and breaches, including abuses, conflict-related sexual violence, violence against children and other vulnerable groups and violations of international humanitarian law,

Remaining concerned further about the food crisis and situation of need for humanitarian assistance, made more pressing by the health crisis associated with the coronavirus disease (COVID-19) pandemic, of the population groups affected by the conflict, including internally displaced persons, and about the insecurity that continues to hamper humanitarian access, stressing that the difficult humanitarian situation has a disproportionate impact on women and girls, and condemning attacks on humanitarian personnel,

⁸⁰ [A/HRC/49/94](#).

Recalling in this regard that all the perpetrators of such acts must be held accountable and that on 16 January 2013, at the request of the Malian transitional authorities, the Prosecutor of the International Criminal Court opened an investigation into the alleged crimes committed in Mali since January 2012,

Noting the commitment expressed by the Malian transitional authorities and the signatory groups to the Agreement on Peace and Reconciliation in Mali, expressing concern about the delays in the peace process, and encouraging all parties to continue the dialogue within the framework of the Agreement Monitoring Committee and to fulfil their obligations under the Agreement,

Calling for the revitalization of the peace process with the holding of a future meeting of the Agreement Monitoring Committee as soon as possible,

Noting with satisfaction the commitment made by the Malian transitional authorities to increase the number of women participating in the work of the Agreement Monitoring Committee, encouraging the Malian parties to ensure the full participation of women in all the mechanisms of the Agreement Monitoring Committee, including in the subcommittees, and noting also with satisfaction the adoption of the new National Action Plan on the Implementation of Security Council Resolution 1325 (2000) of 31 October 2000 for the period 2019–2023,

Noting the slow progress of the disarmament, demobilization and reintegration process, despite the advances made in 2021 with the effective integration of 1,764 former members of armed groups into the Malian Defence and Security Forces and the reintegration of 878 military deserters, welcoming the launch of the special recruitment of 2,000 ex-combatants from the centre of the country, and calling on the authorities to intensify their efforts in this area to speed up the process, in particular through the organization of a decision-making meeting on command and rank issues associated with the overall disarmament, demobilization and reintegration process,

Recalling also Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against, in particular, those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including those targeting the civilian population, not least women and children, and noting the adoption by the Security Council of two series of individual sanctions in December 2018 and July 2019, respectively,

Noting the will of the Government and the people of Mali, expressed in various circumstances, in particular during the national reconciliation conference followed by the adoption of a national reconciliation law, the inclusive national dialogue, national consultations and a national conference on reform, to give priority to dialogue and reconciliation in resolving the crisis,

Calling upon the Malian transitional authorities to intensify their efforts to restore the rule of law and combat impunity effectively,

Welcoming the cooperation of Mali with international human rights mechanisms, notably its participation in the third cycle of the universal periodic review in 2018, and the invitations issued to special procedures mandate holders of the Council, and welcoming also the endorsement by Mali of the call for humanitarian action,

Taking note of the latest report of the Secretary-General on the situation in Mali,⁸¹ in which he expresses concern about the persistence of security problems in the north and centre of Mali, and of the humanitarian situation, and about human rights violations, especially against children and women, calling on the Malian transitional authorities to take all measures in this regard, and indicating that the implementation of the Agreement on Peace and Reconciliation in Mali and the strengthening of mechanisms and institutions for the protection of human rights in the country are priorities for the transition in place,

⁸¹ [S/2021/1117](#).

Recalling the conclusions of the Working Group on Children and Armed Conflict on the situation in Mali,⁸²

Welcoming the continued commitment of the Joint Force of the Group of Five for the Sahel and the Executive Secretary of the Group of Five for the Sahel to the implementation of the human rights and international humanitarian law compliance framework supported by the Office of the United Nations High Commissioner for Human Rights since 2018, with the financial support of the European Union and its member States, and the progress made so far,

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, violations and abuses of children's rights, in particular the recruitment and use of children in violation of international law, and extrajudicial and summary executions, enforced disappearances, arbitrary arrests and detention, acts of torture and mistreatment of persons in detention, killing and maiming, and attacks on schools and hospitals;

2. *Also strongly condemns* human rights violations, which include violations and abuses of women's rights, including sexual and gender-based violence, and welcomes the signing in March 2019 of the Joint Communiqué between the Government of Mali and the United Nations on Prevention of and Response to Conflict-related Sexual Violence;

3. *Calls upon* all parties to respect the civilian character of schools as such in accordance with international humanitarian law and to cease detaining children for violations of national security in breach of applicable international law, urges all parties to put an end to such violations and abuses and abide by their obligations under applicable international law, including international human rights and humanitarian law, welcomes in this regard the endorsement by the Malian authorities of the Safe Schools Declaration in February 2019, and encourages them to follow up on it, including by drawing up a list of the schools closed as a result of direct threats or insecurity;

4. *Recalls* in this regard that all perpetrators of such acts must be held accountable before the competent courts, at both the national and the international level;

5. *Strongly condemns* the attacks, including terrorist attacks, on civilians, representatives of local, regional and central institutions, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the Joint Force of the Group of Five for the Sahel and the international forces deployed within the framework of Operation Barkhane and by Task Force Takuba, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Transitional Government of Mali to ensure that those responsible for these acts are prosecuted, where appropriate;

6. *Also strongly condemns* the attacks on the civilian population carried out in the context of intercommunal violence and calls upon the Transitional Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the international community, to strengthen its efforts to achieve national reconciliation and to prevent violence in identified hotspots;

7. *Underscores* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance, development and reconciliation, as well as respect for, and protection and promotion of, human rights;

8. *Reiterates* its call for an immediate halt to all human rights violations and abuses and violations of international humanitarian law and for the strict observance of all human rights and fundamental freedoms;

9. *Requests* all parties to allow, in accordance with international humanitarian law and humanitarian principles, safe, full, immediate and unhindered humanitarian access, to facilitate the safe and unrestricted passage of aid, so that it may be rapidly distributed to

⁸² S/AC.51/2020/11.

all those who need it in any part of Mali, and to ensure the safety and protection of the civilians receiving it and of the humanitarian and health personnel working in Mali;

10. *Encourages* the Malian transitional authorities to continue to implement the recommendations accepted during the third cycle of the universal periodic review of Mali, calls in particular for the adoption of the law on gender-based violence and for the continuation of efforts to combat slavery, and welcomes the judicial and legislative progress made in this regard;

11. *Also encourages* the international community to continue its support for the efforts of the transitional authorities and the Malian parties to ensure greater participation of women in the national reconciliation process and in all decision-making bodies of the peace process, and their political empowerment at all levels, and further encourages the transitional authorities and the Malian parties to strengthen their efforts in this regard;

12. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former fighters, the redeployment of Malian armed forces throughout the territory, decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes in this regard the inclusion of women in the Agreement Monitoring Committee, and also welcomes the involvement of the Carter Center as an independent observer of the Agreement;

13. *Encourages* the Malian transitional authorities to put in place all necessary measures to prevent the recruitment and use of children, in violation of international law, to put a stop to these practices, to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account, and to adopt the law on the protection of the child;

14. *Also encourages* the Malian transitional authorities to put in place appropriate measures to comply with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, in particular, to strengthen measures for the further implementation of the Protocol on the Release and Handover of Children Associated with Armed Forces and Groups signed by the United Nations and the Government of Mali in 2013, and to strengthen the training programmes of the Malian defence and security forces in this regard, and calls on partners to support the Malian transitional authorities in order to ensure better access to justice and to social, medical and psychosocial services for all survivors of sexual and gender-based violence;

15. *Notes* that the Prosecutor of the International Criminal Court, in January 2013, initiated an investigation into crimes committed on the territory of Mali since January 2012, that, on 27 September 2016, the Court found an individual guilty of war crimes for having intentionally directed attacks against buildings of a religious and historical character in Timbuktu and opened, on 14 July 2020, the trial against an individual for war crimes and crimes against humanity, and that all Malian stakeholders decided to lend the Court their support and cooperation;

16. *Supports* in this regard the efforts of the Malian transitional authorities to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before impartial and independent courts, and urges the transitional authorities to intensify their efforts to combat impunity;

17. *Urges* the Malian transitional authorities to ensure that measures taken to promote national harmony are developed in an inclusive manner and to cooperate closely with civil society by ensuring that the most serious crimes are prosecuted and that the victims are provided with adequate compensation;

18. *Strongly condemns* the summary executions of individuals, encourages the transitional authorities to see through to completion the judicial investigations that have been opened and those that are forthcoming in order to bring to justice those responsible for these serious human rights violations, welcomes the holding in 2021 of several special trial sessions to try, in particular, crimes of terrorism, transnational organized crimes and offences related to economic and financial crime, and the trial of several cases of offences within their

jurisdiction by military courts, and welcomes the ongoing review of the Criminal Code, the Code of Criminal Procedure and the Code of Military Justice;

19. *Recalls* the report of the International Commission of Inquiry on Mali,⁸³ a body established by the Secretary-General to investigate the grave violations and abuses of international human rights and humanitarian law, including the allegations of sexual and gender-based violence during the conflict, that were committed on Malian territory from 1 January 2012 to 19 January 2018, and urges the Malian transitional authorities to put in place, as soon as possible, a national mechanism to ensure adequate follow-up on the recommendations of the Commission;

20. *Encourages* the Malian transitional authorities to continue to support the work of the Truth, Justice and Reconciliation Commission, which has collected more than 24,000 testimonies from victims in several regions of Mali and held four public hearings, on 8 December 2019, 5 December 2020, 3 April 2021 and 18 September 2021, and invites the international community to support the transitional authorities in setting up the bodies that will succeed the Commission, in particular the body responsible for compensating victims and the body responsible for preserving the memory of the crises;

21. *Also encourages* the Malian transitional authorities and all regional and international actors to continue their efforts to establish peace and security in Mali;

22. *Commends* the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali for the efforts of the Malian transitional authorities to restore State authority and the rule of law in the country and to implement the Agreement on Peace and Reconciliation in Mali, and deplors the loss of life the Mission is experiencing;

23. *Encourages* the Joint Force of the Group of Five for the Sahel to intensify its efforts to fully implement its human rights and international humanitarian law compliance framework, with the continued support of the Office of the United Nations High Commissioner for Human Rights, and to place human rights and the protection of civilians at the centre of its military operations, invites partners to continue to support these efforts, including through financial support, and calls on the Joint Force to ensure the effectiveness of its own accountability mechanisms, which are essential to making certain that each incident involving civilian victims or alleged human rights violations or abuses or violations of international humanitarian law is subject to a prompt, impartial, independent and thorough investigation, and that immediate steps are taken against the units and individuals alleged to be responsible, where appropriate;

24. *Calls upon* all parties to respect human rights and to ensure strict compliance with international human rights law and international humanitarian law;

25. *Urges* the Malian transitional authorities to speed up the effective return of the administration, notably the judiciary, and basic services in the centre and north of the country and work to restore the conditions required to ensure an acceptable level of security;

26. *Strongly encourages* the transitional authorities to present an acceptable timetable for the transition that will allow for the organization of fair, free, transparent, inclusive and credible elections for a rapid return to constitutional order;

27. *Welcomes* the close cooperation of the Malian transitional authorities with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him, and calls upon the transitional authorities to implement his recommendations;

28. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to provide his assistance in ensuring the promotion, protection and implementation of human rights and strengthening the rule of law;

29. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to help him carry out his mandate;

⁸³ [S/2020/1332](#), annex.

30. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, the Group of Five for the Sahel and its member States, neighbouring States and all other international organizations concerned, and with Malian civil society;

31. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its fifty-second session;

32. *Decides* to hold a dialogue at its fifty-second session, in the presence of the Independent Expert and representatives of the Transitional Government of Mali, to assess the changes in the situation of human rights in the country, with a particular focus on the issues of the protection of civic space and respect for the rule of law;

33. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

34. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Transitional Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali;

35. *Urges* the international community to continue to provide Mali with the assistance needed to ensure its stability with a view to promoting respect for all human rights and making a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

36. *Decides* to remain seized of this matter.

*58th meeting
1 April 2022*

[Adopted without a vote.]

49/35. Technical assistance and capacity-building for South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Reaffirming 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 forth in the Universal Declaration of Human Rights,

Recognizing the important role and efforts of the Intergovernmental Authority on Development in bringing parties together to work towards a peaceful resolution of the conflict in South Sudan, supporting the inclusion of civil society, women and youth in negotiations and in securing the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan,

Recognizing also the important role of the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism in supporting the implementation of the Revitalized Agreement and its ceasefire provisions, noting the continued constructive engagement of the Government of South Sudan with the United Nations, the African Union, the reconstituted Joint Monitoring and Evaluation Commission, the Intergovernmental Authority on Development and other international agencies to oversee the implementation of the Revitalized Agreement, and urging all parties and international partners to continue to engage constructively with all the bodies created pursuant to the Revitalized Agreement,

Noting with appreciation that the Government of South Sudan has cooperated with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and continuing to call upon the Government to cooperate fully and constructively and to provide unhindered access to them, as well as to the United Nations Mission in South Sudan and regional, subregional and international mechanisms on the ground,

Welcoming the progress made in the implementation of the Revitalized Agreement, including in the implementation of chapter II relating to the reunification of forces, chapter IV relating to financial reforms, chapter V on the establishment of a hybrid court for South Sudan, a commission for truth, reconciliation and healing and a compensation and reparation authority, and chapter VI on the constitution-making process,

Reiterating that further and timely progress is needed to implement the Revitalized Agreement,

Welcoming the efforts made by the Government of South Sudan to maintain peace and for the cessation of hostilities, the protection of civilians and for humanitarian access to the civilians affected by, inter alia, environmental events that have resulted in flooding in some parts of the country,

Welcoming also the return to Keji-Kaji and Morobo in Central Equatoria State of 90,000 internally displaced persons facilitated by the Office of the United Nations High Commissioner for Refugees and the Relief and Rehabilitation Commission,

1. *Welcomes* the recent steps taken by the Government of South Sudan towards finalizing governance structures in South Sudan, including by reconstituting the transitional National Legislative Assembly, and calls upon the Government to continue to make progress in finalizing all layers of State and local government, in accordance with the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

2. *Recalls* all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union of 14 November 2019 and 27 January 2020, in which the Council, inter alia, re-emphasized its request to the Government of South Sudan and the African Union Commission to accelerate the establishment of transitional justice mechanisms under chapter V of the Revitalized Agreement, and the constitution-making process;

3. *Recognizes* the political will of the Government of South Sudan in promoting and protecting human rights and its wish for tangible progress and for the prevention of further human rights violations and abuses, by establishing in Juba a court to try cases of gender-based violence and military mobile courts to prosecute offences committed against civilians by members of the organized forces while on duty;

4. *Emphasizes* the need for the Government of South Sudan to ensure the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation and to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

5. *Stresses* that States have the primary responsibility for the promotion and protection of human rights by taking measures to prevent human rights violations and to provide an effective remedy for victims of such violations and abuses, and recalls that the Government of South Sudan has the primary responsibility to protect the population from all human rights violations, including by preventing violations of international humanitarian law;

6. *Notes* however the challenges facing the Government of South Sudan in this regard, and requests the international community to provide technical assistance to and support for the Government in its efforts to prevent and to investigate violations of international humanitarian and human rights law;

7. *Calls upon* the international community to provide technical and financial assistance to South Sudan in order to further improve the situation of human rights, to enhance the functioning of the legal system, and to allow the Government of South Sudan to effectively deliver necessary services, including criminal investigations and prosecution, education and health-care services, food and clean drinking water and infrastructure;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights, in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to urgently assist South Sudan to address human rights challenges in the post-conflict transition, by:

(a) Determining the capacity-building needs of South Sudanese institutions in order that they may pursue transitional justice and investigate and prosecute conflict-related crimes;

(b) Providing the Government of South Sudan with technical assistance for the establishment of the transitional justice institutions under chapter V of the Revitalized Agreement, and building the capacity of local courts to investigate and prosecute conflict-related crimes, with a view to improving accountability and promoting reconciliation and healing in South Sudan;

(c) Providing the Government with the technical assistance and capacity-building necessary to enable it to deliver necessary services;

(d) Reporting to the Human Rights Council on the support provided to the Government of South Sudan in the form of technical and capacity-building support in accordance with the terms of the present resolution;

(e) Engaging with the Government of South Sudan, international and regional mechanisms, including the United Nations Mission in South Sudan and the African Union, with a view to addressing human rights violations and abuses committed during the conflict by the parties;

9. *Also requests* the Office of the High Commissioner to present to the Human Rights Council, at its fifty-first session, an oral update, including on progress made, to be followed by an interactive dialogue, with the participation of representatives of the African Union, and to present a comprehensive report to the Council at its fifty-second session, to be followed by an interactive dialogue;

10. *Further requests* the Office of the High Commissioner to submit the above-mentioned report and recommendations to the Human Rights Council, then to share them with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

11. *Requests* the Secretary-General to provide all the resources necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as necessary to implement the provisions of the present resolution;

12. *Decides* to remain seized of the matter.

*58th meeting
1 April 2022*

[Adopted without a vote.]

B. Decisions

49/101. Outcome of the universal periodic review: Hungary

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Hungary on 2 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Hungary, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁴ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸⁵

*41st meeting
23 March 2022*

[Adopted without a vote.]

49/102. Outcome of the universal periodic review: Suriname

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Suriname on 1 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Suriname, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁶ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸⁷

*41st meeting
23 March 2022*

[Adopted without a vote.]

49/103. Outcome of the universal periodic review: Samoa

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

⁸⁴ [A/HRC/49/8](#).

⁸⁵ [A/HRC/49/8/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

⁸⁶ [A/HRC/49/6](#).

⁸⁷ [A/HRC/49/6/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

Having conducted the review of Samoa on 2 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Samoa, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁸ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸⁹

*41st meeting
23 March 2022*

[Adopted without a vote.]

49/104. Outcome of the universal periodic review: Greece

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Greece on 1 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Greece, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁰ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹¹

*41st meeting
23 March 2022*

[Adopted without a vote.]

49/105. Outcome of the universal periodic review: Saint Vincent and the Grenadines

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saint Vincent and the Grenadines on 3 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Saint Vincent and the Grenadines, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹² the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to

⁸⁸ [A/HRC/49/7](#).

⁸⁹ See [A/HRC/49/2](#), part two, chap. VI.

⁹⁰ [A/HRC/49/5](#).

⁹¹ [A/HRC/49/5/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

⁹² [A/HRC/49/10](#).

questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹³

*42nd meeting
23 March 2022*

[Adopted without a vote.]

49/106. Outcome of the universal periodic review: Papua New Guinea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Papua New Guinea on 4 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Papua New Guinea, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁴ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹⁵

*42nd meeting
23 March 2022*

[Adopted without a vote.]

49/107. Outcome of the universal periodic review: Tajikistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Tajikistan on 4 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Tajikistan, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁶ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹⁷

*42nd meeting
23 March 2022*

49/108. Outcome of the universal periodic review: United Republic of Tanzania

The Human Rights Council,

⁹³ [A/HRC/49/10/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

⁹⁴ [A/HRC/49/11](#).

⁹⁵ [A/HRC/49/11/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

⁹⁶ [A/HRC/49/12](#).

⁹⁷ [A/HRC/49/12/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the United Republic of Tanzania on 5 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the United Republic of Tanzania, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁸ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹⁹

43rd meeting
23 March 2022

[Adopted without a vote.]

49/109. Outcome of the universal periodic review: Eswatini

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Eswatini on 8 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Eswatini, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁰⁰ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁰¹

43rd meeting
23 March 2022

[Adopted without a vote.]

49/110. Outcome of the universal periodic review: Antigua and Barbuda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Antigua and Barbuda on 8 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

⁹⁸ [A/HRC/49/13](#).

⁹⁹ [A/HRC/49/13/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

¹⁰⁰ [A/HRC/49/14](#).

¹⁰¹ [A/HRC/49/14/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

Adopts the outcome of the review of Antigua and Barbuda, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁰² the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁰³

*43rd meeting
23 March 2022*

[Adopted without a vote.]

49/111. Outcome of the universal periodic review: Trinidad and Tobago

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Trinidad and Tobago on 9 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Trinidad and Tobago, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁰⁴ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁰⁵

*43rd meeting
23 March 2022*

[Adopted without a vote.]

49/112. Outcome of the universal periodic review: Thailand

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Thailand on 10 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Thailand, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁰⁶ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁰⁷

*44th meeting
24 March 2022*

[Adopted without a vote.]

¹⁰² [A/HRC/49/15](#).

¹⁰³ [A/HRC/49/15/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

¹⁰⁴ [A/HRC/49/16](#).

¹⁰⁵ See [A/HRC/49/2](#), part two, chap. VI.

¹⁰⁶ [A/HRC/49/17](#).

¹⁰⁷ [A/HRC/49/17/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

49/113. Outcome of the universal periodic review: Ireland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Ireland on 10 November 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Ireland, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁰⁸ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁰⁹

*44th meeting
24 March 2022*

[Adopted without a vote.]

¹⁰⁸ [A/HRC/49/18](#).

¹⁰⁹ [A/HRC/49/18/Add.1](#); see also [A/HRC/49/2](#), part two, chap. VI.

VII. Resolution adopted at the thirty-fourth special session

S-34/1. The deteriorating human rights situation in Ukraine stemming from the Russian aggression

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the obligations of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, and to settle their international disputes by peaceful means,

Reaffirming the need to make the utmost effort to settle any conflicts or disputes between States exclusively by peaceful means and to avoid any military action or hostilities, which can only make the solution of those conflicts and disputes more difficult,

Recalling General Assembly resolutions ES-11/1 of 2 March 2022 on aggression against Ukraine and ES-11/2 of 24 March 2022 on the humanitarian consequences of the aggression against Ukraine, and Human Rights Council resolution 49/1 of 4 March 2022 on the situation of human rights in Ukraine stemming from the Russian aggression,

Recalling also the obligations of all parties to the conflict under international law, in particular, as applicable, international human rights law, international humanitarian law and refugee law.

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ukraine within its internationally recognized borders, and reiterating the urgent need for the Russian Federation to immediately cease its aggression against Ukraine and to withdraw its troops,

Expressing deep concern at the alarming number of civilian casualties caused by the aggression against Ukraine and strongly condemning attacks against civilians and civilian objects, including those involving attacks on residential areas, schools, kindergartens and medical facilities, and those carried out through the use of cluster munitions, air strikes and artillery, as well as the use of torture and other cruel, inhuman or degrading treatment, arbitrary and extrajudicial executions, enforced disappearances, sexual and gender-based violence, forced transfers and forced displacements of population, and violations and abuses committed against children,

Taking note of the recent relevant statements by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council, in particular the statement made by the High Commissioner on 22 April 2022 in which she referred to the “horror story of violations perpetrated against civilians” in Ukraine, and taking note also of the report of the mission of experts established under the Moscow Mechanism of the Organization for Security and Cooperation in Europe of 13 April 2022,

Welcoming the swift appointment of the members of the independent international commission of inquiry on Ukraine established pursuant to Human Rights Council resolution 49/1, and the important work of the Office of the United Nations High Commissioner for Human Rights and its monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

Strongly condemning the reported violations and abuses of human rights and serious violations of international humanitarian law, documented by the High Commissioner, that were committed in the areas of Kyiv, Chernihiv, Kharkiv and Sumy regions under the control of Russian armed forces in late February and in March 2022, including a large number of reported cases of summary executions of men, women and children, of sexual and gender-based violence, of the use of torture and other cruel, inhuman and degrading treatment, and of other violations that may amount to crimes against humanity, war crimes, and related crimes,

Deeply concerned at the grave human rights and humanitarian situation in the city of Mariupol, the near total destruction of its residential and civilian infrastructure caused by Russian bombing and shelling, reports of tens of thousands of civilian casualties and of mass graves near the city, and the limited progress in securing safe and unhindered evacuations to safe areas under the control of the Government of Ukraine,

Reiterating the need for prompt, independent and impartial national and international investigations into alleged violations and abuses of human rights, violations of international humanitarian law and related crimes with a view to hold those responsible to account, including for those violations that may amount to crimes against humanity, war crimes and other crimes under international law, and encouraging efficient and effective coordination among all relevant parties engaged in the collection, consolidation and analysis of evidence,

Stressing that disinformation spread by States and State-sponsored actors can accompany serious violations of international law and can have a far-reaching negative impact on the enjoyment of human rights, in particular in times of emergency, crisis and armed conflict,

Expressing its concern at the particular impact of the conflict on women, children and persons in vulnerable situations, including persons with disabilities and older persons, who are at risk also of sexual and gender-based violence and human trafficking,

Expressing its concern also at the humanitarian needs of all those fleeing from or displaced by the military hostilities, who should be protected without discrimination, including that based on racial, national and ethnic identity,

Expressing its concern further at the impact of the conflict on food security globally, in particular in the least developed countries, at a time when millions of people are facing famine or food insecurity in several regions of the world, especially in the light of the impediments to the agricultural exports of Ukraine as a result of the blockade of its seaports and the destruction of relevant critical infrastructure, as well as the reported theft of grain from the territories of Ukraine under the control of the Russian armed forces in the Kherson and Zaporizhzhia regions,

1. *Reiterates* its demand for the immediate cessation of military hostilities against Ukraine and for all parties to the conflict to respect the fundamental principles and rules of international humanitarian law, including to refrain from any attacks against civilians and civilian objects, and to refrain from any human rights violations and abuses in Ukraine;

2. *Stresses* the need to refrain from any State-sponsored disinformation, propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, relating to the aggression against Ukraine;

3. *Urges* the Russian Federation to provide representatives and staff of international human rights and humanitarian institutions, including United Nations specialized agencies, with unhindered, timely, immediate, unrestricted and safe access to persons who have been transferred from conflict-affected areas of Ukraine and are held on the territory of the Russian Federation or areas controlled or occupied by the Russian Federation, and to share with relevant parties a comprehensive list of such transferred persons and their whereabouts;

4. *Requests* the independent international commission of inquiry on Ukraine to conduct an inquiry, consistent with its mandate and international standards, and in coordination with other national and international mechanisms, to address the events in the areas of the Kyiv, Chernihiv, Kharkiv and Sumy regions in late February and in March 2022, including their gender dimension, with a view to holding those responsible to account, and also requests the commission to brief the Human Rights Council on the progress of that inquiry as part of the oral update to the Council at its fifty-first session, and to include its findings after the completion of the inquiry in its report to the Council at its fifty-second session;

5. *Requests* the United Nations High Commissioner for Human Rights to present an oral update on the grave human rights and humanitarian situation in Mariupol, including an assessment of the nature and causes of violations or abuses of human rights and of

violations of international humanitarian law committed there, to the Human Rights Council at its fiftieth session under item 2, to be followed by an interactive dialogue;

6. *Encourages* relevant thematic special procedure mandate holders, within their respective mandates, to continue to pay particular attention to the situation of human rights in Ukraine stemming from the Russian aggression, and urges all relevant parties to cooperate with those mandate holders;

7. *Decides* to remain seized of the matter.

*2nd meeting
12 May 2022*

[Adopted by a recorded vote of 33 to 2, with 12 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Brazil, Côte d'Ivoire, Czechia, Finland, France, Gabon, Gambia, Germany, Honduras, Indonesia, Japan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Somalia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Eritrea and China

Abstaining:

Armenia, Bolivia (Plurinational State of), Cameroon, Cuba, India, Kazakhstan, Namibia, Pakistan, Senegal, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)]

VIII. Fiftieth session

A. Resolutions

50/1. Reporting by the United Nations High Commissioner for Human Rights on the situation in the Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, and other relevant human rights instruments,

Reaffirming 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 forth in the Universal Declaration of Human Rights,

Reaffirming also its strong commitment to the sovereignty, political independence, territorial integrity and national unity of the Sudan, and its solidarity with the Sudanese people,

Expressing its deep concern at reports of ongoing human rights violations and abuses perpetrated since 25 October 2021, while also noting with appreciation the lifting of the state of emergency and the opening of intra-Sudanese talks facilitated by the United Nations, African Union and Intergovernmental Authority on Development tripartite mechanism,

Reaffirming Human Rights Council resolution S-32/1 of 5 November 2021 and the mandates given therein to the United Nations High Commissioner for Human Rights and the designated Expert on human rights in the Sudan,

Welcoming the appointment on 12 November 2021 by the High Commissioner of the designated Expert,

Expressing its appreciation to the Sudanese authorities for their cooperation since the thirty-second special session of the Human Rights Council with the mandates given to the High Commissioner and the designated Expert, including the facilitation of two successful visits to the Sudan by the Expert,

1. *Requests* the United Nations High Commissioner for Human Rights, with the assistance of the designated Expert on human rights in the Sudan, to present to the Human Rights Council, at its fifty-second session, an oral update on the situation of human rights in the Sudan, to be followed by an interactive dialogue with the participation of the High Commissioner and the designated Expert, and at its fifty-third session, a comprehensive report on the situation of human rights in the Sudan, to be followed by an interactive dialogue with the participation of the High Commissioner and the designated Expert;

2. *Also requests* the High Commissioner, upon the restoration of civilian-led government in the Sudan and the conclusion of the mandate of the designated Expert, to present to the Human Rights Council at its first subsequent session a final report, with input from the Expert;

3. *Requests the Secretary-General* to make all necessary financial, technical and logistical support available to the Office of the High Commissioner in this regard;

4. *Decides* to remain seized of the matter.

*39th meeting
7 July 2022*

[Adopted without a vote.]

50/2. Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2, both of 18 June 2007, resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights and all previous Council resolutions on the situation of human rights in Eritrea,

Noting the regional developments and their implications, including for human rights in Eritrea,

Expressing deep concern at the ongoing human rights violations and abuses, as outlined by the Special Rapporteur on the situation of human rights in Eritrea in his report,¹¹⁰

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Eritrea and his conclusions therein;
2. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Eritrea for a further period of one year;
3. *Requests* the Special Rapporteur to submit and present a report to the Human Rights Council at its fifty-third session, and to the General Assembly at its seventy-seventh session;
4. *Decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea at its fifty-second session, with the participation of, inter alia, the Special Rapporteur, the Office of the United Nations High Commissioner for Human Rights, civil society and other relevant stakeholders;
5. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting him access to the country and committing to making progress on the recommendations included in his reports and on the benchmarks and associated indicators proposed in 2019, namely:¹¹¹
 - (a) Improvement in the promotion of the rule of law and strengthening of domestic judicial and law enforcement institutions;
 - (b) A demonstrated commitment to introducing reforms to the national/military service;
 - (c) Extended efforts to respect, protect and fulfil the rights to freedom of religion or belief, peaceful assembly, association, opinion and expression, including for members of the press, and extended efforts to end religious and ethnic discrimination;
 - (d) A demonstrated commitment to addressing all forms of sexual and gender-based violence and to promoting the rights of women and girls, and gender equality;
 - (e) Strengthened cooperation with specialized United Nations human rights bodies, international agencies and the African Commission on Human and Peoples' Rights;
6. *Encourages* the Government of Eritrea to implement the recommendations accepted by the State during the third cycle of the universal periodic review;
7. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil the mandate;
8. *Decides* to remain seized of the matter.

¹¹⁰ A/HRC/50/20.

¹¹¹ See A/HRC/41/53, paras. 78–82.

39th meeting
7 July 2022

[Adopted by a recorded vote of 21 to 10, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Brazil, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, India, Pakistan, Somalia, Sudan, United Arab Emirates and Venezuela (Bolivarian Republic of)

Abstaining:

Benin, Cameroon, Côte d'Ivoire, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Qatar, Senegal and Uzbekistan.]

50/3. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international human rights law,

Recalling relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolutions 76/180 of 16 December 2021 and Council resolutions 29/21 of 3 July 2015, 34/22 of 24 March 2017, 37/32 of 23 March 2018, 39/2 of 27 September 2018, 40/29 of 22 March 2019, 42/3 of 26 September 2019, 43/26 of 22 June 2020, 46/21 of 24 March 2021, 47/1 of 12 July 2021, 49/23 of 1 April 2022 and S-27/1 of 5 December 2017, and Council decision 36/115 of 29 September 2017,

Welcoming the reports of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses faced by the Rohingya and other minorities in Myanmar to the Human Rights Council at its forty-third session,¹¹² and on the implementation of the recommendations of the independent fact-finding mission on Myanmar, including those on accountability, and on progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, submitted to the Council at its forty-fifth session,¹¹³ and reiterating the urgency of full implementation of the recommendations contained in both reports,

Noting the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the continued non-cooperation of Myanmar with the mandate and the denial of access to Myanmar since December 2017, and urging Myanmar to extend full cooperation to the Special Rapporteur,

Welcoming the work of the Special Envoy of the Secretary-General on Myanmar, and welcoming also in this regard the appointment of the new Special Envoy, and encouraging her engagement and inclusive dialogue with all relevant stakeholders, including civil society, and affected populations,

¹¹² A/HRC/43/18.

¹¹³ A/HRC/45/5.

Welcoming also the ongoing work and reports of the Independent Mechanism for Myanmar established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law including international humanitarian and human rights laws committed by Myanmar since 2011, including the third report submitted to the Human Rights Council,¹¹⁴ while expressing its regret at the continued lack of access for and cooperation with the Mechanism,

Recalling the significant work done by the independent international fact-finding mission on Myanmar and its reports, including its final report¹¹⁵ and its papers on the economic interests of the Myanmar military and on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts,¹¹⁶ and deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

Alarmed at the findings of the independent international fact-finding mission on Myanmar of evidence of gross human rights violations and abuses suffered by Rohingya Muslims and other minorities, perpetrated by the security and armed forces of Myanmar, which, according to the fact-finding mission, undoubtedly amount to the gravest crimes under international law, and expressing deep concern at the lack of progress in the implementation of the fact-finding mission's recommendations to conduct prompt, effective, thorough, independent and impartial investigations and to hold perpetrators accountable for crimes committed across Myanmar,

Condemning strongly the gross human rights violations and abuses perpetrated by the security and armed forces of Myanmar against Rohingya Muslims and other minorities, as evidenced by the findings of the independent international fact-finding mission on Myanmar which, according to the fact-finding mission, undoubtedly amount to the gravest crimes under international law, and regretting the continued insincerity of Myanmar in creating conducive conditions for the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims from Bangladesh to Myanmar, as highlighted by the fact-finding mission,

Reiterating its deep concern at the escalating violence as well as violations and abuses of human rights against Rohingya Muslims and other minorities, and the continuing forced displacement of civilians, including of Rohingya Muslims and other ethnic minorities, thus making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons to Myanmar, including Rohingya Muslims and other minorities,

Expressing its concern that recent developments resulting from the declaration of the state of emergency by the Myanmar military pose serious challenges to the voluntary, safe, dignified and sustainable return of all forcibly displaced persons, including Rohingya Muslims and all internally displaced persons, including those displaced since 1 February 2021, and in this regard stressing the need to address the root causes of the crisis in Rakhine State and reaffirming the necessity of an immediate cessation of the use of military force that would lead to further displacement and human rights violations against civilians, including Rohingya Muslims and other minorities, both internally and across borders,

Expressing its concern also at the restrictions on civil society, journalists and media and humanitarian workers that may exacerbate further the plight of Rohingya Muslims and other ethnic minorities in Myanmar,

Expressing its unequivocal support for the people of Myanmar and their democratic aspirations and for the democratic transition in Myanmar as well as for the need to strengthen democratic institutions and processes, to refrain from violence and to fully respect human rights, fundamental freedoms and the rule of law,

Reiterating the urgent need to ensure that all those responsible for crimes relating to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to

¹¹⁴ [A/HRC/48/18](#).

¹¹⁵ [A/HRC/42/50](#).

¹¹⁶ Available at www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx.

account through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Security Council to refer cases to the International Criminal Court,

Continuing to underline the need for the security and armed forces of Myanmar and other armed groups to cease all actions that run counter to the protection of all persons within the country, including those belonging to the Rohingya community, by respecting international law, including international human rights law and international humanitarian law, and ending violence, including sexual violence, and calling for urgent steps to ensure justice with regard to all human rights violations and violations of international humanitarian law so that those displaced by violence are able to voluntarily return in safety and dignity to their places of origin or to a place of their choice in a sustainable manner,

Recognizing the complementary and mutually reinforcing work of the various United Nations mandate holders and mechanisms, including international justice and accountability mechanisms, working on Myanmar to improve the humanitarian situation and the situation of human rights in the country, and noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons, and to the affected areas from which many people have been and continue to be forcibly displaced and in which many others are living in precarious conditions, such as Rohingya Muslims, thereby exacerbating the humanitarian crisis, and calling upon all parties, including the armed forces of Myanmar, to allow access for international humanitarian agencies and aid workers for the provision of safe, timely and unhindered humanitarian assistance to all in need, including to persons displaced by the conflict,

Noting the ongoing processes to ensure justice and accountability in respect of alleged crimes committed against Rohingya Muslims and other ethnic minorities in Myanmar,

Noting also that the International Criminal Court has authorized its Prosecutor to investigate alleged crimes within the Court's jurisdiction relating to the investigation Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar,

Welcoming the order of the International Court of Justice of 23 January 2020 that indicated provisional measures in the case lodged by the Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide, which concluded that, prima facie, the Court had jurisdiction to deal with the case, which found that the Rohingya in Myanmar appeared to constitute a "protected group" within the meaning of article 2 of the Convention, and that there was a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar, while noting that Myanmar submitted two reports in response to the Court's order in May and November 2020, and the measures adopted in this regard,

Re-emphasizing the right of all refugees and the importance of all displaced persons being able to return home, and that such returns should be in safety and with dignity and in a voluntary and sustainable manner, and calling upon the international community urgently to take collective responsibility in handling forcibly displaced persons in the region,

Noting that the Independent Commission of Enquiry established by Myanmar on 30 July 2018, notwithstanding the limits of its terms of reference and modus operandi, recognized in the executive summary of its final report that war crimes, serious human rights violations and violations of domestic law had been committed and that there were reasonable grounds to believe that members of the Myanmar security forces were involved, while regretting that the full report of the Commission at present remains unpublished,

Underlining the urgency of making greater efforts to fully implement the recommendations of the Advisory Commission that remain relevant and of action to address the root causes of the crisis, including ending the persecution of and granting citizenship to Rohingya Muslims, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with members of all ethnic minorities and persons in vulnerable situations, including Rohingya Muslims, including on matters of citizenship for Rohingya, and affirming the importance of the call by the Secretary-General in this regard,

Emphasizing the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health-care products and technologies necessary to ensure an adequate and effective response to the coronavirus disease (COVID-19) pandemic, including for Rohingya Muslims and other ethnic minorities in Myanmar,

Underscoring the need for the implementation of and subsequent follow-up on the status of implementation of the memorandum of understanding signed by Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of all persons displaced from Rakhine State, including Rohingya Muslims, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine so that they can engage meaningfully with the process,

Alarmed at the continued influx to Bangladesh over the past four decades of 1.1 million Rohingya Muslims from Myanmar, including more than 902,000 currently living there, most of whom have arrived since 25 August 2017 in the aftermath of atrocities committed by the security and armed forces of Myanmar, as reported by multiple United Nations mechanisms,

Recognizing that other States members of the Organization of Islamic Cooperation, especially in South-East Asia, continue to host a large number of Rohingya Muslim refugees who have fled the crisis in Myanmar,

Commending the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies and the international community, including all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, welcoming in this regard the recently concluded memorandum of understanding between the Government of Bangladesh and the Office of the United Nations High Commissioner for Refugees to provide humanitarian assistance to the Rohingya relocated to Bhasan Char, and recognizing the extensive investments that the Government of Bangladesh has made in its Bhasan Char project, including in facilities and infrastructure,

Expressing grave concern at the lack of genuine efforts by Myanmar to address the situation in the Rakhine State, including to commence the repatriation process in a voluntary, safe, dignified and sustainable manner, in accordance with its bilateral agreements with Bangladesh,

Underscoring the urgency of the implementation of the national strategy for the sustainable closure of camps for internally displaced persons in Myanmar, in full consultation with United Nations agencies, humanitarian and development actors and displaced persons to ensure their voluntary, safe, dignified and sustainable return and resettlement in line with international standards and to guarantee non-discriminatory access to citizenship, the reassertion of those persons' control over their original land and safety and security, freedom of movement, unimpeded access to livelihoods and essential services, including health services, education and shelter, and compensation for all losses,

Recalling that States have the primary responsibility to respect and protect human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for crimes involving violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice,

Recognizing the important role of regional organizations, in particular of the Association of Southeast Asian Nations, in facilitating the creation of an environment in Myanmar that is conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced persons, including Rohingya Muslims, to Myanmar, and reiterating the need to work in close coordination and in full consultation with Rohingya Muslims, as well as with all relevant United Nations agencies and international partners and to address the root causes of the crisis and displacement so that affected communities can rebuild their lives after their return to Myanmar,

Welcoming the statement made by the Chairman of the Association of Southeast Asian Nations on the Leaders' Meeting held on 24 April 2021 in Jakarta, in which the Chairman, inter alia, encouraged the Secretary-General of the Association to continue to identify possible areas that could effectively facilitate the repatriation process for displaced persons from Rakhine State, while underscoring the importance of efforts to address the root causes of the situation in Rakhine State,

Acknowledging the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aiming to bring peace and stability to Rakhine State and other States and regions of Myanmar, including through the work of its Secretary-General's special envoy for Myanmar,

1. *Expresses its grave concern* at continuing reports of serious human rights violations and abuses in Myanmar, in particular against Rohingya Muslims and other minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, the deliberate killing and maiming of children, forced labour, the use of school buildings for military purposes, indiscriminate shelling in civilian areas, the destruction of buildings, homes and civilian properties, socioeconomic exploitation, forced displacement, including the forced displacement of more than 1.5 million Rohingya and other minorities to Bangladesh and across the region, hate speech and incitement to hatred, and rape, sexual slavery and other forms of sexual and gender-based violence against women and children, as well as restrictions on exercising the rights to freedom of religion or belief, of expression and of peaceful assembly, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States and Sagaing, Magway and Mandalay regions;

2. *Expresses its concern* about those who have been arbitrarily detained, charged or arrested during and in the aftermath of 1 February 2021;

3. *Calls for* engagement in a constructive and peaceful dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar, including Rohingya Muslims and other ethnic minorities;

4. *Strongly condemns* all violations and abuses of human rights in Myanmar, including those related to and following the declaration of the state of emergency on 1 February 2021, and calls upon Myanmar to end immediately all violence and violations of international law in Myanmar, to ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and other minorities, in an equal, non-discriminatory and dignified manner in order to prevent further instability and insecurity and alleviate suffering, to address the root causes of the crisis, including by repealing or reforming all discriminatory legislation, to forge a viable, lasting and durable solution to the crisis by ensuring repatriation, to take all measures necessary to provide justice to victims, and to ensure full accountability and end impunity for all violations of human rights by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;

5. *Reiterates* the importance of conducting international, independent, fair and transparent investigations into gross human rights violations and abuses in Myanmar, including those involving sexual and gender-based violence and abuses against women and children and alleged war crimes, and of holding accountable all those responsible for brutal acts and crimes against all persons, including Rohingya Muslims, in order to deliver justice to victims using all appropriate legal instruments and domestic, regional and international judicial mechanisms, including the International Court of Justice and the International Criminal Court, as applicable;

6. *Welcomes* the order of the International Court of Justice of 23 January 2020 that indicated provisional measures, and urges Myanmar, in accordance with the Court's order in relation to members of the Rohingya in its territory, to take all measures within its power to prevent the commission of all acts within the scope of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, to ensure that its military and any irregular armed units that may be directed or supported by it and any organizations and persons that may be subject to its control, direction or influence do not commit, inter alia,

any such acts, to prevent the destruction and to ensure the preservation of evidence, and to report to the Court as ordered on all measures taken to give effect to the order;

7. *Expresses deep concern* that, despite the provisional measures ordered by the International Court of Justice on 23 January 2020, Rohingya Muslims in Myanmar, including women and children, continue to suffer from targeted killings, indiscriminate violence and serious injuries, including by indiscriminate fire, shelling, landmines or unexploded ordnance;

8. *Calls for* the immediate cessation of fighting and hostilities, of the targeting of civilians and of all violations and abuses of international human rights law and international humanitarian law, and the implementation of an inclusive and comprehensive national political dialogue and nationwide reconciliation process while ensuring the full, effective and meaningful participation of all ethnic groups, including Rohingya Muslims and other minorities, women and young people, and persons with disabilities, as well as civil society and religious leaders, with the objective of achieving lasting peace, and also calls for a peaceful resolution through dialogue towards national unity;

9. *Calls upon* Myanmar to end immediately all violence and all violations of international law in the country, to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya Muslims and persons belonging to other minorities, and to take all measures necessary to provide justice to victims, to ensure full accountability and to end impunity for all violations and abuses of human rights law and violations of international humanitarian law, starting with a full, transparent and independent investigation into reports of all these violations, and calls for the release of the report of the Independent Commission of Enquiry established in 2018 in full, or that it share its findings with relevant international mechanisms;

10. *Reiterates* its urgent call upon Myanmar to take the measures necessary to promote the inclusion, human rights and dignity of all people living in Myanmar, to address the spread of discrimination and prejudice, and to take credible steps to end legal and factual discrimination against ethnic and religious minorities, including Rohingya Muslims;

11. *Calls upon* Myanmar to combat incitement to hatred and hate speech against Rohingya Muslims and other minorities by publicly condemning such acts and enacting necessary anti-hate speech and crime laws, in accordance with international human rights law, and by promoting interfaith dialogue in cooperation with the international community, and encourages political, religious and community leaders in the country to work towards national unity through dialogue;

12. *Also calls upon* Myanmar to lift the shutdown of Internet and telecommunications services fully in all areas in Myanmar, including Rakhine State, and to repeal article 77 of the Telecommunications Act in order to avoid any further cutting of Internet and telecommunications access and the stifling of the rights to freedom of opinion and expression, including freedom to seek, receive and impart information, in accordance with international human rights law;

13. *Further calls upon* Myanmar to protect the rights of all children, including Rohingya children, to acquire citizenship in order to eliminate statelessness, in accordance with the obligations of Myanmar under the Convention on the Rights of the Child, to ensure the protection of all children in armed conflict, and to end the illegal recruitment and use of children in forced labour;

14. *Urges* Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar, the Special Envoy of the Secretary-General on Myanmar, the Independent Mechanism for Myanmar established by the Human Rights Council in its resolution 39/2, referred to by the Secretary-General as the Independent Investigative Mechanism for Myanmar in his terms of reference for the Mechanism, relevant United Nations agencies and international and regional human rights bodies to independently monitor the situation of human rights, and to ensure that individuals can cooperate without hindrance with these mechanisms without fear of reprisal, intimidation or attack, and expresses deep concern that international access to affected areas, including Northern Rakhine State, remains severely restricted for the international

community, including for United Nations agencies, humanitarian actors and international media;

15. *Welcomes* the work of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, in particular in Rakhine, Kachin and Shan States, making use of the information handed over by the independent international fact-finding mission, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law, and its reports submitted to the Human Rights Council;

16. *Calls for* close cooperation between the Independent Mechanism for Myanmar and any ongoing or future investigations pertaining to serious international crimes and violations of international law in Myanmar by national, regional or international courts or tribunals;

17. *Calls upon* the United Nations to ensure that the Independent Mechanism for Myanmar is afforded the flexibility that it needs in terms of staffing, location and operational freedom so that it can deliver as effectively as possible on its mandate, and urges Myanmar, States, in particular those in the region, judicial authorities and private entities to fully cooperate with the Mechanism, including by granting it access and by providing it with every assistance in the execution of its mandate;

18. *Reiterates* the importance of the implementation of the recommendations contained in the reports of the independent international fact-finding mission, and urges Myanmar and the international community to give due consideration in this regard;

19. *Also reiterates* the importance of the full implementation of all recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis, including those on the right to nationality and equal access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with all ethnic and religious minorities and persons in vulnerable situations, including Rohingya Muslims, and with civil society;

20. *Calls upon* Myanmar to make serious efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to Rohingya Muslims, by, inter alia, repealing and replacing the 1982 Citizenship Law, which has led to the deprivation of human rights; by ensuring everyone's right to a nationality and equal access of all people in Myanmar, in particular Rohingya Muslims, to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights by allowing for self-identification; by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control; and by lifting all local orders restricting the rights to freedom of movement and access to civil registration, health and education services and livelihoods;

21. *Also calls upon* Myanmar to rapidly implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021 to facilitate a peaceful solution through inclusive dialogue and the immediate cessation of violence in the interests of the people of Myanmar and their livelihoods, including of Rohingya Muslims and other ethnic minorities, and to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the special envoy of the Chairman of the Association, and expresses its support for these efforts;

22. *Encourages* the Special Envoy of the Secretary-General on Myanmar to continue her engagement towards dialogue with Myanmar and all other relevant stakeholders, including civil society, and affected populations, such as Rohingya Muslims and other minorities in Myanmar, aiming at the early resolution of the crisis in Myanmar;

23. *Encourages* Myanmar to review and repeal the amendments made in 2018 to the Vacant, Fallow and Virgin Lands Management Law, and to establish an inclusive land governance framework and to resolve issues of land tenure, in full consultation with affected populations, including ethnic and religious minority communities, in particular Rohingya Muslims;

24. *Calls for* an immediate end to the reclassification of areas where Rohingya villages were previously located, and to the removal of the names of villages from official maps, potentially altering how the land may be used, and to stop, without delay, the construction of military facilities in those villages;

25. *Urges* Myanmar to take all measures necessary to reverse and abandon policies, directives and practices that marginalize Rohingya Muslims and other minorities, to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or residential buildings belonging to all people, to ensure that all displaced persons, including Rohingya Muslims and persons belonging to other minorities, in Rakhine State and throughout Myanmar, including the 128,000 Rohingya and Kaman Muslims who have been confined in camps in central Rakhine since 2012, can return to their homes and properties with freedom of movement and unimpeded access to livelihoods and essential services, to review relevant laws, and to address the root causes of their vulnerable situations and forced displacement;

26. *Calls upon* Myanmar to dismantle the camps for internally displaced persons in Rakhine State with a clear timeline, ensuring that the return or relocation of internally displaced persons is carried out in accordance with international standards and best practices, including those set forth in the Guiding Principles on Internal Displacement, in cooperation with the United Nations and the international community;

27. *Also calls upon* Myanmar, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, to take concrete steps towards the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities of Myanmar temporarily sheltering in Bangladesh, and to disseminate authentic information, in partnership with the United Nations and other relevant actors, on the conditions in Rakhine State in order to reasonably address the core concerns of Rohingya Muslims;

28. *Further calls upon* Myanmar to build trust among Rohingya Muslims in camps in Bangladesh for their return to Myanmar through confidence-building measures, including direct communication between Rohingya representatives and Myanmar authorities and by arranging “go and see” visits to Rakhine State by Rohingya representatives, and thereby encourage them to return to their places of origin in Myanmar;

29. *Urges* Myanmar to immediately commence the voluntary, safe, dignified and sustainable repatriation and reintegration of all forcibly displaced Rohingya Muslims and other minorities from Bangladesh, recalling the bilateral arrangement on the return of displaced persons from Rakhine State concluded between Bangladesh and Myanmar in November 2017, and of those residing in other host States, to Myanmar, including by extending full cooperation to the Government of Bangladesh and the United Nations, in particular the Office of the United Nations High Commissioner for Refugees and, as applicable, the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, with the assurance of providing returnees with freedom of movement and unimpeded access to livelihoods and social services, including health services, education and shelter, and compensating them for all losses;

30. *Calls upon* the United Nations and encourages other international agencies to provide all support necessary for the Government of Bangladesh and Myanmar to expedite the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities from Myanmar, including internally displaced persons;

31. *Expresses grave concern* at the continuing restrictions on humanitarian access, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States, and calls upon Myanmar to ensure full respect for international humanitarian law and to allow the full, safe and unhindered access of humanitarian personnel to all areas in Myanmar, and to provide humanitarian assistance, including age- and gender-responsive assistance, as well as the

delivery of supplies and equipment, in order to allow such personnel to perform efficiently their tasks of assisting the affected civilian populations, including internally displaced persons, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisals;

32. *Expresses concern* at the continued irregular maritime movement of Rohingya Muslims, who risk their lives in perilous conditions at the hands of exploitative smugglers and human traffickers, which highlights their desperate situation and the urgent need to address the root causes of their plight, and calls upon the international community to effectively address such irregular maritime movements of Rohingya Muslims, in cooperation with the relevant United Nations agencies, and to ensure international burden- and responsibility-sharing, especially by the States parties to the 1951 Convention relating to the Status of Refugees;

33. *Calls upon* Myanmar to effectively address the root causes of human rights violations and abuses against ethnic minorities, including the Rohingya, in Rakhine State and to create the conditions necessary for the safe, voluntary, dignified and sustainable return of all refugees, including Rohingya Muslim refugees, particularly in view of the fact that to date not a single Rohingya has returned through a bilaterally set-up mechanism for repatriation between Bangladesh and Myanmar owing to the failure of Myanmar to create such conditions in Rakhine State;

34. *Encourages* the international community, in the true spirit of interdependence and equal burden- and responsibility-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to forcibly displaced Rohingya Muslims and other minorities until their return to Myanmar, and to assist Myanmar in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, including in Rakhine State, taking into account the vulnerable situation of women, children, older persons and persons with disabilities;

35. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to implement the Guiding Principles on Business and Human Rights;

36. *Requests* the United Nations High Commissioner for Human Rights to monitor and follow up on the implementation of the recommendations made by the independent international fact-finding mission, including those on accountability, and to continue to track progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, with the support of specialist experts and in complementarity to the work of the Independent Mechanism for Myanmar and the reports of the Special Rapporteur, and to present an oral update to the Human Rights Council at its fifty-fifth session and a report at its fifty-sixth session, each to be followed by an interactive dialogue, and a report to the General Assembly at its seventy-eighth session;

37. *Decides* to hold at its fifty-third session a panel discussion on the measures necessary to find durable solutions to the Rohingya crisis and to end all forms of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar, and requests the High Commissioner to submit a report on the panel discussion to the Human Rights Council at its fifty-fifth session;

38. *Calls upon* relevant United Nations bodies to continue to make concrete recommendations for action to resolve the humanitarian crisis, promoting the safe, dignified, voluntary and sustainable return of Rohingya refugees and forcibly displaced persons and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses in this regard;

39. *Decides* to remain seized of the matter on the basis of, inter alia, the reports of relevant United Nations mechanisms.

39th meeting
7 July 2022

[Adopted without a vote.]

50/4. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3 thereof, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling further the United Nations Millennium Declaration, adopted on 8 September 2000, General Assembly resolution 76/159 of 16 December 2021, Human Rights Council resolution 47/9 of 12 July 2021 and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling General Assembly resolution 41/128 of 4 December 1986, entitled “Declaration on the Right to Development”, in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling also General Assembly resolution 48/141 of 20 December 1993, entitled “High Commissioner for the promotion and protection of all human rights”, in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

Reaffirming General Assembly resolution 33/134 of 19 December 1978, entitled “United Nations Conference on Technical Cooperation among Developing Countries”, in which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

Recalling resolution 2000/22 of 18 August 2000 on the promotion of dialogue on human rights issues, adopted by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,¹¹⁷

Taking note with appreciation of the final document and declaration adopted at the Eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, in which the Heads of State and Government reiterated their position, inter alia, that South-South cooperation is a collective endeavour among peoples and countries of the South based on the principles of solidarity and on the premises, conditions and objectives that are specific to the historic and political context of developing countries and to their needs and expectations for the attainment of the Sustainable Development Goals, and that South-South cooperation is a complement to and not a substitute for North-South cooperation, and also reiterated that North-South cooperation is an important element of international cooperation for the sustainable development of the countries of the South, including through the transfer of technologies, on favourable, preferential and concessional terms, as mutually agreed,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference held in Geneva from 20 to 24 April 2009, and the political declarations of the high-level meeting of the General Assembly to commemorate

¹¹⁷ See [E/CN.4/2001/2–E/CN.4/Sub.2/2000/46](#), chap. II, sect. A.

the tenth and twentieth anniversaries of the adoption of the Durban Declaration and Programme of Action,¹¹⁸ and their role in the enhancement of international cooperation in the field of human rights,

Deeply concerned by the unprecedented effects of the coronavirus disease (COVID-19) pandemic, including the severe disruption to societies and economies, and to global travel and commerce, and the devastating impact on physical and mental health and the livelihoods of people,

Recalling General Assembly resolutions 74/270 of 2 April 2020, on global solidarity to fight the coronavirus disease 2019 (COVID-19), 74/274 of 20 April 2020, on international cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19, 74/306 of 11 September 2020, on a comprehensive and coordinated response to the COVID-19 pandemic, 74/307 of 11 September 2020, on a united response against global health threats and combating COVID-19, and 76/175 of 16 December 2021, on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the COVID-19 pandemic,

Recalling also Human Rights Council resolutions 46/14 of 23 March 2021 and 49/25 of 1 April 2022 on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the COVID-19 pandemic,

Welcoming the global initiatives promoting global solidarity in response to the pandemic, including the efforts of countries that have supplied COVID-19 vaccines, as well as the initiatives to support an inclusive recovery from the COVID-19 pandemic, and recalling the thirty-first special session of the General Assembly, in response to the COVID-19 pandemic, held on 3 and 4 December 2020, the high-level meeting of the Assembly on universal health coverage, held on 23 September 2019, and the political declaration of the high-level meeting, entitled “Universal health coverage: moving together to build a healthier world”,¹¹⁹

Noting the unprecedented economic and social impact of the COVID-19 pandemic, and emphasizing the need for safe, efficacious, affordable and equitable access to and the availability and distribution of COVID-19-related diagnostics, therapeutics, medicines and vaccines to everyone in all States as global public health goods,

Recognizing with deep concern the impact of high debt levels on countries’ ability to withstand the impact of the COVID-19 shock, and in this regard reaffirming the need for enhanced international cooperation and assistance,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is not just a matter of relations of good neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Recognizing that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

¹¹⁸ See General Assembly resolutions 66/3 and 76/1.

¹¹⁹ See General Assembly resolution 74/2.

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in least developed and developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means to enhance genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for all human rights and fundamental freedoms for all through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, and to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population in affected States and create obstacles to the full realization of their human rights, and reaffirms the importance of international cooperation and solidarity to address the negative impact of these measures;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

12. *Considers* that international cooperation in the field of human rights, consistent with the purposes and principles set out in the Charter and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State or non-State actor, in strict conformity with the Charter and consistent with the Universal Declaration of Human Rights and other relevant international instruments;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Also re-emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

16. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms for all should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

18. *Also emphasizes* the need for a cooperative and constructive approach on the part of all stakeholders to resolving human rights issues in international forums;

19. *Further emphasizes* the role of international cooperation in support of national efforts and in increasing the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

20. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;¹²⁰

21. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

22. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

23. *Urges* States to continue to support the funds;

24. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms for all, and encourages non-governmental organizations to contribute actively to this endeavour;

25. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

26. *Urges* States to take, upon request by affected Member States, the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as health crises, financial and economic crises, food crises, climate change and natural disasters, and refugee and internal displacement crises, on the full enjoyment of human rights;

¹²⁰ A/HRC/49/93.

27. *Reaffirms* its commitment to international cooperation and multilateralism, and its strong support for the central role of the United Nations system in the global response to pandemics that constitute a threat to public health;

28. *Urges* States to take further steps to develop and diffuse science, and to recognize the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific fields, reiterates in this respect the right of everyone to enjoy the benefits of scientific progress and its applications, and calls for intensified international cooperation to contain, mitigate and defeat the COVID-19 pandemic, including by exchanging information, scientific knowledge and best practices and by applying the relevant guidelines recommended by the World Health Organization;

29. *Calls upon* States and other relevant stakeholders to remove unjustified obstacles restricting the export of COVID-19 vaccines, which result in an unequal distribution in access to vaccines between developed and developing countries, and to promote equitable global distribution of and universal access to vaccines, in order to further the principles of international cooperation and solidarity, to end the acute phase of the COVID-19 pandemic and to promote the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

30. *Requests* all Member States and the United Nations system to explore and foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

31. *Takes note* of the report of the High Commissioner on the implementation and enhancement of international cooperation in the field of human rights, submitted to the Human Rights Council at the present session;¹²¹

32. *Requests* the High Commissioner to prepare a new report on the work of the Office of the High Commissioner in the implementation and enhancement of international cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its fifty-third session;

33. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

34. *Recalls* that, in its resolution 76/164 of 16 December 2021, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

35. *Also recalls* that, in its resolution 76/159, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as on obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

36. *Decides* to continue its consideration of the matter at its fifty-third session, in accordance with its annual programme of work.

39th meeting
7 July 2022

[Adopted by a recorded vote of 29 to 16, with 2 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan,

¹²¹ A/HRC/50/51.

Paraguay, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Armenia, Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Brazil and Mexico]

50/5. Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers: participation of women in the administration of justice

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women, and bearing in mind the Vienna Declaration and Programme of Action and all relevant human rights instruments,

Recalling the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Bangalore Principles of Judicial Conduct and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

Recalling also all previous resolutions and decisions of the Human Rights Council, the Commission on Human Rights and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

Taking note of the reports of the Special Rapporteur on the independence of judges and lawyers submitted to the Human Rights Council at its forty-fourth and forty-seventh sessions¹²² and to the General Assembly at its seventy-sixth session,¹²³

Taking note also of all relevant general recommendations and general comments adopted by the treaty bodies,

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and the administration of justice without any discrimination,

Recalling that prosecutors should, in accordance with the law, perform their functions fairly, consistently and expeditiously, respect and protect human dignity, and uphold human rights, thus contributing to due process and the smooth functioning of the criminal justice system, and that they should avoid and combat all forms of prejudice, discrimination and stigmatization based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing that the independence and impartiality of the judiciary and the independence of lawyers and the legal profession are necessary elements in the realization of Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development, in which Member States committed, inter alia, to provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

¹²² [A/HRC/44/47](#), and [A/HRC/47/35](#) and [A/HRC/47/35/Corr.1](#).

¹²³ [A/76/142](#).

Condemning the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession consistent with applicable standards contained in relevant international instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

Recalling also that it is essential to ensure that judges, prosecutors, lawyers and court officials possess the professional qualifications required for the performance of their functions through improved methods of recruitment, as well as legal and professional training, and through the provision of all necessary means for the proper performance of their role in ensuring the rule of law,

Noting the importance of tailored and interdisciplinary human rights training for all judges, lawyers, prosecutors and other professionals concerned in the administration of justice as a measure for avoiding discrimination in the administration of justice,

Stressing the importance of ensuring accountability, transparency and integrity in the judiciary as an essential element of judicial independence and as a concept inherent to the rule of law when it is implemented in accordance with the Basic Principles on the Independence of the Judiciary and other relevant norms, principles and standards,

Emphasizing that judges, prosecutors and lawyers play a critical role in upholding human rights, including the absolute and non-derogable right to freedom from torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that States have an obligation to guarantee the full and equal enjoyment of all human rights and fundamental freedoms by all women, and encouraging States to take action that facilitates their full, equal and meaningful participation in the judicial and prosecutorial system and in the legal profession,

Acknowledging that an independent, impartial judicial and prosecutorial system that integrates and advances gender equality is an important factor for the realization of all human rights, for democracy, the rule of law and the inclusion of all voices in matters of public interest, as well as for the eradication of sexual and gender-based violence and gender stereotypes, for the enforcement of gender-responsive laws and the achievement of Sustainable Development Goal 5 of the 2030 Agenda for Sustainable Development,

Emphasizing the importance of establishing a legal framework that protects judges, prosecutors and lawyers from attacks, threats, harassment and intimidation simply for performing their professional duties, and that judicial bodies, prosecutors' offices and other legal institutions and organizations should institute safe and effective procedures reflecting international human rights standards that protect, as appropriate, the anonymity of the complainant and avoid re-victimization, while mainstreaming a gender perspective and addressing the specific threats that women participating in the judicial system might face,

Emphasizing also that an independent and impartial judiciary, objective and impartial prosecution services and an independent legal profession, which foster a balanced representation of men and women and the establishment of gender-responsive procedures, are essential for the effective protection of women's rights, including protection from violence, harassment, intimidation and re-victimization through court systems, to ensuring that the administration of justice is free from gender-based discrimination and stereotypes, and to a recognition that society as a whole benefits when women are treated equally by the justice sector,

Acknowledging the vital role of professional associations of lawyers in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements and providing legal services to all in need of them,

Recognizing the importance of independent and self-governing bar associations and professional associations of judges and prosecutors, and of non-governmental organizations working in defence of the principle of the independence of judges and lawyers,

Recognizing also the vital role that lawyers and the legal profession, bar associations, law societies and national and international lawyers' organizations can play in upholding the rule of law and in promoting and protecting human rights,

Expressing its concern about situations where the entry into or continued practice within the legal profession is controlled or arbitrarily interfered with by the executive branch, with particular regard to abuse of systems for the licensing of lawyers,

Stressing the role that independent and effective national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) can and should play in strengthening the rule of law and in supporting the independence and integrity of the judicial system,

Recognizing that accessible and effective legal aid is an essential element of a fair, humane and efficient system of administration of justice that is based on the rule of law,

Noting the rights and specific needs of women, children and persons belonging to minorities, particularly those in situations of vulnerability who are in contact with justice systems, who may require particular attention, protection and skills from the professionals interacting with them, especially from lawyers, prosecutors and judges,

Acknowledging the importance of a privileged lawyer-client relationship based on the principle of confidentiality,

Noting the threats and challenges posed by extraordinary situations, including the coronavirus disease (COVID-19) pandemic and other crisis situations, to justice systems, including with regard to access to justice, and reaffirming that emergency measures, including those that relate to the administration of justice, taken by States in response to these situations must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law,

Reaffirming the Human Rights Council resolutions in which the Council extended the mandate of Special Rapporteur on the independence of judges and lawyers for a period of three years, and acknowledging the importance of the mandate holder's ability to cooperate closely, within the framework of the mandate, with the Office of the United Nations High Commissioner for Human Rights, including in the fields of advisory services and technical cooperation, in the effort to guarantee the independence of judges and lawyers,

1. *Calls upon* all States to guarantee the independence of judges and lawyers and the objectivity and impartiality of prosecutors, and their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind;

2. *Encourages* States to promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective and by actively promoting the balanced representation of women and men from various segments of society at all levels, and of persons belonging to minorities and other disadvantaged groups, and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory, public and transparent, and based on objective criteria, and guarantee the appointment of individuals of integrity and ability with appropriate training and qualifications in law based on individual merit and under equal working conditions;

3. *Calls upon* States to promote the full, equal and meaningful participation and representation of all women, as well as equality in access to positions at all levels of the administration of justice, and encourages States to adopt substantive and procedural standards to make progress towards achieving gender balance and to ensure women's full, equal and meaningful participation in public decision-making roles in the judicial system, including the judiciary and prosecution services;

4. *Urges* States to take substantive measures to eliminate explicit regulatory obstacles, institutional, structural and cultural barriers, gender stereotypes, and sexual and gender-based violence that lead to the underrepresentation of women in public decision-making positions in the judicial system or confinement to certain areas and levels of the judicial system, and to ensure that objective, a priori criteria used in selection and promotion processes in the judiciary and the prosecution service do not become barriers that contribute to marginalizing women's equal participation, particularly in leadership positions;

5. *Stresses* that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and age of retirement should be adequately secured by law, that the security of tenure of judges is an essential guarantee of the independence of the judiciary and that grounds for their removal must be explicit, with well-defined circumstances provided for by law, involving reasons of incapacity or behaviour that renders them unfit to discharge their functions, and that procedures upon which the discipline, suspension or removal of a judge are based should comply with due process;

6. *Encourages* States to develop, as appropriate, policies, procedures and programmes in the area of restorative justice as part of a comprehensive justice system;

7. *Also encourages* States to consider, in collaboration with relevant national entities such as bar associations, associations of judges and prosecutors, and educational institutions assisting the judiciary developing guidance on issues such as gender, children, persons with disabilities, indigenous peoples and migrants, among others, to inform the action of judges, lawyers, prosecutors and other actors in the judicial system;

8. *Underscores* that lawyers must not be identified with their clients or their clients' causes as a result of discharging their function;

9. *Emphasizes* that lawyers should be enabled to discharge their functions freely, independently and without any fear of reprisal;

10. *Calls upon* States to ensure that prosecutors can perform their functional activities in an independent, objective and impartial manner;

11. *Condemns* all acts of violence, intimidation or reprisal, from any quarter and for any reason, against judges, prosecutors and lawyers, and reminds States of their duty to uphold the integrity of judges, prosecutors and lawyers and to protect them, and their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment, whether from State authorities or non-State actors, resulting from the discharging of their functions, and to condemn such acts and to bring perpetrators to justice;

12. *Expresses its deep concern* at the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession, and calls upon States to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable;

13. *Calls upon* States, in collaboration with relevant national entities such as bar associations, associations of judges and prosecutors, and educational institutions, to provide adequate training, including human rights training, for judges, prosecutors and lawyers, both on initial appointment and periodically throughout their careers, taking into account regional and international human rights law and, where applicable and relevant, the concluding observations and decisions of human rights mechanisms, such as the treaty bodies and regional human rights courts;

14. *Encourages* States to take measures to combat discrimination in the administration of justice by, inter alia, providing for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-responsive and child rights training, to all judges, lawyers and prosecutors;

15. *Underscores* the importance for States of developing and implementing an effective and sustainable legal aid system that is consistent with their international human rights obligations and takes into account relevant commitments and good practices so that legal aid is available and accessible at all stages of legal proceedings, subject to appropriate eligibility criteria;

16. *Encourages* States to take appropriate measures to ensure that women have meaningful access to legal aid and assistance through gender-, age- and disability-responsive means, including by conducting information and awareness-raising programmes for women about the existence of legal aid and public defence services;

17. *Urges* all Governments to cooperate with and to assist the Special Rapporteur on the independence of judges and lawyers in the performance of his or her tasks, to provide all information requested and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

18. *Invites* States to take measures, including by adopting domestic legislation, to provide for independent and self-governing professional associations of lawyers and to recognize the vital role played by lawyers in upholding the rule of law and promoting and protecting human rights;

19. *Calls upon* States to ensure that legal provisions that are to be or have been adopted in relation to counter-terrorism or national security are consistent with the international obligations of the State concerning the right to a fair trial, the right to liberty and the right to an effective remedy for violations of human rights and other provisions of international law relevant to the role of judges, prosecutors and lawyers;

20. *Urges* States to ensure that judiciaries have the necessary resources and capacity to help to maintain functionality, accountability, transparency and integrity, and to ensure due process and the continuity of judicial activities, including efficient access to justice consistent with the right to a fair trial and other fundamental rights and freedoms, during extraordinary situations, including the COVID-19 pandemic and other crisis situations;

21. *Encourages* States to make available to judiciaries current information and communications technology and innovative online solutions, enabling digital connectivity, to help to ensure access to justice and respect for the right to a fair trial and other procedural rights, including in extraordinary situations, such as the COVID-19 pandemic and other crisis situations, with special attention to closing digital divides, including the gender digital divide, reducing inequalities and promoting women's full, equal and meaningful participation in the administration of justice, and to ensure that judicial and any other relevant national authorities are able to elaborate the necessary procedural framework and technical solutions to this end;

22. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to the mandate;

23. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their country, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to follow-up to and the implementation of his or her recommendations to enable him or her to fulfil the mandate even more effectively;

24. *Encourages* the Special Rapporteur to facilitate the provision of technical assistance and capacity-building and the dissemination of guidelines and best practices, including through engagement with relevant stakeholders and in consultation with the Office of the United Nations High Commissioner for Human Rights, when requested by the State concerned, with a view to establishing and strengthening the rule of law, paying particular attention to the administration of justice and the role of an independent and competent judiciary and legal profession;

25. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance, by inviting the mandate holder to visit their country;

26. *Encourages* Governments to give due consideration to recommendations made by United Nations human rights mechanisms, and to implement recommendations supported under the universal periodic review process, addressing the independence and effectiveness of the judiciary and their effective implementation, and invites the international community, regional organizations and the United Nations system to support any implementation efforts;

27. *Invites* United Nations agencies, funds and programmes to continue their activities in the areas of the administration of justice and the rule of law, including at the country level at the request of the State, encourages States to reflect such activities in their national capacity-building plans, and emphasizes that institutions concerned with the administration of justice should be properly funded;

28. *Encourages* States to ensure that their legal frameworks, implementing regulations and judicial manuals are fully in line with their international obligations and take into account relevant commitments in the areas of the administration of justice and the rule of law;

29. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

39th meeting

7 July 2022

[Adopted without a vote.]

50/6. Mandate of Special Rapporteur on the human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 76/167 of 16 December 2021 and Council resolution 41/15 of 11 July 2019,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles annexed thereto,

Recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,¹²⁴

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both 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,

Deeply disturbed by the alarmingly large number of internally displaced persons throughout the world for reasons including violations and abuses of human rights, violations of international humanitarian law, armed conflict, persecution, violence and terrorism, as well as disasters and the adverse effects of climate change, and increasingly in situations where those elements interact, who receive inadequate protection and assistance and have no access to durable solutions, and conscious of the serious challenges that this is creating for the people affected, including host communities, for States and for the international community,

Recognizing that violations of international humanitarian law can cause displacement, and recalling that displacement could be reduced if international humanitarian law were respected by all parties to armed conflict, in particular the fundamental principles of distinction, proportionality and precaution, as well as the prohibition of forced displacement of the civilian population, unless the security of the civilians involved or imperative military reasons so demand,

Recognizing also the increase in the number and scale of natural disasters and climate change as one of the drivers of disaster risk, and that the adverse effects of climate change, as contributors to environmental degradation and extreme weather events, already contribute, among other factors, to internal displacement and additional pressure on host communities,

¹²⁴ E/CN.4/1998/53/Add.2, annex.

and noting that the vulnerability of displaced persons may increase when their host communities are affected by disasters,

Conscious of the human rights, humanitarian, development and peacebuilding and transitional justice dimensions of internal displacement, including in situations of protracted displacement, the often heightened vulnerability of women, children, older persons, persons with disabilities, persons belonging to minorities and indigenous peoples, and the responsibilities of States and the international community to further strengthen their protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Deeply concerned that gender inequalities limit the control that women and girls have over decisions governing their lives and their access to resources such as food, water, agricultural input, land, credit, energy, technology, justice, education, health-care services, adequate housing, social protection and employment, resulting in increased exposure to disaster-induced risks and losses relating to their livelihoods, and that failure to address the structural barriers faced by women and girls in realizing their rights will exacerbate sexual and gender-based violence and inequalities and compound intersecting forms of discrimination in situations of crisis,

Noting the need for greater mainstreaming of the human rights of internally displaced persons across the United Nations system in order to address the challenges they face more effectively, including by giving due consideration to the implementation of the Secretary-General's Call to Action for Human Rights, and welcoming the recommendations of the Special Rapporteur on the human rights of internally displaced persons in this regard,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, including through the facilitation of durable solutions, to prevent arbitrary displacement in accordance with international law, including to prevent forced displacement in violation of international humanitarian law, and to address the root causes of displacement through evidence-based action and in appropriate cooperation with the international community,

1. *Commends* the Special Rapporteur on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that she has played in raising the level of awareness of the plight of internally displaced persons, and her ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its present session¹²⁵ and the conclusions and recommendations contained therein, and recognizes the critical importance of enabling the participation of internally displaced persons as citizens and rights holders in decision-making processes affecting them, including their participation in electoral processes, and of addressing obstacles to their political participation in support of their full enjoyment of rights and of their achievement of durable solutions;

3. *Recalls* the resolve expressed at the World Humanitarian Summit, held in Istanbul, Türkiye in May 2016, to pursue a new approach to internal displacement that would meet immediate humanitarian and longer-term development needs through collective outcomes for internally displaced persons and host communities, and that the Secretary-General has urged all stakeholders to commit to a comprehensive global plan to reduce internal displacement, in a dignified and safe manner, by at least 50 per cent by 2030;¹²⁶

4. *Also recalls* the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development in 2016, and recognizes that internal displacement is an increasingly urban phenomenon, and in that regard the importance of

¹²⁵ A/HRC/50/24.

¹²⁶ See A/71/353.

addressing the particular needs and vulnerabilities of internally displaced persons in urban settings and of supporting host communities and local governments;

5. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons, particularly through the facilitation of durable solutions and the inclusion of internally displaced persons within their national development plans, and have supported and facilitated the work of the Special Rapporteur;

6. *Recognizes* the important role of national human rights institutions in all phases of displacement to ensure that all human rights issues are appropriately addressed;

7. *Expresses deep concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, their heightened risk of exposure to violations of international law, in particular human rights law and international humanitarian law, the heightened risk of internally displaced persons, in particular women and girls, of being subjected to sexual and gender-based violence, and difficulties resulting from their specific situation, such as lack of protection, food, shelter, access to justice, access to health-care services and psychosocial support, access to education, disruption to family links and loss of essential documents, which may result in a violation of their human rights, and issues pertinent to their reintegration, including obstacles to the exercise of housing, land and property rights;

8. *Expresses concern* at the problem of protracted internal displacement, and recognizes the need for the integration of the rights and needs of internally displaced persons, particularly displaced women and girls, into national and local development strategies, both rural and urban, and for their participation in the design and implementation of these strategies, as well as the need to secure durable solutions, including voluntary return and reintegration, local integration or settlement elsewhere in the country, in a dignified and safe manner;

9. *Expresses particular concern* at the full range of threats, violations and abuses of human rights and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who are particularly vulnerable or specifically targeted, especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and assistance to internally displaced persons who are victims of the above-mentioned violations and abuses, as well as other groups of internally displaced persons with special needs, such as those with mental health and psychosocial support needs, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

10. *Expresses concern* at the internal displacement caused by sudden and slow-onset disasters, which has a disproportionate impact on low- and middle-income countries with high exposure to natural hazards, high population density in areas with non-resilient infrastructure and limited capacity to reduce disaster risk, exacerbated by the adverse effects of climate change, poverty and other factors that are expected to continue to increase displacement, undermine development and affect the enjoyment of human rights owing to more frequent and severe disasters;

11. *Recognizes* the need for a human rights-based and gender-responsive approach to disaster risk reduction, early warning, disaster contingency planning, disaster management, mitigation and adaptation, and recovery efforts, to prevent, reduce and address disaster displacement, to better protect and meet the needs of affected persons, and to find durable solutions, and recalls the relevant provisions of the Sendai Framework for Disaster Risk Reduction 2015–2030,¹²⁷ the United Nations Framework Convention on Climate Change and

¹²⁷ General Assembly resolution 69/283, annex II.

the Paris Agreement¹²⁸ in this regard, in particular the recommendations of the task force on displacement of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts;¹²⁹

12. *Recalls* that the 2030 Agenda for Sustainable Development seeks to address the needs of the most vulnerable, including internally displaced persons, and that failing to address the needs of internally displaced persons can undermine efforts by countries to achieve their overall development goals, and notes in this regard that risk-informed sustainable development is essential for reducing displacement risk, facilitating durable solutions, and ensuring that no one is left behind, in accordance with the 2030 Agenda;

13. *Calls upon* all parties to armed conflict to comply with their obligations under international humanitarian and human rights law, as applicable, with a view to preventing forced displacement and promoting the protection of civilians, including by ensuring their safe passage, and to provide safe and unhindered humanitarian access for relevant United Nations agencies and humanitarian organizations to internally displaced persons, including those residing in conflict areas, and calls upon Governments to take measures to respect, protect and fulfil the human rights of all internally displaced persons, including the freedom of movement and residence within the borders of each State, without distinction of any kind, in accordance with their applicable obligations under international law;

14. *Strongly urges* States and all parties to armed conflict to take effective measures to prevent and address acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively assigned to medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in armed conflict, including through the development of domestic legal frameworks to ensure respect for their relevant international legal obligations;

15. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately targeted, while men and boys are also affected, and urges authorities and the international community to work together for the effective prevention and response, security, protection of human rights, access to justice and victim assistance, and in addressing the root causes of sexual and gender-based violence and fighting impunity across the board;

16. *Reaffirms* the recognition of the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other providers of development assistance to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and in this regard calls for international support, upon request, for the capacity-building efforts of States;

17. *Welcomes* the successful implementation of the multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons 2018–2020 marking the twentieth anniversary of the Guiding Principles on Internal Displacement in supporting State-led responses with regard to laws and policies, durable solutions, data and analysis, and the participation of internally displaced persons and strengthening collaboration among relevant stakeholders, which concluded with the holding of an intersessional seminar by the Office of the United Nations High Commissioner for Human Rights in October 2020, as requested by the Human Rights Council in its resolution 41/15, and encourages States to continue to engage in its follow-up initiative (GP 2.0), including by sharing effective practices and ongoing challenges in prevention, protection and solutions for internally displaced persons;

18. *Also welcomes* the report of the Secretary-General's High-level Panel on Internal Displacement and the Secretary-General's Action Agenda on Internal Displacement, acknowledges that increased efforts to address the root causes as well as prevention,

¹²⁸ FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

¹²⁹ See <https://unfccc.int/documents/193360>.

protection and improved assistance to internally displaced persons and durable solutions for internal displacement are critically important, and encourages the Secretary-General to work with Member States, the United Nations system, including the Special Rapporteur, and other relevant actors in these efforts;

19. *Calls upon States:*

(a) To provide durable solutions in accordance with the Framework on Durable Solutions for Internally Displaced Persons and by giving due consideration to the recommendations contained in the report of the Secretary-General's High-level Panel on Internal Displacement, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to prevention, assistance, protection, rehabilitation, durable solutions, including disaster risk reduction, climate change mitigation and adaptation, and development assistance for internally displaced persons and their host communities;

(b) To integrate the 2030 Agenda for Sustainable Development into their respective national policies and development frameworks and, as appropriate, to integrate internal displacement in their development strategies, and to include it in reporting on relevant Sustainable Development Goals;

(c) To prevent arbitrary displacement in accordance with international law, including by fostering the respect for international humanitarian law and preventing forced displacement in violation of international humanitarian law, and by aligning domestic legislation with relevant international obligations, such as those regarding the prohibition of arbitrary displacement and the criminalization of acts of arbitrary displacement;

(d) To continue to develop and implement domestic legislation and policies with the goal of realizing the human rights of internally displaced persons, dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the adoption of a whole-of-society and whole-of-government approach, the identification of a national focal point within the Government for issues concerning internal displacement, and the allocation of adequate budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

(e) To acknowledge that affected persons are rights holders who must be at the centre of decision-making, planning and implementation relating to internal displacement, and therefore to ensure and support the full and meaningful participation of and consultation with internally displaced persons, including women, children and persons in vulnerable situations, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement regarding the promotion and protection of human rights, the prevention of human rights violations and abuses, inclusion in local and national development plans and activities, the design and implementation of durable solutions, including by fostering safe, voluntary, dignified and sustainable return, local integration or settlement elsewhere in the country in a dignified and safe manner, as well as peace processes, peacebuilding, transitional justice and post-conflict reconstruction;

(f) To pay special attention to the specific situation and needs of displaced women and girls and to take action to effectively address pre-existing patterns and structures of gender-based discrimination and inequalities, such as lack of access to education and information, lack of access to legal aid, laws and practices that discriminate against women's and girls' claims to housing, land and property, nationality laws that discriminate against women in their ability to confer nationality on their children on an equal basis with men, lack of access to livelihoods, income, decent work and equal pay, lack of access to social protection and to available, accessible, acceptable and good quality health-care services, including sexual and reproductive health-care services, harmful practices, including child, early and forced marriage and female genital mutilation, and the barriers that socioeconomic and security concerns may present to women's and girls' enjoyment of their right to full, effective and meaningful participation in decisions that affect them;

(g) To take into account the specific needs of persons with disabilities and of older persons when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and older persons have timely, inclusive, appropriate, equal and gender- and age-responsive access to assistance, protection, accessible information and rehabilitation services, including health-care services, sexual and reproductive health-care services, psychosocial support and educational programmes, while respecting and promoting their individual autonomy and independence;

(h) To assist internally displaced persons to recover, to the extent possible, their housing, land and property that they have left behind or of which they were dispossessed upon their displacement, or to obtain appropriate compensation or another form of reparation when recovery of such housing, land or property is not possible;

20. *Decides* to extend the mandate of Special Rapporteur on the human rights of internally displaced persons for a period of three years:

(a) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of internally displaced persons into all relevant parts of the United Nations system;

(b) To work towards strengthening the international response to the complex problem of internal displacement due to reasons including armed conflict, generalized violence, human rights violations, the adverse effects of climate change and disasters, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of internally displaced persons, while continuing and enhancing inclusive dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors;

21. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out the mandate, and through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations, national human rights institutions and other relevant actors:

(a) To continue to analyse the root causes and drivers of internal displacement, the needs and human rights of all those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include reliable information thereon in his or her reports submitted to the Human Rights Council;

(b) To continue his or her efforts to promote comprehensive and inclusive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans and budgets, as well as in peace processes, peace agreements and reintegration and rehabilitation processes, as appropriate, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental, regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development and implementation of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and of other groups with specific needs, such as children, particularly girls, especially if unaccompanied or separated, and older persons, persons with disabilities and those with mental health and psychosocial support needs, and their particular assistance, protection and development needs;

(e) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries and, in particular, to continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, such as the World Bank, to further strengthen international assistance efforts in support of prevention, protection and durable solutions;

(f) In the context of the ongoing reform of the United Nations development system, to strengthen further the cooperation established between the Special Rapporteur and the United Nations, including with the follow-up mechanisms of the Secretary-General's Action Agenda on Internal Displacement, such as the time-bound Special Adviser on Solutions to Internal Displacement and the Steering Group on Solutions to Internal Displacement, and United Nations Resident Coordinators, in the framework of the Peacebuilding Commission and with other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies, as well as the Joint Steering Committee to Advance Humanitarian and Development Collaboration;

(g) To continue to use and promote in his or her activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee and related tools developed under the leadership of the Special Rapporteur to support Governments and humanitarian and development partners to implement the Framework through comprehensive analysis, prioritization and action;

22. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe, and subregional organizations to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages such organizations to strengthen their activities and their cooperation with the Special Rapporteur;

23. *Strongly welcomes* the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

24. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably and expeditiously to requests by the Special Rapporteur for visits and information, stresses the need for unimpeded access by the Special Rapporteur in accordance with the mandate, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on the recommendations of the mandate holder and to make available information on measures taken in that regard;

25. *Urges* Governments, members of the Inter-Agency Standing Committee, United Nations resident and humanitarian coordinators and country teams to ensure the provision of relevant, reliable, timely, disaggregated and interoperable data on situations of internal displacement, including on the characteristics of internally displaced persons and host communities, in order to improve policies, programming and preventative measures on and inform an effective and rights-based response to internal displacement, and to support the achievement of durable solutions, and in this regard to engage with the work of the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics of the Statistical Commission, to share data with the Internal Displacement Monitoring Centre for incorporation into global estimates and analysis, to request the support and guidance of the Joint Internally Displaced Persons Profiling Service as needed to help to improve the

availability of actionable and agreed-upon data, and to provide financial resources, as appropriate, in these respects;

26. *Encourages* the United Nations, including its specialized agencies, the Special Adviser on Solutions to Internal Displacement, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop and maintain regular dialogue and cooperation with the Special Rapporteur in the fulfilment of the mandate;

27. *Encourages* all relevant United Nations organizations and humanitarian, human rights and development organizations to enhance their collaboration and coordination, including through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

28. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies;

29. *Requests* the Special Rapporteur to continue to submit an annual report on the implementation of the mandate to the Human Rights Council and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

30. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its programme of work.

39th meeting
7 July 2022

[Adopted without a vote.]

50/7. Mandate of Special Rapporteur on violence against women and girls, its causes and consequences

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international human rights instruments, and bearing in mind the importance of the Optional Protocols to the Convention on the Rights of the Child,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned,

eliminated and responded to, and that women's and girls' access to justice and accountability for violations of their human rights must be ensured,

Expressing deep concern at the continued prevalence of violence and discrimination against women and girls in all its different forms and manifestations worldwide, including sexual and gender-based violence, and re-emphasizing that violence against all women and girls is a major impediment to the achievement of gender equality and the empowerment of all women and girls, and that it violates, abuses and impairs their human rights, and, as such, is completely unacceptable,

Recognizing that girls are often at greater risk of being exposed to and experiencing various forms of discrimination and violence, including sexual and gender-based violence,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences;¹³⁰

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years under the title of Special Rapporteur on violence against women and girls, its causes and consequences, on the same terms provided for by the Human Rights Council in its resolution 41/17 of 12 July 2019, and to additionally request the Special Rapporteur to examine the specific ways that girls are impacted by violence, taking care to avoid duplication, and to continue to collaborate with relevant United Nations mechanisms and special procedure mandate holders;

3. *Calls upon* all States to cooperate fully with and assist the Special Rapporteur in the performance of the Special Rapporteur's tasks, to provide all necessary information requested by the Special Rapporteur, and to consider favourably the Special Rapporteur's requests for visits and for implementing recommendations;

4. *Encourages* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Population Fund, the United Nations trust fund in support of actions to eliminate violence against women, the Commission on the Status of Women, the treaty bodies and the special procedure mandate holders, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of the mandate;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to fulfil the mandate effectively, including through country visits, in particular by placing adequate human, financial and material resources at the Special Rapporteur's disposal;

6. *Reaffirms* its decision to continue its consideration of the issue of the elimination of all forms of violence against women and girls as a matter of high priority, in conformity with its programme of work, at its fifty-third session.

39th meeting
7 July 2022

[Adopted without a vote.]

50/8. Human rights and international solidarity

The Human Rights Council,

¹³⁰ See A/HRC/50/26.

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Mindful of the fact that, while globalization opens up new opportunities for growth and development, it also presents challenges, including growing inequality, widespread poverty, unemployment, social disintegration and environmental risks, that demand increased coordination and collective decision-making at the global level,

Reaffirming the crucial importance of increasing the resources allocated to official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product to official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Emphasizing the commitment of States in the 2030 Agenda to a revitalized Global Partnership for Sustainable Development based on a spirit of global solidarity, in particular with the poorest and with people in vulnerable situations,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that the impacts of the coronavirus disease (COVID-19) pandemic can be countered effectively only through international cooperation, unity, solidarity and collective action, based on a multilateral approach, and strong international institutions,

Emphasizing also in that context that responses to contain, mitigate and overcome the pandemic and its consequences should be people-centred, gender-responsive, with full

respect for human rights, multidimensional, coordinated, inclusive, innovative, swift and decisive at all levels,

Asserting the necessity of compiling and disseminating good practices and good experiences of international solidarity, from States and non-State actors at all levels, in the context of the COVID-19 pandemic and post-pandemic recovery efforts,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible where future generations can enjoy an environment adequate for their health and well-being,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account nationally defined priorities and development plans;

5. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, and encourages States to continue to make contributions to these funds;

6. *Recognizes* that international solidarity shall be a foundational principle underpinning contemporary international law;

7. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

8. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

9. *Recognizes* that international solidarity is a powerful tool for addressing the structural causes of poverty, inequality and other global challenges;

10. *Takes note* of the report of the Independent Expert on human rights and international solidarity;¹³¹

11. *Requests* the Independent Expert to compile and disseminate good practices and good experiences in the field of international solidarity from States and non-State actors, at both the national and international levels, in the context of the COVID-19 pandemic and post-pandemic recovery efforts, taking into account their contribution to the realization of human rights worldwide and to the implementation of the 2030 Agenda for Sustainable Development;

¹³¹ [A/HRC/50/37](#).

12. *Reiterates* the central role of the State in any sustainable response to the COVID-19 pandemic and other global crises, and commends the international solidarity actions of various States, multilateral agencies, philanthropic institutions and private sector actors in providing human, intellectual, financial and technical resources to fight the pandemic;

13. *Reaffirms* the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in supporting Member States, and in this regard acknowledges the crucial leading role played by the World Health Organization;

14. *Emphasizes* that humanitarian and technical cooperation, including in the context of South-South and triangular cooperation, is an important aspect of international solidarity during and after the pandemic;

15. *Also emphasizes* the need for enhanced voluntary contributions to the relevant United Nations agencies, funds and programmes to support technical assistance, exchange of information and experiences, technology transfer and capacity-building, including in the field of human rights, and encourages States to continue to make contributions to that end;

16. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his mandate, and to supply all necessary information requested by him, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate effectively;

17. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the realization of the right to development and the achievement of the 2030 Agenda, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

18. *Also requests* the Independent Expert to continue to examine in his reports ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity, including the challenges of international cooperation, and to seek the views and contributions of Governments, United Nations agencies and other relevant international organizations in this regard;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

20. *Reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields, and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

21. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

22. *Decides* to continue its consideration of this matter under the same agenda item.

39th meeting
7 July 2022

[Adopted by a recorded vote of 31 to 15, with 1 abstention. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal,

Pakistan, Paraguay, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Mexico]

50/9. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development and its commitment to leave no one behind, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impacts,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all previous Human Rights Council resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the United Nations Framework Convention on Climate Change,¹³² and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect, promote and consider their respective obligations on human rights,

Recalling that the Paris Agreement acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, including the right to food, the right to health, the rights of indigenous peoples, local communities, peasants, migrants, children, persons with disabilities and people in vulnerable situations, including people living in small island developing States and least developed countries, and in conditions of water scarcity, desertification, land degradation and drought, and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Reaffirming the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention, including in the context of sustainable development and efforts to eradicate poverty and end hunger, in order to achieve the ultimate objective of the Convention,

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impact of climate change,

¹³² See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports and special reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples', peasants' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries to achieve sustained economic growth, eradicate poverty and end hunger,

Recognizing that poverty in all its forms and dimensions, including extreme poverty, is one of the greatest global challenges, and that eradicating poverty and ending hunger are critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, inter alia the full realization of the right to food, particularly of people living in small island developing States, least developed countries and other climate-vulnerable countries, who are disproportionately affected by the negative impacts of climate change,

Stressing that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, thereby promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, that can increase with greater global warming, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Noting with concern the findings contained in the special report of the Intergovernmental Panel on Climate Change on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems,¹³³ noting also with concern the findings contained in the special report of the Intergovernmental Panel on the ocean and cryosphere in a changing climate,¹³⁴ and noting further with concern the findings contained in the sixth assessment report of the Intergovernmental Panel,¹³⁵

Concerned that the adverse impacts of climate change, including changes in the global hydrological cycle, and natural disasters, are harming agricultural productivity, food production and cropping patterns, thus contributing to food availability shortfalls, and that such impacts are expected to increase in the future with climate change, and recognizing the fundamental priority of safeguarding food security, improving nutrition and ending hunger,

¹³³ Intergovernmental Panel on Climate Change, *Climate Change and Land: An IPCC Special report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (United Nations publication, 2019). Available at www.ipcc.ch/srcl/.

¹³⁴ See <https://unfccc.int/documents/66462>.

¹³⁵ See www.ipcc.ch/assessment-report/ar6/.

Emphasizing that the adverse impact of climate change threatens global food security and nutrition and puts at risk the agrifood systems which currently feed and nourish the great majority of the world population and support the livelihoods of more than 1 billion people,¹³⁶ and stressing that the adverse impact of climate change will increasingly put pressure on food production and access to food, especially in vulnerable regions, undermining food security and nutrition and the realization of the right to food,¹³⁷

Emphasizing also that unequal food systems disproportionately affect women and girls, making them more vulnerable to food insecurity and malnutrition, which is exacerbated, inter alia, by climate change, environmental degradation and disasters,

Noting that the Special Rapporteur on the right to food has asserted that climate change has a long-term and deep impact on global food insecurity, and has recommended that increasing finance to support developing countries in tackling climate change impacts, through adaptation and by averting, minimizing and addressing loss and damage, is essential,¹³⁸

Expressing its deep concern at the number and the scale of natural disasters, diseases and pest infestations, as well as the negative impacts of climate change, and their increasing impacts in recent years, which have resulted in substantial loss of life and livelihoods and have threatened agricultural production and food security and nutrition, in particular in developing countries,

Recognizing that women and girls may be disproportionately affected by the effects of climate change, inter alia concerning the realization and enjoyment of their human rights, and stressing the importance of the participation of women, including older women, and girls in climate action,

Welcoming the contribution of Working Group II to the sixth assessment report of the Intergovernmental Panel on Climate Change, entitled *Climate Change 2022: Impacts, Adaptation and Vulnerability*, and extremely concerned that climate change poses an existential threat to some countries, with an irreversible adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments unless urgent climate action is taken,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status where applicable, national or social origin, birth or other status, and disability,

Recognizing that climate change, and biodiversity loss and other types of environmental degradation, in particular sea level rise, and ocean habitat degradation, put added pressure on the environment, which adversely affect the production and distribution of food from agriculture and fisheries, seriously affecting the availability, accessibility, adequacy and sustainability of food, which are the key elements of the right to food,

Expressing concern that multiple challenges and adverse impacts arising from climate change have serious consequences on the full realization of the right to food for all people, especially with respect to the production, distribution, availability, accessibility, adequacy and sustainability of food,

Emphasizing that sudden-onset natural disasters and slow-onset events cause significant loss and damage to vulnerable populations, especially in developing countries, and seriously affect the access by people in vulnerable situations to food and nutrition, safe drinking water and sanitation, health-care services and medicines, social protection, education and training, adequate housing, transportation and decent work,

¹³⁶ Intergovernmental Panel on Climate Change, *Climate Change and Land*.

¹³⁷ Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability* (United Nations publication, 2022). Available at www.ipcc.ch/report/ar6/wg2/.

¹³⁸ See [A/HRC/37/61](https://www.unhcr.org/refugees/article/2022/04/17/hrc-37-61.html).

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights and food security,

Expressing concern that developing countries, particularly least developed countries and small island developing States, lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies, may suffer from higher exposure to extreme weather events in both rural and urban areas,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change to mitigation, adaptation and the provision and mobilization of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Framework Convention and ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

Recalling the outcomes, including the Glasgow Climate Pact, adopted at the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the third session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement, held in Glasgow, United Kingdom of Great Britain and Northern Ireland, in November 2021, and noting the commitments made at both conferences,

Looking forward to the adoption of more ambitious commitments at the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the seventeenth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol and the fourth session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement, to be held in Sharm el-Sheikh, Egypt, in November 2022,

Noting the commitments made by Governments and private sector leaders at the virtual Climate Adaptation Summit 2021, hosted by the Government of the Netherlands in January 2021, to accelerate, innovate and scale up global efforts to adapt to the inevitable effects of climate change, and at the virtual Leaders Summit on Climate, held in Washington, D.C., in April 2021, especially its associated Major Economies Forum on Energy and Climate, which underscored the urgency and economic benefits of stronger global climate action,

Recognizing the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change,

Noting the importance of some elements of the concept of “climate justice” when taking action to address climate change,

Noting with appreciation the continued efforts of the United Nations High Commissioner for Human Rights in highlighting the need to respond to the global challenge of climate change, including by reaffirming the commitments to ensure effective climate action while advocating for the promotion and protection of human rights, including the right to food,

Welcoming the convening of a panel discussion on the adverse impact of climate change on the full and effective enjoyment of human rights by people in vulnerable situations,

Taking note of the report on the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations, prepared by the Secretary-General pursuant to Human Rights Council resolution 47/24 of 14 July 2021,¹³⁹

¹³⁹ [A/HRC/50/57](#).

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including the right to food, when taking action to address the adverse effects of climate change,

Recalling the reports of the Special Rapporteur on the right to food, focusing on the right to food in the context of natural disasters¹⁴⁰ and on the impact of climate change on the right to food,¹⁴¹ the reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, focusing on climate change and human rights¹⁴² and on air pollution and human rights,¹⁴³ and the report of the Special Rapporteur on extreme poverty and human rights, on climate change and poverty,¹⁴⁴

Recalling also the establishment of the mandate of Special Rapporteur on the promotion and protection of human rights in the context of climate change, and the appointment of the Special Rapporteur,

Welcoming the work of the Climate Vulnerable Forum, which asserts that climate change is a major threat to the enjoyment of human rights and fundamental freedoms, and noting its Midnight Climate Survival Deadline for the Climate initiative calling for enhanced nationally determined contributions under the mechanism of the Framework Convention,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional, subregional and other initiatives, such as the Small Island Developing States Accelerated Modalities of Action (Samoa Pathway) on addressing the adverse impact of climate change,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these adversely affect the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and for the people whose situation is most vulnerable to climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Urges* States that have not yet ratified the Paris Agreement to do so;

5. *Recognizes* the impact of climate change and of extreme weather and extreme climate phenomena, including the El Niño phenomenon, on agricultural production, food security and nutrition around the world and the importance of designing and implementing actions to reduce their effects, in particular on vulnerable populations, such as rural women, bearing in mind the role that they play in supporting their households and communities in achieving food security and nutrition, generating income and improving rural livelihoods and overall well-being;

6. *Also recognizes* the importance for all countries of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow-onset events, and the role of sustainable development in reducing the risk of loss and damage, and in that regard looks forward to the further operationalization of the Santiago Network for averting, minimizing and addressing loss and

¹⁴⁰ A/HRC/37/61.

¹⁴¹ A/70/287.

¹⁴² A/HRC/43/53 and A/74/161.

¹⁴³ A/HRC/40/55.

¹⁴⁴ A/HRC/41/39.

damage associated with the adverse effects of climate change, and encourages the Parties to constructively engage in the Glasgow Dialogue to discuss the arrangements for the funding of activities to avert, minimize and address loss and damage associated with the adverse impacts of climate change, in the context of relevant decisions of the Conference of the Parties to the United Nations Framework Convention on Climate Change and article 8 of the Paris Agreement;

7. *Calls upon* all States to adopt a comprehensive, integrated, gender-responsive, age-inclusive and disability-inclusive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and human rights challenges that climate change presents, for the full and effective enjoyment of human rights for all;

8. *Calls upon* States to enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change;

9. *Also calls upon* States to better promote the human rights of people in vulnerable situations and their access to livelihoods, food and nutrition, safe drinking water and sanitation, social protection, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology, and ensure that services can be adapted to emergency and humanitarian contexts;

10. *Further calls upon* States to develop, strengthen and implement policies for the protection of the rights of people in vulnerable situations in response to climate change, as appropriate, by, among other actions, the inclusion of their rights, specific risks, needs and capabilities in climate action plans and other relevant policies or legislation, the mainstreaming of climate change action into resilient and adaptive social and health care, and the provision of information on climate change and disaster preparedness response and planning through all accessible means of communication;

11. *Urges* States to strengthen and implement policies aimed at enhancing international cooperation based on human rights to realize the right to food for all, despite the adverse effects of climate change, and consistent with national and international efforts to combat climate change, and to pursue the right to development, including by addressing inequalities in food distribution and access, ensuring food security, supporting sustainable agriculture and aquatic food production from the oceans, and enhancing more equitable, predictable, transparent and human rights-based forms of food systems governance at the global and national levels;

12. *Reaffirms* its commitment to advocate for combating climate change and addressing its adverse impact on the full and effective enjoyment of human rights, and recognizes the importance of climate action in the work of the Human Rights Council and its mechanisms in a regular, systematic and transparent manner;

13. *Decides* to incorporate into its programme of work for the fifty-third session, on the basis of the different elements contained in the present resolution, a panel discussion focusing on the adverse impact of climate change on the full realization of the right to food for all people and ways forward to address the challenges thereto, as well as on best practices and lessons learned, including science-based approaches and local and indigenous knowledge, and also decides that the panel discussion will have International Sign interpretation and captioning;

14. *Also decides* to incorporate into its annual programme of work, beginning in 2023, at a minimum a panel discussion, with sufficient time to discuss different specific themes on the adverse impacts of climate change on human rights, including means of implementation for climate action as a mainstreamed element, and further decides that the panel discussion will have International Sign interpretation and captioning;

15. *Invites* the special procedures of the Human Rights Council, within their respective mandates, and other relevant stakeholders with appropriate expertise, including

academic experts, and civil society organizations to contribute actively to the panel discussion;

16. *Requests* the United Nations High Commissioner for Human Rights to present a report to the Human Rights Council at its fifty-fifth session identifying the necessary measures for minimizing the adverse impact of climate change on the full realization of the right to food, taking into account the panel discussion and the interactive dialogue held at the fifty-third session on this matter, to be followed by an interactive dialogue, and to make the report available in accessible formats, including in plain language and easy-to-read versions;

17. *Requests* the Secretary-General, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the Food and Agriculture Organization of the United Nations, the World Food Programme, the Committee on World Food Security, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to submit to the Council at its fifty-third session a report on the adverse impact of climate change on the full realization of the right to food, to be followed by an interactive dialogue, and also requests the Secretary-General to make the report available in accessible formats, including plain language and easy-to-read versions;

18. *Requests* the Special Rapporteur on the promotion and protection of human rights in the context of climate change to highlight the adverse impacts of climate change on the full realization of the right to food in his work and reports, taking into consideration the challenges of developing countries, including small island developing States, least developed countries and other climate-vulnerable countries;

19. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly the rights of people in vulnerable situations, within their respective mandates;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human, technical and financial assistance necessary for the effective and timely realization of the above-mentioned panel discussion, reports and interactive dialogues;

21. *Decides* to remain seized of the matter.

39th meeting
7 July 2022

[Adopted without a vote.]

50/10. Mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly stated that the Human Rights Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recalling also Human Rights Council resolutions 17/19 of 17 June 2011, 27/32 of 26 September 2014, 32/2 of 30 June 2016 and 41/18 of 12 July 2019,

Recalling further Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling that the Vienna Declaration and Programme of Action affirms that all human rights are universal, indivisible and interdependent and interrelated, that the

international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming the sovereign right of each State to develop its national laws, in accordance with its international human rights obligations,

Recognizing that, throughout their life, persons may be subjected to violence and multiple, intersecting and systemic forms of discrimination based on their sexual orientation or gender identity, and the way these grounds are compounded by, inter alia, race, ethnicity, socioeconomic status, disability or age, in private and public spaces, both online and offline,

Reaffirming the importance of non-discrimination stemming from international human rights law and of promoting the achievement of substantive equality for persons who face discrimination based on sexual orientation and gender identity, including by eliminating the root causes of structural discrimination against them,

Welcoming the positive developments at the international, regional and national levels in the fight against violence and discrimination based on sexual orientation and gender identity, and the contribution of the mandate of Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity in this regard,

Recognizing the positive contributions of civil society to the work of the mandate of Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity, and stressing States' responsibility to create and maintain a safe and enabling environment in which civil society, including civil society working to address these issues, can operate free from hindrance and insecurity, both online and offline,

Expressing strong concern at existing laws, policies and practices criminalizing consensual same-sex conduct and relations and expressions of gender identity, and at those used to harass, arbitrarily detain, prosecute and discriminate against individuals on the basis of their sexual orientation and gender identity,

1. *Welcomes* the work undertaken by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in the implementation of the mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, the thematic reports and the undertaking of country visits to different regions;¹⁴⁵

2. *Strongly deplures* acts of violence and discrimination, in all regions of the world, committed against individuals on the basis of their sexual orientation or gender identity;

3. *Calls upon* States to amend or repeal laws and policies that discriminate against persons on the basis of their sexual orientation and gender identity, and to take effective measures to prevent, investigate and, where applicable, to prosecute acts of violence and discrimination based on those grounds, both online and offline;

4. *Decides* to extend the mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 32/2;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the human, technical and financial resources necessary for the continuation of the effective fulfilment of the mandate;

6. *Calls upon* all Governments to cooperate with and assist the Independent Expert by supplying all necessary information requested by the mandate holder, and

¹⁴⁵ See [A/HRC/50/27](#) and [A/HRC/50/27/Add.1](#).

responding favourably to the requests of the Independent Expert to visit their countries to fulfil the mandate more effectively;

7. *Requests* the Independent Expert to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their respective programmes of work.

40th meeting
7 July 2022

[Adopted by a recorded vote of 23 to 17, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Bolivia (Plurinational State of), Brazil, Cuba, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela (Bolivarian Republic of)

Against:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan and United Arab Emirates

Abstaining:

Armenia, Benin, India, Kazakhstan, Namibia, Poland and Uzbekistan]

50/11. Importance of casualty recording for the promotion and protection of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant instruments of international human rights law, as well as the Vienna Declaration and Programme of Action,

Recalling also the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, and other relevant instruments of international humanitarian law, in particular article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflicts, which recognizes the right of families to know the fate of their relatives,

Recalling further General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and, inter alia, acknowledged that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling all relevant resolutions adopted by the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council, including their resolutions on missing persons, the right to the truth and the prevention of genocide,

Emphasizing that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the updated set of principles for the protection and promotion of human rights through action to combat impunity¹⁴⁶ and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human

¹⁴⁶ See [E/CN.4/2005/102](#) and [E/CN.4/2005/102/Add.1](#).

Rights Law and Serious Violations of International Humanitarian Law, and noting the Minnesota Protocol on the Investigation of Potentially Unlawful Death,

Taking note of the Guidance on Casualty Recording, published by the Office of the United Nations High Commissioner for Human Rights in 2019,

Expressing concern at the high number of casualties as documented by relevant United Nations bodies,

Acknowledging the value of studying the interlinkages between casualty recording and the right to the truth, the right of access to justice for all, the right to obtain effective remedy and reparation, in particular for victims and their family members, the right to life, and other relevant human rights, and the contribution of casualty recording to ending impunity, especially in cases of gross violations of international human rights law and serious violations of international humanitarian law,

Acknowledging also the relevance of taking into consideration the gender and age dimension of casualty recording and its impact on the human rights of women, children, older persons, persons with disabilities and persons belonging to national or ethnic, religious and linguistic minorities,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with all States, relevant United Nations entities, intergovernmental and non-governmental organizations and national human rights institutions, a comprehensive report on the impact of casualty recording on the promotion and protection of human rights, including relevant practices, in particular the role of casualty recording in upholding and fulfilling the rights of victims of armed conflict, post-conflict situations, and gross violations of international human rights law, with a view to making recommendations, as applicable, to States, mechanisms of the Human Rights Council and relevant stakeholders, and to present the report to the Council at its fifty-third session, to be followed by an interactive dialogue;

2. *Encourages* all States, relevant United Nations entities, intergovernmental and non-governmental organizations and national human rights institutions to provide relevant information to the Office of the High Commissioner for the preparation of the above-mentioned report.

40th meeting
7 July 2022

[Adopted without a vote.]

50/12. Human rights and the regulation of civilian acquisition, possession and use of firearms

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other international human rights law instruments and the Vienna Declaration and Programme of Action,

Recalling also Human Rights Council resolutions 26/16 of 26 June 2014, 29/10 of 2 July 2015, 38/10 of 5 July 2018 and 45/13 of 6 October 2020,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,¹⁴⁷ in particular Sustainable Development Goal 16 to promote peaceful and inclusive societies, and acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

¹⁴⁷ General Assembly resolution 70/1.

Recalling that States bear the primary responsibility under international law to respect, protect and fulfil all human rights and fundamental freedoms, and that such responsibility may include, as appropriate, enacting and enforcing relevant national legislation and implementing related policies and practices,

Recalling also the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, that the responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate, and that addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, when appropriate, remediation, and encouraging States, and business enterprises, including those involved in the manufacture and sale of firearms, to implement the Guiding Principles,

Alarmed that hundreds of thousands of human beings of all ages around the world continue to have their enjoyment of human rights, in particular their right to life and security of person, but also other civil, political, economic, social and cultural rights, including their rights to freedom of thought, conscience and religion, to freedom of expression, to freedom of peaceful assembly and of association, to freedom to seek, receive and impart information and ideas, to equality before the law without discrimination, to enjoy one's culture and use one's own language, and the right to participate in public, political and cultural life, and the rights to health, to education, and to an adequate standard of living and social security, negatively affected by the misuse, intentional or unintentional, of firearms, which has direct links to violence, including violence against women and children, sexual and gender-based violence, femicide and domestic violence,

Deeply concerned that cases of civilian firearms-related violence cause death, non-fatal physical injuries and psychological trauma, including anxiety disorders, post-traumatic stress symptoms and the risk of substance abuse, and may lead to severe and life-long disability and an overall decline in a sense of public safety, and that these and other long-term effects may expose individuals to further vulnerabilities and human rights concerns relating to the realization of their economic, social and cultural rights,

Noting with concern that increased civilian access to and possession and use of firearms have had alarming patterns of impact on the human rights of women, children and youth, persons belonging to ethnic, religious or linguistic minorities, and persons in marginalized situations, and recognizing that States should thus take appropriate measures to regulate the number of civilian-held legal and illegal firearms, consistent with their constitutional frameworks,

Deeply concerned that firearms are used by children and youth in the commission of violent crimes, including for profit, such as robberies, and that children and youth can acquire or come into possession of firearms through their relatives, social networks, criminal gangs or the illicit market,

Noting with concern that the exposure of children and youth to civilian firearm violence can have a severe lifelong impact on the enjoyment of a wide range of rights, including civil and political rights, the rights to an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health, the right to education and the right to work, which could lead to distinct human rights violations,

Noting also with concern the occurrence of shootings in schools, places of worship and on other public premises,

Noting further with concern the increase in domestic violence during the coronavirus disease (COVID-19) pandemic and the risk of firearms being used to commit such violence,

Acknowledging that misuse of arms can perpetuate gender-based violence, and that addressing gendered root causes of violence is essential,

Recognizing that the costs generated by civilian firearms-related violence in terms of, inter alia, medical treatment, mental health services and criminal justice might undermine the capabilities of States to use their resources to further enhance the promotion and protection of human rights and fundamental freedoms,

Recognizing also that national regulation of civilian acquisition, possession and use of firearms includes appropriate measures to avoid illicit practices, including diversion of firearms, as a crucial step towards reducing the impact of civilian access to firearms on the enjoyment of human rights,

Recognizing further the importance of systematic measuring and monitoring of and reporting on civilian firearms-related violence and its impact on the enjoyment of human rights, especially through the collection of relevant disaggregated data, and of States providing such information in their reports to human rights treaty bodies and in the context of the universal periodic review, when relevant,

Acknowledging that effective national regulation of civilian acquisition, possession and use of firearms and ammunition contributes positively to diminishing the number of victims of the misuse of firearms and may enhance the enjoyment of all human rights, and acknowledging also the efforts made by different States at various levels, including at the regional and subregional levels, in this regard,

Highlighting the importance of reducing and preventing armed violence through comprehensive, inclusive and evidence-based public policies that are tailored to address the root causes and risk factors driving firearms-related violence, including different forms of inequality and discrimination rooted in negative stereotypes,

1. *Expresses its concern* that the global number of firearms is rising, that civilians own far more firearms worldwide than the military and law enforcement sectors combined, and that the majority of these firearms are unregistered;

2. *Reiterates its deep concern* at the fact that the majority of firearms-related homicides are committed in non-conflict settings, and that every year hundreds of thousands of human beings of all ages around the world lose their lives or suffer injuries, lifelong disability and psychological harm from the misuse of firearms by civilians, thus having their human rights negatively affected, and that these profound long-term impacts expose individuals to further vulnerabilities and human rights concerns relating to their enjoyment of civil, political, economic, social and cultural rights;

3. *Recognizes* that civilian firearms-related violence and insecurity pose direct risks to the right to life and to security of person, and also affect other civil and political rights, as well as economic, social and cultural rights;

4. *Calls upon* States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international law, in particular human rights law, and their constitutional frameworks, including comprehensive, inclusive and evidence-based public policies, tailored to address the root causes and risk factors driving firearms-related violence, including different forms of inequality and discrimination rooted in negative stereotypes, in order to minimize the human rights impact of civilian acquisition, possession and use of firearms, with the aim of strengthening the protection and enjoyment of the human rights of all;

5. *Also calls upon* States to consider adopting requirements for manufacturers and dealers of firearms based on the Guiding Principles on Business and Human Rights, which include the responsibility to avoid causing or contributing to adverse human rights impacts, preventing or mitigating human rights abuse, and the responsibility to conduct human rights due diligence;

6. *Calls once more upon* States to ensure that regulations on civilian acquisition, possession and use of firearms include appropriate measures to avoid illicit practices, including the diversion of firearms;

7. *Calls upon* States to adopt effective national regulations on the acquisition, possession and use of firearms by children, and to invest in and support community-based interventions aimed at violence prevention and rehabilitation of children and youth trapped in environments of violence, as relevant;

8. *Encourages* States to collect and publish disaggregated data on the acquisition, possession and use of firearms, including by children and youth, where feasible and

consistent with their constitutional and legislative frameworks, and to analyse the underlying drivers of firearms use affecting the enjoyment of human rights;

9. *Calls upon* all States to take effective measures with the aim of implementing the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, to promote peaceful and inclusive societies;

10. *Takes note with appreciation* of the report by the United Nations High Commissioner for Human Rights on the impact of civilian acquisition, possession and use of firearms by children and youth,¹⁴⁸ in which the High Commissioner detailed the profound impact that the use of civilian firearms has on the enjoyment of human rights, calls for comprehensive measures to reduce the harm caused by firearms, and recommends reducing the availability of firearms in society and implementing measures designed to prevent and address the underlying causes of firearms-related deaths and injuries;

11. *Requests* the High Commissioner to prepare, in consultation with Member States, a report on effective national regulations, policies and good practices, challenges and lessons learned to address the negative human rights impact of civilian acquisition, possession and use of firearms and underlying root causes and risk factors driving the availability of firearms and firearms-related violence, including contributions from business enterprises on measures adopted in this regard and their relationship with the Guiding Principles on Business and Human Rights, and to present the report to the Human Rights Council at its fifty-third session;

12. *Invites* all relevant special procedures, commissions of inquiry and other accountability mechanisms, and human rights treaty bodies, as well as the Office of the United Nations High Commissioner for Human Rights, to continue to bear in mind the present resolution within the framework of their respective mandates;

13. *Invites* all business enterprises, including those involved in the manufacture and sale of firearms, to consider the reports of the High Commissioner on human rights and civilian acquisition, possession and use of firearms when addressing the human rights impacts of their operations, in line with the Guiding Principles on Business and Human Rights;

14. *Decides* to remain seized of this issue.

40th meeting
7 July 2022

[Adopted without a vote.]

50/13. Access to medicines, vaccines and other health products in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child and, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that the Constitution of the World Health Organization also recognizes the enjoyment of the highest

¹⁴⁸ [A/HRC/49/41](#).

attainable standard of health as a fundamental right of every human being, without distinction of race, religion, political belief, economic or social condition,

Recalling Human Rights Council resolution 41/10 of 11 July 2019 and all relevant previous resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights, including resolutions 44/2 of 16 July 2020, 46/14 of 23 March 2021, 49/19 of 1 April 2022 and 49/25, also of 1 April 2022, in which the Council highlighted the need for ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic and for promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the pandemic,

Recalling also General Assembly resolution 74/306 of 11 September 2020, in which the Assembly recognized that the COVID-19 pandemic was one of the greatest global challenges in the history of the United Nations, and noting with deep concern its negative impact on the enjoyment of human rights and the exacerbation of poverty and hunger, as well as the exacerbation of economic and social inequalities within and among countries, which has reversed hard-won development gains and hampered progress towards achieving the 2030 Agenda for Sustainable Development and all its Goals and targets,

Deeply concerned at the impact of the COVID-19 pandemic on the realization of the right to the enjoyment of the highest attainable standard of physical and mental health, including the marked increase in cases of several known and treatable diseases due to disruptions in treatment, vaccination and diagnosis, and thereby stressing the urgent need to reinforce actions and initiatives to tackle known health challenges and lingering epidemics, such as HIV, tuberculosis, malaria, non-communicable and neglected tropical diseases, which disproportionately affect developing countries,

Extremely concerned that, according to the World Health Organization, worldwide, tuberculosis is the thirteenth cause of death and the second cause of death from infectious diseases after COVID-19; that HIV/AIDS remains one of the world's most significant public health challenges, particularly in developing countries; that tropical diseases impose a devastating human, social and economic burden on more than 1 billion people, predominantly in neglected tropical and subtropical areas and among those in the most vulnerable and marginalized situations; that non-communicable diseases kill 41 million people every year, equivalent to 71 per cent of all deaths globally, mostly in developing countries; and that people living with non-communicable diseases are at a higher risk of severe illness and death due to COVID-19,

Stressing that the full and equal enjoyment of the right to the highest attainable standard of physical and mental health implies sustained efforts to solve current health challenges particularly affecting those in the most vulnerable and marginalized situations, as well as better prevention, preparedness and responses to future health emergencies, including pandemics,

Recalling the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Reaffirming General Assembly resolution 70/1 of 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is among the greatest global challenges and an indispensable requirement for sustainable development, and envisaging a world free of poverty, hunger, disease and want, a world of universal respect for human rights and human dignity that includes equitable and universal access to health care and social protection, and where physical, mental and social well-being are assured,

Recalling the Sustainable Development Goals, including, inter alia, Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and

interlinked targets, such as target 3.8 on achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all, other health-related Goals and targets, and Goal 17 on strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development, and its specific and interlinked targets, particularly target 17.2, which states that developed countries should implement fully their official development assistance commitments, in addition to the guiding principle of the 2030 Agenda to leave no one behind,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights, submitted to the Human Rights Council at its forty-seventh session, that highlights the central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, in advancing sustainable development and the realization of all human rights,¹⁴⁹ particularly the recommendation to redouble efforts to meet the target of allocating, respectively, 0.7 per cent of gross national income and 0.15 and 0.2 per cent of gross national income for official development assistance to developing countries and least developed countries, as well as the report of the High Commissioner, submitted to the Human Rights Council at its forty-ninth session, on the human rights implications of the lack of affordable, timely, equitable and universal access and distribution of COVID-19 vaccines and the deepening inequalities between States,¹⁵⁰

Welcoming also the full-day intersessional seminar convened by the High Commissioner on 8 December 2021, pursuant to Human Rights Council resolution 41/10, which focused on good practices, key challenges and new developments relevant to access to medicines and vaccines as one of the fundamental dimensions of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the one-day high-level thematic debate on galvanizing momentum for universal vaccination, convened by the President of the General Assembly on 25 February 2022,

Recalling the report of the High-level Panel on Access to Medicines, convened by the Secretary-General, which made proposals on how to address policy incoherence in public health, trade, the justifiable rights of inventors, and human rights,

Recalling also General Assembly resolution 71/3 of 5 October 2016, in which the Assembly adopted the political declaration of the high-level meeting of the General Assembly on antimicrobial resistance, wherein Heads of State and Government and other representatives underlined that affordability and access to existing and new antimicrobial medicines, vaccines and diagnostics should be a global priority and should take into account the needs of all countries,

Recalling further General Assembly resolution 73/2 of 10 October 2018, in which the Assembly adopted the political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases, wherein Heads of State and Government and other representatives committed to promoting increased access to affordable, safe, effective and quality medicines and diagnostics and other technologies,

Recalling General Assembly resolution 73/3 of 10 October 2018, in which the Assembly adopted the political declaration of the high-level meeting of the General Assembly on the fight against tuberculosis, wherein Heads of State and Government and other representatives committed to promoting access to affordable medicines, including generics, for scaling up access to affordable tuberculosis treatment, and noting with concern the rising number of cases caused by the COVID-19 pandemic,

Recalling also General Assembly resolution 74/2 of 10 October 2019, in which the Assembly adopted the political declaration of the high-level meeting on universal health coverage, wherein Heads of State and Government and other representatives underlined that affordability of and access to existing and new antimicrobial medicines, vaccines and diagnostics should be addressed through cooperation at the national, regional and global levels,

¹⁴⁹ A/HRC/47/23.

¹⁵⁰ A/HRC/49/35.

Reaffirming the importance of the full implementation of the Global Strategy and the Plan of Action on Public Health, Innovation and Intellectual Property, in World Health Assembly resolutions WHA61.21 of 24 May 2008 and WHA62.16 of 22 May 2009 and decision WHA71(9) of 25 May 2018, which aims to promote new thinking on innovation and access to medicines and to secure an enhanced and sustainable basis for needs-driven essential health research and development relevant to diseases that disproportionately affect developing countries, and welcoming its extension, by resolution WHA75.14 of 28 May 2022, until 2030,

Welcoming the WHO Road Map for Access to Medicines, Vaccines and other Related Health Products 2019–2023 presented at the seventy-second session of the World Health Assembly, which recognizes that improving equitable access to health products is a multidimensional challenge that requires, inter alia, comprehensive national policies and strategies aligning public health needs with economic and social development objectives, and promoting collaboration with other sectors, partners and stakeholders, and looking forward to further discussions on a possible extension of the Road Map, considering the delays and challenges faced in its implementation,

Reaffirming the importance of improving the transparency of markets, costs and supply chains for medicines, vaccines and other health products across the whole value chain, and taking into consideration resolution WHA72.8 of 28 May 2019, adopted by the World Health Assembly at its seventy-second session,

Welcoming decision WHA73 (9) of 3 August 2020, adopted by the World Health Assembly at its seventy-third session, in which the Assembly endorses the Immunization Agenda 2030, which envisions a world where everyone, everywhere and at every age fully benefits from vaccines for good health and well-being,

Welcoming also resolution WHA74.8 of 31 May 2021, adopted by the World Health Assembly at its seventy-fourth session, on the highest attainable standard of health for persons with disabilities, in which the Assembly recognized the unique vulnerabilities of those who may be living in care and congregated living settings in times of public health emergencies, such as that of COVID-19,

Seriously concerned about the high prices of some health products and the inequitable access within and among States, as well as the financial hardships associated with high prices, which continue to impede progress towards achieving universal health coverage for all,

Seriously concerned also that the supply of health products and technologies is dependent on manufacturing facilities concentrated in few countries and that the lack of adequate infrastructure and logistics expertise to store, distribute and deliver diagnostics, medicines, vaccines and other health products and technologies, particularly in developing countries, among other factors, hampers efforts to achieve diagnosis, treatment and vaccination targets for several diseases, at the right time, safely and efficiently, especially in the context of health emergencies,

Recalling the Declaration on Primary Health Care, adopted in October 2018 in Astana, which recognizes the need to address the inefficiencies and inequities that expose people to financial hardship resulting from their use of health-care services by ensuring better allocation of resources for health and adequate financing of primary health care, and to work towards the financial sustainability, efficiency and resilience of national health systems, appropriately allocating resources to primary health care based on the national context,

Noting with extreme concern that, for millions of people throughout the world, the full and equal enjoyment of the right to the highest attainable standard of physical and mental health still remains a distant goal,

Noting the need to facilitate the education of health-care workers in the area of infection prevention and control to protect persons with disabilities,

Concerned about the exacerbation of poverty in developing countries in the context of the COVID-19 pandemic, with a disproportionate impact on women and girls, and about the interrelatedness between poverty and other social and economic determinants of health and the realization of the right of everyone to the enjoyment of the highest attainable standard

of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recognizing that universal health coverage implies that all people, everywhere, have access without discrimination to nationally determined sets of needed promotive, preventive, curative, palliative and rehabilitative essential health-care services, and essential, safe, affordable, effective and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with special emphasis on those in vulnerable and marginalized situations,

Recognizing also the need for States, in cooperation with regional and international organizations and civil society, including non-governmental organizations, philanthropic foundations, academic and research institutions and the private sector, involved at all stages of the pharmaceuticals value chain, including research and development, manufacture, distribution and supply of pharmaceutical products, to create favourable conditions at the national, regional and international levels to ensure the full and equal enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Deeply concerned about the loss of lives and livelihoods and the disruption to economies and societies caused by the COVID-19 pandemic, and its negative impact on the enjoyment of human rights around the world, particularly for women and girls, and recognizing that the COVID-19 pandemic has highlighted the critical need to prevent and prepare for potential disruptions of the supply chain for essential medicines and other health technologies, including through the strengthening of local production, and therefore welcoming resolution WHA74.6 of 31 May 2021, adopted by the World Health Assembly at its seventy-fourth session, on strengthening local production of medicines and other health technologies to improve access,

Recalling that the Doha Ministerial Declaration on the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health, and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and recognizes in this connection the right of members of the Organization to use to the full the provisions of the above-mentioned Agreement, which provide flexibility for this purpose, in accordance with the World Trade Organization ministerial decision of 17 June 2022 on the TRIPS Agreement,

Acknowledging the entry into force of the protocol amending the TRIPS Agreement, which adapts the rules of the global trading system to the public health needs of people in poor countries, thus contributing to the realization of the right to the enjoyment of the highest attainable standard of physical and mental health, particularly regarding poorer populations,

Recognizing the importance of creating a conducive environment that attracts and supports private investment, entrepreneurship and corporate social responsibility, including an efficient, adequate, balanced and effective intellectual property framework, while encouraging access to science and technology by developing countries and recognizing the vital role that science, technology and innovation, including environmentally sound technologies, can play in development and facilitating efforts to address global challenges,

Regretting the high number of people still without access to affordable, safe, effective and quality medicines and vaccines, and underscoring that improving such access could save millions of lives every year, and noting with deep concern that, globally, 2 billion people have no access to the medicines they need, while recognizing that the lack of access to medicines, vaccines and other health products, as well as access to immunization as a global public good, is a challenge that affects people not only in developing countries but also in developed countries, even though the disease burden is disproportionately high in developing countries,

Concerned at the lack of access to quality, safe, effective and affordable medicines for children in appropriate dosage forms, and at problems in the rational use of children's

medicines in many countries, and that, globally, children aged under 5 years still do not have secure access to medicines for the treatment of communicable and non-communicable diseases, including rare diseases,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on societies, with serious health, social and economic consequences, which represent a leading threat to human health and development, and recognizing the urgent need to improve accessibility to safe, affordable, effective and quality medicines and technologies to diagnose, treat and control non-communicable diseases, to strengthen viable financing options and to promote the use of affordable medicines, including generics, as well as improved access to preventive, curative, palliative and rehabilitative services, particularly at the community level,

Recognizing the need to appropriately address challenges, gaps, market failures and opportunities regarding the research and development of health technologies, availability and affordability to treat, inter alia, rare and neglected diseases, as well as infectious diseases, and to respond to the growth of emerging challenges, such as antimicrobial resistance and pathogens with pandemic potential, among others, with a view to adequately addressing public health needs and protecting, respecting and fulfilling human rights, and taking into account the necessity to promote frameworks that meet public health needs, while adequately rewarding innovation,

Considering the report by the Director-General of the World Health Organization on cancer medicines, which, pursuant to resolution WHA70.12 of 31 May 2017, examined the impact of pricing approaches, including transparency, on the availability and affordability of medicines for the prevention and treatment of cancer, and a possible update of the study, which could shed light in rising prices of medicines in the context of the COVID-19 pandemic,

Recognizing with appreciation the introduction of new pharmaceutical products made possible through investment in innovation for cancer treatment in recent years, while noting with great concern the increasing cost to health systems and patients, and emphasizing the importance of addressing barriers in access to safe, quality, effective and affordable medicines, medical products and appropriate technology for cancer prevention, detection, screening diagnosis and treatment, including surgery,

Expressing deep concern at outbreaks of highly infectious pathogens with pandemic potential, which demonstrate the potential vulnerability of populations to them, and in this context reaffirming and underscoring the importance of research into and the development of new and innovative medicines, vaccines and other health products, and of ensuring access to safe, affordable, effective and quality medicines, vaccines and all other health products to all, including new and innovative medicines, as well as the importance of access to immunization as a global public good, and of building and/or strengthening health system capacities, including primary health care, for preventing, preparing for, detecting and responding in a timely manner to outbreaks, epidemics, pandemics and other health emergencies,

Recalling decision SSA2(5) of 1 December 2021, adopted by the World Health Assembly at its second special session, on the establishment of an intergovernmental negotiating body to draft and negotiate a new international instrument on pandemic prevention, preparedness and response, prioritizing the need for equity, while stressing that States should guide their efforts to develop such an instrument by the principle of solidarity with all people and countries,

Reaffirming that States should undertake to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of economic, social and cultural rights, including the right of everyone to enjoy the benefits of scientific progress and its applications,

Realizing that, during the time of global pandemics and other health emergencies, the fulfilment of the right to the highest attainable standard of physical and mental health should

be guided by a strong spirit of solidarity, in particular solidarity with the poorest and with people in vulnerable situations,

1. *Recognizes* that timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics and other health products and technologies is one of the fundamental elements for the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the correspondent objectives of universal health coverage and health for all, without discrimination, with special attention to reaching those furthest behind first;

2. *Stresses* the responsibility of States to ensure timely, equitable and unhindered access for all, without discrimination, to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health products and technologies, as well as access to immunization as a global public good;

3. *Calls upon* States to promote timely, equitable and unhindered access to safe, effective, quality and affordable medicines, vaccines, diagnostics and therapeutics, and other health products and technologies, for all, including through the full use of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which provide flexibility for that purpose, while recognizing that the protection of intellectual property is important for the development of new and innovative medicines and vaccines, and the concerns about its effects on prices and public health;

4. *Also calls upon* States to take steps to implement policies and plans to promote access to comprehensive and cost-effective prevention, treatment and care for the integrated management of non-communicable diseases, including, inter alia, increased access to affordable, safe, effective and quality medicines, vaccines and diagnostics and other health products, including through the full use of TRIPS Agreement provisions and flexibilities;

5. *Reiterates* the call upon States to continue to collaborate, as appropriate, on models and approaches that support the delinkage of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases that predominantly affect developing countries, including emerging and neglected tropical diseases, so as to ensure their sustained accessibility, affordability and availability and to ensure access to treatment for all those in need;

6. *Urges* States and all relevant stakeholders, in order to ensure timely, equitable and unhindered access for all persons to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health products and technologies with a view to advancing the realization of the Sustainable Development Goals:

(a) To promote research and capacity-building initiatives, and to enhance international cooperation on and access to science, innovation, technologies, technical assistance and knowledge-sharing, including by pooling initiatives, while appreciating the substantive efforts many States have already made to this end;

(b) To take all measures necessary to strengthen regional and local production, by promoting innovative modalities of global partnerships and technology transfers, on mutually agreed terms, and to facilitate trade in medicines, vaccines and other health products;

(c) To share data and results in accordance with internationally agreed principles, including sharing of pathogens, samples and genetic sequencing data, and ensure the fair and equitable sharing of benefits that arise from their utilization, in accordance with international access and benefit-sharing instruments;

(d) To promote the transfer of technology and know-how on mutually agreed terms, and to encourage research, innovation and commitment, where possible, to voluntary licensing in all agreements in which public funding has been invested in research and development;

(e) To assist in efforts to build capacity through training and financial support for developing countries to produce health technologies, including mRNA vaccine technology;

(f) To explore ways to promote equitable access and fair distribution of health products, including the possible establishment of a global end-to-end platform;

(g) To advance the health and care workforce investment agenda, with a special focus on the primary health-care workforce and employment of women at all levels;

(h) To take measures to ensure accessible and affordable access to health-care systems for persons with disabilities;

7. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines, diagnostics, medical devices, assistive technologies and other health products that are affordable, safe, effective and of quality, and through financial and technical support, training of personnel and other capacity-building measures, while recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States, while recognizing also the fundamental importance of the transfer of environmentally sound technologies on favourable terms, including on concessional and preferential terms, as mutually agreed;

8. *Recognizes* the innovative funding mechanisms and arrangements that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Gavi Alliance, Unitaid, the Access to COVID-19 Tools (ACT) Accelerator initiative and the COVID-19 Technology Access Pool (C-TAP), especially for those living in poverty, children and other persons in vulnerable situations, and calls upon all States, United Nations agencies, funds and programmes, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including companies involved in the research and development, manufacture, importing, distribution and supply of pharmaceuticals, while safeguarding public health from undue influence by any form of real, perceived or potential conflict of interest, to further collaborate to enable equitable access to quality, safe and effective medicines and vaccines that are affordable to all, including those living in poverty, children and other persons in vulnerable situations;

9. *Encourages* engagement among Governments, international organizations, non-governmental organizations, academic and research institutions, philanthropic foundations and the private sector and greater policy coherence and coordinated actions through whole-of-government, whole-of-society and Health in All Policies approaches to find solutions to health challenges, such as the need for public health-driven research and development, improved existing and alternative frameworks to adequately reward innovation, pricing and affordability of health products, and leveraging innovative technologies, including digital technologies, and solutions for health;

10. *Encourages* States, in cooperation with other stakeholders, to redouble efforts to achieve a continuous supply of quality, safe, effective and affordable health products through research and development that meets public health needs, for the efficient application and management of intellectual property standards, to carry out evidence-based selection of health products and to seek fair and affordable pricing, to adopt good procurement and supply chain management and to promote appropriate prescribing, dispensing and rational use of health products;

11. *Recognizes* the importance of adequately training the health workforce, including community health workers, and of improving health literacy in order to achieve the highest attainable standard of physical and mental health and strengthen equitable and universal health coverage;

12. *Urges* all States, United Nations agencies, funds and programmes, and relevant intergovernmental organizations, especially the World Health Organization, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including pharmaceutical companies, to promote innovative research and development to address health needs in developing countries, including access to safe, effective, quality and affordable medicines and vaccines, in particular with regard to diseases disproportionately affecting developing countries, and the challenges arising from the growing burden of non-communicable diseases, while taking into account the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to enhance its work, within its mandate, in the field of the human rights dimension of access to medicines and vaccines, in the context of the right of everyone to the highest attainable standard of physical and mental health as guaranteed by the International Covenant on Economic, Social and Cultural Rights;

14. *Invites* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to continue to focus on the human rights dimension of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines and other health products globally during current and future health emergencies when discharging his or her duties, in accordance with the mandate;

15. *Invites* States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society and the private sector, to promote policy coherence in the areas of human rights, public health, intellectual property and international trade and investment when considering access to medicines and vaccines;

16. *Requests* the Office of the High Commissioner to enhance its work, within its mandate, including with support for dedicated capacity to continue to carry out research, to organize three expert workshops, to provide technical assistance to States throughout the next three years on the human rights dimension of access to medicines and vaccines in the context of the right of everyone to the highest attainable standard of physical and mental health, including with regard to good practices, key challenges and new developments, and to present to the Human Rights Council a compendium of good practices at its fifty-third session and an analytical study on key challenges at its fifty-sixth session, with a view to presenting a comprehensive report, including new developments, at its fifty-ninth session, and to prepare these submissions in an accessible and easy-to-read format;

17. *Calls upon* the Office of the High Commissioner to continue its work and set its priorities on economic, social and cultural rights, taking into consideration relevant resolutions and decisions of the Human Rights Council, with due regard to the fulfilment of the obligations of international cooperation as essential requirements for the realization of these rights.

40th meeting
7 July 2022

[Adopted without a vote.]

50/14. Situation of human rights of women and girls in Afghanistan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Reaffirming also that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Noting that the ongoing oppression of women and girls in Afghanistan is grave, institutionalized, widespread and systematic,

Emphasizing the critical need to make progress towards the realization of women and girls' enjoyment of human rights in Afghanistan and to bring to an end to the many serious human rights violations and abuses to which women and girls are being subjected,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Afghanistan, and that Afghan people are entitled to freely determine their political status and freely pursue their economic, social and cultural development,

Recalling the obligations of Afghanistan under international human rights law and international humanitarian law as expressed in, inter alia, the treaties and conventions to which it is a party, including 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 and the Convention of the Rights of Persons with Disabilities,

Reiterating its unwavering commitment to the rights of all women and girls in Afghanistan in accordance with the State's obligations under international human rights law, and to respect for and the promotion of all women's and girls' full and effective ability to exercise their equal enjoyment of human rights in Afghanistan,

Recalling its thirty-first special session on the serious human rights concerns and situation in Afghanistan, and Human Rights Council resolution S-31/1 adopted on 24 August 2021, its forty-eighth regular session, at which the Council appointed in its resolution 48/1 of 7 October 2021 a special rapporteur to monitor the situation of human rights in Afghanistan, and all relevant resolutions adopted by the General Assembly and the Security Council on the situation in Afghanistan and on women and peace and security,

Recalling also the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Afghanistan and the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), those by several special procedures of the Human Rights Council and treaty bodies on reports of human rights abuses against women and girls in Afghanistan committed by the Taliban, and the press statement on Afghanistan issued by the Security Council on 24 May 2022,

Recognizing that the full, equal, effective and meaningful participation, inclusion and empowerment of all women and girls in all spheres of life are essential for sustainable peace and full and complete economic and social development, as well as the realization and enjoyment of all human rights of all persons in Afghanistan,

Recognizing also the importance of the full, equal, effective and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building and conflict prevention and resolution and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Recognizing further bilateral and regional efforts to promote the rights of women and girls in Afghanistan, in particular the right to education,

Deeply concerned about the increasing erosion of respect for the human rights of women and girls in Afghanistan by the Taliban, including through the imposition of restrictions that limit the enjoyment of the rights to education, the highest attainable standard of physical and mental health, work, liberty of movement, freedom of expression and opinion, and freedom of peaceful assembly and association, and women's full, equal, effective and meaningful participation in public life, and emphasizing that these restrictions contradict the expectations of the international community and the commitment made by the Taliban to the Afghan people,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development and a multiplier right that supports the empowerment of all women and girls to claim their human rights, including the right to participate in the conduct of public affairs and in economic, social and cultural life, and to fully, equally and meaningfully participate in the decision-making processes that shape society, and the transformative potential of education for every girl,

Reaffirming the equal right of every child to education without discrimination of any kind, and expressing concern at the continuation of the multiple and intersecting forms of discrimination that girls face,

Deeply concerned that women and girls with disabilities are often subject to multiple, aggravated or intersecting forms of discrimination and disadvantage,

Expressing deep concern at the continued prevalence of violence and discrimination against women and girls in Afghanistan, in all their different forms and manifestations, emphasizing that discrimination and violence against women and girls violate, abuse and impair their enjoyment of human rights, and stressing that perpetrators of crimes involving human rights violations and abuses must be brought to justice and the critical need for victims and survivors to be provided with effective redress, support and remedies,

Recognizing that limiting women's freedom of movement has a negative impact on their lives, including the access of women and their children to health-care services and humanitarian aid, as well as women's ability to generate income for their families and to contribute to the wider economy,

Deeply concerned at the situation of women journalists and media workers in Afghanistan, and underlining the important role played by local journalists and media workers in continuing to carry out essential work, including documenting and reporting, in challenging circumstances,

Reiterating that access to justice and the enjoyment of human rights are indispensable for durable peace and stability in Afghanistan, and stressing in particular that the progress made in the enjoyment of human rights by women and girls prior to 15 August 2021 must be safeguarded and further strengthened,

Stressing the importance of regarding Afghan women as active agents over their own lives and for change and of their full, effective, equal and meaningful participation in peacebuilding, humanitarian and development processes, and expressing concern at the prevalence of threats and violence against women human rights defenders and peacebuilders,

Underlining the need to preserve and build on the political, economic and social achievements of the Afghan people made over the past 20 years, and for further improvement in this regard, in particular to address poverty and the delivery of services, stimulate economic growth, create employment opportunities, tackle corruption, enhance transparency, increase domestic revenue and promote and implement obligations under international law to protect all human rights and fundamental freedoms,

Reaffirming the importance of combating terrorism in Afghanistan while fully respecting human rights, and ensuring that the territory of Afghanistan is not used to threaten or attack any other country, to plan or finance terrorist acts, or to shelter or train terrorists, and that no Afghan group or individual supports terrorists operating on the territory of any country,

Expressing deep concern at the dissolution of the Afghanistan Independent Human Rights Commission and the shrinking of space for civil society in Afghanistan,

Welcoming the visit of the United Nations High Commissioner for Human Rights to Afghanistan in March 2022 and the first mission of the Special Rapporteur on the situation of human rights in Afghanistan in May 2022, and noting the statement issued at the conclusion of that mission, in particular the integration of a gender perspective and of a survivor-centred approach in the conduct of the mission, and acknowledging the access and cooperation provided,

Emphasizing that maintaining peace and sustainable development can contribute to the enjoyment of human rights by the Afghan people, including women and girls,

Expressing deep concern at the dire humanitarian and economic situation in Afghanistan that has undermined the enjoyment of a full range of economic, social and cultural rights of the people of Afghanistan, including women and girls,

Recognizing the need to help to address the substantial challenges facing the economy of Afghanistan, including through efforts to restore the banking and financial systems and

efforts to enable the use of assets belonging to the Central Bank of Afghanistan for the benefit of the Afghan people, including women and girls,

Stressing the crucial importance of the Taliban respecting the independence of humanitarian operations and allow and guarantee for all humanitarian staff, including all women staff, rapid, safe and unhindered access to the entire territory,

Expressing its deep condolences and sympathy to the people of Afghanistan for the deadly earthquake of 22 June 2022 and the aftershock on 24 June, highlighting the need for intensified humanitarian aid and other support to address the suffering of those directly affected, and expressing its appreciation for the humanitarian aid already provided to Afghanistan, which is of the utmost importance for the promotion and protection of the human rights of Afghan women and girls,

1. *Condemns in the strongest possible terms* all human rights violations and abuses committed against all individuals, including women and girls, in Afghanistan, including all forms of discrimination and violence, including sexual and gender-based violence;

2. *Reaffirms* its unwavering commitment to the full and equal enjoyment of all human rights by all women, girls and children in Afghanistan, including the right to freedom of movement, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including their sexual and reproductive health, the right to work and the right of access to justice on an equal basis with others;

3. *Calls for* an immediate end to all human rights violations and abuses against all individuals in Afghanistan, including all women and girls, respect for all their human rights and respect for the right of all women to actively and equally participate in all aspects of civic, economic, political and public life, and to ensure that law and policy reforms and practices are not discriminatory, in text or effect, against women and girls and are consistent with international human rights law and standards;

4. *Calls upon* the Taliban in particular to reverse the policies and practices that currently restrict the human rights and fundamental freedoms of Afghan women and girls, to ensure that women and girls have opportunities and access to inclusive and quality education at all levels, equal to those afforded to men and boys, and as promised, to immediately open schools for girls of all ages;

5. *Calls for* measures to ensure that local women's rights organizations and local organizations led by women can continue to carry out their work all over Afghanistan and support women and girls;

6. *Also calls for* measures to ensure that victims of sexual and gender-based violence have access to justice and to an effective remedy and reparations, with a human rights and gender perspective, including measures to guarantee their protection, and support, including any psychosocial or medical needs;

7. *Reaffirms* that the right to education, enshrined in international human right law, can help to enable the realization of many other human rights, particularly for girls;

8. *Reiterates* its call for an Afghan-led and Afghan-owned process for the establishment of a participative, inclusive and representative government, including with regard to gender and all ethnic and religious minorities, and ensuring the full, equal, effective and meaningful participation of women and youth in decision-making positions and processes;

9. *Calls for* the reinstatement of the Afghanistan Independent Human Rights Commission or the establishment of a similar independent institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the reinstatement of the Ministry of Women's Affairs;

10. *Calls upon* all relevant actors in Afghanistan to cooperate fully with the special procedures of the Human Rights Council and the treaty bodies, and other international bodies seized with the situation in Afghanistan, to grant them unhindered access to the country without delay, and to provide them with all necessary information and support;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize an enhanced interactive dialogue during its fifty-first session, with the participation of the Special Rapporteur on the situation of human rights in Afghanistan, other relevant human rights mechanisms, United Nations bodies and agencies, including the United Nations Assistance Mission in Afghanistan, and non-governmental organizations, including Afghan women's rights organizations in Afghanistan and the diaspora;

12. *Decides* to remain seized of the matter.

41st meeting
8 July 2022

[Adopted without a vote.]

50/15. Freedom of opinion and expression

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all resolutions of the Commission on Human Rights and the Human Rights Council relevant to the right to freedom of opinion and expression, in particular Council resolutions 7/36 of 28 March 2008, 12/16 of 12 October 2009, 16/4 of 24 March 2011, 23/2 of 13 June 2013, 25/2 of 27 March 2014, 34/18 of 24 March 2017, 38/7 of 5 July 2018, 38/5 of 5 July 2018, 39/6 of 27 September 2018, 43/4 of 19 June 2020, 44/12 of 16 July 2020, 47/16 of 13 July 2021, 48/4 of 7 October 2021 and 49/21 of 1 April 2022,

Welcoming the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and taking note of her reports,¹⁵¹

Reaffirming that the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media, is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, that it constitutes one of the essential foundations of democratic societies and for sustainable development, including the 2030 Agenda for Sustainable Development, and that it is critical to combating corruption and disinformation, strengthening democracy, the rule of law and good governance, and that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, and bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, both online and offline,

Recalling that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

Acknowledging the essential role of, inter alia, journalists and other media workers, and human rights defenders, in the promotion and protection of the right to freedom of opinion and expression, and in this context expressing deep concern that violations and abuses of the right to freedom of opinion and expression continue to occur, in particular affecting women journalists and other media workers and women human rights defenders,

Recalling the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and the important role of the network of focal points throughout the United Nations system in enhancing the safety of journalists and media workers,

Stressing the need to ensure that measures for the respect of the rights or reputations of others and the protection of national security, public order and public health are in full compliance with international human rights obligations, including the principles of lawfulness, legitimacy, necessity and proportionality, and stressing also the need to protect human rights, including the right to freedom of opinion and expression and the right to

¹⁵¹ [A/HRC/50/29](#) and [A/HRC/50/29/Add.1](#).

privacy in accordance with obligations under international law, and safeguarding personal data,

Recognizing the primary responsibility of States, as the main duty bearers, to promote and protect human rights online and offline, including the right to freedom of opinion and expression, and the importance of their support for relevant efforts that strengthen the resilience of societies against the negative impact of disinformation at all levels, in particular through digital, media and information literacy education, and inclusion, intercultural understanding, fact-checking and transparent and accountable technological solutions,

Recalling the Guiding Principles on Business and Human Rights, and acknowledging the important role of business enterprises, including tech companies and social media platforms, in the exercise of the right to freedom of opinion and expression and in enabling access to information, and recalling that all business enterprises have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights, both online and offline,

Underlining that digital contexts provide opportunities and challenges for exercising the right to freedom of opinion and expression for improving access to information, and for seeking, receiving and imparting information and ideas of all kinds, and emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity, as well as efforts to promote access to information and communications technology, digital, media and information literacy, civic participation and online safety, are important to bridge digital divides and ensure digital inclusion and the enjoyment of human rights, including the right to freedom of opinion and expression,

Expressing concern at the spread of disinformation, which can be designed and implemented so as to mislead, to violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, and to incite all forms of violence, hatred, discrimination and hostility, inter alia, racism, xenophobia, negative stereotyping and stigmatization, and stressing that responses to the spread of disinformation and misinformation must be grounded in international human rights law, including the principles of lawfulness, legitimacy, necessity and proportionality, and underlining the importance of free, independent, plural and diverse media and of providing and promoting access to independent, fact-based information to counter disinformation and misinformation,

Expressing its concern that many forms of digital divides remain between and within countries and regions, which have a negative impact on the enjoyment of the right to freedom of opinion and expression, and underlining the need for digital, media and information literacy as well as the need to address prevailing challenges to bridge digital divides, including through international cooperation and education, striving to ensure that individuals, especially individuals in vulnerable situations and/or belonging to marginalized groups, are able to connect to and access the Internet in a safe, secure and meaningful way so as to enable their full economic, political and social participation and to promote the enjoyment of their right to freedom of opinion and expression in an inclusive information society,

Recognizing that the gender digital divide, which includes significant gender disparities in terms of access to and use of information and communications technology, undermines women's and girls' full enjoyment of human rights, including the right to freedom of opinion and expression,

Stressing the importance of empowering all women and girls by enhancing their equal access to information and communications technology, promoting digital, media and information literacy and connectivity to enable the participation of women and girls in education and training, which is also essential to respecting and promoting all human rights, including economic, social and cultural rights, and the possibility of women to interact with society at large on equal terms and without discrimination, particularly in the realms of economic and political participation, and reaffirming that the full, equal and meaningful participation of women and girls in the digital age is critical to achieving gender equality, sustainable development, peace and democracy,

Welcoming General Assembly resolution 75/267 of 25 March 2021, in which the Assembly recognized the need for people to have media and information literacy skills and proclaimed a yearly Global Media and Information Literacy Week, and stressing the importance of digital, media and information literacy, including through education, training, the empowerment of all people, the facilitation of digital inclusion, including connectivity, and awareness-raising on the opportunities and risks associated with digital products and services, including for the protection of the right to privacy, in accordance with obligations under international law, and the promotion of digital safety, to support the enjoyment of the right to freedom of opinion and expression and as a means to counter disinformation and to bridge digital divides,

Strongly condemning the use of Internet shutdowns to intentionally and arbitrarily prevent or disrupt access to or dissemination of information online,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights, in particular the right to freedom of opinion and expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of one's choice, and the intrinsically linked rights to freedom of thought, conscience and religion or belief, peaceful assembly and association and the right to vote and take part in the conduct of public affairs;

2. *Expresses its continuing concern* that violations and abuses of the right to freedom of opinion and expression continue, often with impunity, and are facilitated and aggravated by the abuse of states of emergency, as well as unlawful or arbitrary surveillance and/or interception of communications, including through digital surveillance technologies;

3. *Reaffirms* that the same rights that people have offline must also be protected online, in particular the right to freedom of opinion and expression;

4. *Strongly condemns* the threats, reprisals, harassment and violence against, both online and offline, and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including journalists and other media workers, artists and cultural workers, human rights defenders, and all women and girls, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses, or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights, which have increased and are not adequately punished, in particular where public authorities are involved in committing such acts;

5. *Expresses its deep concern* at all forms of discrimination, intimidation, harassment and violence, both online and offline, that prevent women and girls from fully enjoying their human rights and fundamental freedoms, including the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association and the right to privacy, in accordance with obligations under international law, which hinders their full, equal, effective and meaningful participation in economic, social, cultural and political affairs and is an impediment to achieving gender equality and the empowerment of all women and girls;

6. *Stresses* that a democratic society depends on respect for human rights, including the right to freedom of opinion and expression, and that undue restrictions on the freedom to seek, receive and impart information undermine democracy and the rule of law by preventing efforts aimed at holding public authorities accountable and exposing corruption;

7. *Underlines* that connectivity, access to information and communications technology, and the promotion of open and secure digital access and digital inclusion, including through digital, media and information literacy, are critical for the enjoyment of the right to freedom of opinion and expression and to bridge the digital divides;

8. *Calls upon* all States:

(a) To promote, protect, respect and ensure the full enjoyment of the right to freedom of opinion and expression, both online and offline, and to take all measures

necessary to put an end to and to prevent violations and abuses of the right to freedom of opinion and expression, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(b) To ensure that victims of violations and abuses have effective remedy, that threats and acts of violence are investigated effectively, and that those responsible are brought to justice in order to combat impunity;

(c) To promote, protect, respect and ensure all women's and girls' full enjoyment of the right to freedom of opinion and expression, both online and offline, without distinction or discrimination of any kind, and to counter all violence or threats of violence faced while exercising this right;

(d) To enable everyone, including journalists and other media workers, and human rights defenders, to exercise their right to freedom of opinion and expression, including by taking effective measures, such as prevention and protection mechanisms, to ensure their safety both online and offline, and to protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive, democratic and peaceful society;

(e) To strengthen measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis and through all forms of communication of their choice, including through the provision of affordable formats and technologies;

(f) To promote digital literacy among children and youth so that they can fully enjoy their right to freedom of opinion and expression and their right to education, including by providing children, youth and their guardians and/or caregivers with the knowledge and skills to safely handle a wide range of digital tools and resources, and to promote awareness among children, youth and their guardians and/or caregivers of the possible adverse consequences of exposure to risks relating to the Internet, including cyberbullying, trafficking, sexual exploitation and abuse, and other forms of violence;

(g) To respect the right to freedom of opinion and expression in the media, in particular editorial independence, to promote a pluralistic approach to information and multiple points of view, inter alia by encouraging a diversity of ownership of media and of sources of information, including mass media, and by promoting the economic sustainability of media, and to refrain from the use of imprisonment or the imposition of fines for offences relating to the media where such measures are disproportionate to the gravity of the offence, and to take note of the Windhoek+30 Declaration;

(h) To ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary to ensure the respect of the rights and reputations of others, or for the protection of national security, or of public order, or of public health, including by ensuring that all measures taken to counter threats related to terrorism, and violent extremism and public health are in full compliance with international human rights obligations, including the principles of lawfulness, legitimacy, necessity and proportionality;

(i) To underline the need to enable an online environment that is conducive to user safety and engagement by all, and addresses digital divides, especially for all women and girls, and individuals in vulnerable situations and/or belonging to marginalized groups, as well as the need for all people to have digital, media and information literacy skills, which are important for the full and equal economic and political participation of individuals without discrimination in an inclusive information society;

(j) To recognize that digital, media and information literacy includes risk awareness, digital security and self-protection training and guidance, and to acknowledge the particular risks of the digital age, including the particular vulnerability of journalists, other media workers and human rights defenders to becoming targets of unlawful or arbitrary surveillance or interception of communications, in violation of their rights to privacy and to freedom of expression;

(k) To acknowledge that digital, media and information literacy includes fostering the knowledge and skills of individuals to discover, access, critically evaluate and disseminate information and communicate their views in various media and contexts to bridge digital divides and ensure equitable knowledge societies, and to note that these issues can be addressed by, among other things, improving people's competencies, including as part of lifelong learning;

(l) To strengthen partnerships among all stakeholders to build the capacity of women and girls, and individuals in vulnerable situations and/or belonging to marginalized groups, to fully participate in and enjoy the benefits of an inclusive information society, including through supporting digital, media and information literacy, and to expand the scope of education and training opportunities ranging from basic digital fluency to advanced technical skills;

(m) To support relevant efforts promoting the right to freedom of opinion and expression that strengthen the resilience of societies against the impact of disinformation and misinformation at all levels, including through digital, media and information literacy, education and inclusion;

(n) To recognize the importance of digital and information literacy in combating all forms of violence, hatred, discrimination and hostility, both online and offline, in accordance with international human rights law, including through the promotion of tolerance, education and dialogue;

(o) To refrain from imposing new restrictions, and to lift existing ones, on the free flow of information and ideas that are inconsistent with article 19 of the International Covenant on Civil and Political Rights, including through practices such as the use of Internet shutdowns and online censorship to intentionally prevent or disrupt access to or the dissemination of information online, the banning or closing of publications or other media and the abuse of administrative measures, criminalization and censorship, and the restriction on access to or use of information and communications technology, inter alia radio, television and the Internet;

(p) To adopt, implement and, where necessary, reform laws, regulations, policies and other measures concerning personal data and privacy protection online in order to prevent, mitigate and remedy the arbitrary or unlawful collection, retention, processing, use or disclosure of personal data on the Internet that could violate human rights and deter individuals from the full exercise of their rights to freedom of opinion and expression;

9. *Stresses* that many States all over the world need support in expanding infrastructure, technological cooperation and capacity-building, including human and institutional capacity-building, to ensure the accessibility, affordability and availability of the Internet in order to bridge digital divides, to meet the Sustainable Development Goals and to ensure the full enjoyment of human rights;

10. *Encourages* all business enterprises, including technological intermediaries and social media platforms, to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including by actively contributing to initiatives aimed at fostering respect for freedom of opinion and expression, including through avenues for remedy and legal protection for users, and by ensuring the greatest possible transparency in their policies, standards and actions that have an impact on the freedom of opinion and expression, privacy and data protection, and to promote digital, media and information literacy and digital user safety as a way to empower all people and facilitate digital inclusion and global connectivity, while underlining the important role that international and multi-stakeholder cooperation can play in this regard;

11. *Encourages* business enterprises, including communications service providers, to work towards enabling solutions to secure and protect the confidentiality of digital communications and transactions, including measures for encryption, pseudonymization and anonymity, and to ensure the implementation of human rights-compliant safeguards, and calls upon States not to interfere with the use of such technical solutions with any restrictions thereon complying with States' obligations under international human rights law, and to enact policies that protect the privacy of individuals' digital communications;

12. *Reaffirms* that article 20 of the International Covenant on Civil and Political Rights provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, including in consultation with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies, to convene at its fifty-third session a panel discussion, fully accessible to persons with disabilities, on the role of digital, media and information literacy in the promotion and enjoyment of the right to freedom of opinion and expression, open to the participation of States, members of civil society and business enterprises and relevant private sector organizations, technological intermediaries, including social media platforms, United Nations experts and other stakeholders, and also requests the Office of the High Commissioner to prepare a summary report on the panel discussion and present it to the Human Rights Council at its fifty-fourth session;

14. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

41st meeting
8 July 2022

[Adopted without a vote.]

50/16. Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant international human rights instruments,

Reaffirming that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of women and girls,

Recalling General Assembly resolution 75/160 of 16 December 2020 on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the Assembly and the Commission on the Status of Women on measures to eliminate harmful practices that are detrimental to women's and girls' enjoyment of human rights, and Human Rights Council resolution 44/16 of 17 July 2020 on the elimination of female genital mutilation, and other Council resolutions on the same topic,

Recalling also the Vienna Declaration and Programme of Action, which reaffirms that all human rights, including the right to development, are universal, indivisible, interdependent and interrelated, the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action,

Recalling further the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Recognizing that female genital mutilation constitutes a grave human rights violation and abuse and a form of extreme violence against women and girls that is inherently linked

to deep-rooted harmful stereotypes, negative social norms, perceptions and customs that jeopardize the recognition, enjoyment and exercise of their human rights and fundamental freedoms while posing a serious threat to their dignity, health and well-being,

Recognizing also that female genital mutilation also poses a serious threat to physical integrity and mental, sexual and reproductive and maternal health, and to the health of newborn children, children and adolescents,

Recognizing further that female genital mutilation is a harmful practice constituting a serious threat to the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health, including physical, mental, sexual and reproductive, maternal, newborn, child and adolescent health, that it has no documented health benefits, that it may give rise to possible adverse obstetric, prenatal and post-partum outcomes and may increase vulnerability to HIV/AIDS, hepatitis B and C, tetanus, sepsis, urine retention and ulceration, as well as to fatal consequences for the mother and child, and that the elimination of this harmful practice can be achieved as a result of a comprehensive movement that involves all public and private stakeholders in society, including women and men, girls and boys, families, communities, religious leaders and local community and traditional leaders,

Recognizing that harmful practices, such as female genital mutilation, when perpetrated against girl children, have particular detrimental consequences for their health and growth, and recalling in that regard the need to guarantee all their human rights and fundamental freedoms and to protect them from all forms of violence and discrimination,

Recognizing also that discriminatory and stereotypical attitudes and behaviours have direct implications for the status and treatment of women and girls, and that such stereotypes impede the implementation of legislative and normative frameworks that promote gender equality and prohibit discrimination on the basis of sex, as well as the full realization of gender equality and the empowerment of women and girls, the respect for and protection and fulfilment of all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals,

Bearing in mind that decades of efforts to eliminate female genital mutilation are undermined by cross-border practices, which occur when girls or women from a country that outlaws female genital mutilation are taken across national borders to neighbouring countries that have not outlawed this harmful practice or do not enforce existing criminal laws,

Bearing in mind also the existing phenomenon of cross-border and transnational female genital mutilation, which occurs when women and girls of cross-border and other affected communities living in countries that outlaw female genital mutilation are taken to their countries and communities of origin, where this harmful practice is still socially accepted or not prohibited, to undergo female genital mutilation,

Deeply concerned that, despite increased national, regional and international efforts, the harmful practice of female genital mutilation persists in all parts of a globalized and more interconnected world, where humanitarian situations, armed conflicts, pandemics and other crises exacerbate pre-existing human rights violations or abuses and inequalities and lead to population movements, including migration, forced displacement and asylum seeking, which may result in increasing cases of cross-border and transnational female genital mutilation,

Recognizing that, owing to population movements across national borders and between nations, the prevention and elimination of female genital mutilation should be not only a national development, human rights and public health priority, but increasingly also a global priority requiring international and regional comprehensive and multisectoral responses in accordance with States' obligations under international human rights law and underpinned by the human rights principles of, inter alia, accountability, participation, transparency, empowerment, sustainability, equality and non-discrimination, and international cooperation,

Considering that the effective prevention of and response to female genital mutilation, including cross-border and transnational female genital mutilation, requires the establishment of national, local and regional cooperation and coordination mechanisms with the joint

participation of government entities across sectors, including education, health, justice, social welfare, law enforcement, immigration and asylum and communications and media, and the active engagement of all relevant stakeholders, including regional and international networks, including parliamentarians, national human rights institutions, professional associations, including health-care providers, civil society organizations, human rights groups, women human rights organizations, youth-led organizations, regional networks of traditional and religious leaders and faith-based organizations, men and boys, parents, legal guardians and family members,

Recognizing that the practice of female genital mutilation constitutes torture or ill-treatment and must be prohibited, in accordance with regional and international human rights standards,

Recalling the annual commemoration of the International Day of Zero Tolerance for Female Genital Mutilation, on 6 February, with the aim of enhancing awareness-raising campaigns and taking concrete action against female genital mutilation,

Expressing deep concern at the lack of effective international, regional and bilateral cooperation measures for prosecuting perpetrators and for providing victims and survivors of female genital mutilation with access to remedies and redress, health care and health services, including sexual and reproductive health, mental health and psychosocial counselling, legal assistance and socioeconomic reintegration services,

Recognizing that the criminalization alone of female genital mutilation is insufficient when introduced without complementary, comprehensive and multisectoral measures and support programmes with the engagement of the whole community, including across the health, gender equality and education sectors, and may instead contribute to discrimination and the marginalization of and the loss of livelihoods for affected women and girls and their families,

Noting that ensuring accountability to redress cases of cross-border and transnational female genital mutilation requires not only the establishment of legal protection measures and the provision of legal remedies but also the implementation of a broad range of other measures, including the design, implementation and monitoring of regional, national and subnational policies and programmes as well as local services to ensure women's and girls' enjoyment of their human rights with the free active informed and meaningful participation of women and girls at risk of and affected by female genital mutilation,

Noting with concern that, owing to the absence of regional and national monitoring and data collection mechanisms, weak national indicators in administrative data systems, the absence of robust monitoring and evaluation frameworks to track progress, and the absence of standard guidelines on data collection and of regional cooperation agreements to share and manage information, many countries lack accurate and reliable regional and national data on the practice of cross-border and transnational female genital mutilation to deepen their understanding of the situation and to inform international, regional and bilateral cooperation policies and programmes aiming to prevent and eliminate female genital mutilation,

Welcoming the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice, including cross-border and transnational practices of female genital mutilation, cannot be justified on any grounds, including religious or cultural grounds,

Welcoming also various initiatives aimed at ending cross-border and transnational female genital mutilation to galvanize political action, increasing the allocation of financial resources, strengthening partnerships and tracking progress in the elimination of female genital mutilation, such as the Saleema initiative launched by the African Union,

Reaffirming the obligation of States to protect the human rights and fundamental freedoms of women and girls and their commitment to prevent and eliminate the harmful practice of female genital mutilation, and emphasizing in this regard that States have the primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice, including through international and regional cooperation and coordination,

1. *Condemns* all forms of violence and harmful practices that affect women and girls, in particular female genital mutilation, and urges States to take all necessary measures in accordance with their obligations under applicable international human rights law, including legislative and policy measures, to prohibit female genital mutilation and to protect women and girls, including women and girls from cross-border and other affected communities, from this form of violence;

2. *Urges* States to respect, protect and fulfil the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable the enjoyment by them of all human rights and fundamental freedoms, including the right to the enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health;

3. *Calls upon* States to combat racism, racial discrimination, xenophobia and related intolerance against women and girls, and not perpetuate structural racism in addressing cross-border and transnational female genital mutilation by applying pervasive racial, ethnic or religious stereotypes, prejudice or bias in law enforcement, particularly at borders;

4. *Urges* States to adopt and enforce regional and national legislation prohibiting female genital mutilation, in accordance with States' obligations under applicable international human rights law, to ensure its strict application, and to effectively combat cross-border and transnational female genital mutilation, including by:

(a) Enacting and, as appropriate, harmonizing national laws on relevant matters such as the nature and seriousness of the offence, types of perpetrators, penalties, and assistance and support aimed at restitution, rehabilitation, compensation and satisfaction, guarantees of non-repetition, and other social protection measures, including through the development of regional model laws, using a victim- and survivor-centred approach;

(b) Incorporating in national laws legal clauses allowing the possibility to prosecute national citizens and residents for facilitating cross-border female genital mutilation, including the act of taking a woman or girl to another country in order to have female genital mutilation performed on her;

(c) Developing, as relevant, strong regional and national coordination mechanisms to monitor and evaluate the enforcement of laws in relation to cross-border and transnational female genital mutilation, in partnership with cross-border and other affected communities;

(d) Strengthening transnational police and judicial cooperation in the exchange of information on victims and perpetrators of female genital mutilation, and organizations and persons who facilitate the movement of women and girls across national borders for the purpose of having female genital mutilation performed on them;

5. *Also urges* States to ensure the protection of, and provision of support to, women and girls subjected to or at risk of female genital mutilation, including cross-border and transnational female genital mutilation, and to address the underlying systemic and structural causes in which this harmful practice is rooted by establishing regional, national and multisectoral prevention and response strategies that respond to the needs of women and girls, including supportive legislation and policies, programmes and budgetary measures based on integrated, coordinated and collective approaches combining political commitment, civil society engagement and accountability at the regional, national, local and community levels;

6. *Encourages* States to put in place regional cooperation and coordination mechanisms to prevent and eliminate cross-border and transnational female genital mutilation and to ensure their sustainability and effectiveness by providing them with adequate financial resources and capacities so that they can oversee the implementation of comprehensive and multisectoral regional, national and subnational plans, strategies, policies and programmes, with the active engagement and participation of relevant actors, including international organizations, regional and international networks of parliamentarians, national human rights institutions, professional associations, including of health-care providers, civil society organizations, including human rights groups, women human rights organizations, and youth-led organizations, as well as traditional and religious leaders and faith-based

organizations, men and boys, parents, legal guardians and family members, victims and survivors;

7. *Also encourages* States to integrate the prevention of and response to female genital mutilation into national development plans and poverty reduction strategies through the active participation of all relevant ministries, parliamentarians, the judiciary, national human rights institutions, civil society organizations and other relevant stakeholders;

8. *Calls upon* States to take comprehensive, multisectoral and international and regional cooperation measures, in partnership with cross-border and other affected communities, to prevent and eliminate cross-border and transnational female genital mutilation by:

(a) Addressing the root causes of gender inequality, including negative gender stereotypes and social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations in which women and girls are viewed as subordinate to men and boys, which perpetuate female genital mutilation, by developing and implementing, inter alia, awareness-raising programmes that provide accurate information about the negative impact of female genital mutilation on women and girls and society at large, and by creating bridges for dialogue between cross-border and other affected communities with their communities of origin;

(b) Developing, supporting and promoting educational programmes on human rights, gender equality, health and life skills that challenge the stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(c) Mobilizing and raising the awareness of opinion makers, including politicians at the national and local levels, parliamentarians, religious, traditional and community leaders, civil society organizations, the media, journalists, bloggers and social media influencers on the harmful impact of female genital mutilation on the human rights and well-being of women and girls, including the right to the enjoyment of the highest attainable standard of physical and mental health, on the special protection needs of women and girls from cross-border and other affected communities, including refugees and asylum seekers, and on the important role of parents, families, men and boys and religious and traditional leaders in championing the elimination of the practice;

(d) Protecting and supporting women and girls from cross-border and other affected communities who have been subjected to female genital mutilation and those who are at risk, by developing interdisciplinary, accessible, sustained and coordinated legal, psychosocial, education and health-care services and by raising awareness about the practice of cross-border and transnational female genital mutilation to relevant professionals, including law enforcement and judicial officials, school teachers, social workers and health-care providers, while encouraging them to report cases in which they believe that women or girls are at risk of cross-border or transnational female genital mutilation;

(e) Ensuring that universal health coverage includes the prevention and treatment of the health risks and complications associated with female genital mutilation, including through access at the primary health-care level to female genital mutilation-related protection and care services for women and girls affected by or at risk of female genital mutilation, including cross-border or transnational female genital mutilation;

(f) Stopping the medicalization of female genital mutilation, which includes drafting and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so that they are able to respond to social pressures in their interaction with cross-border and other affected communities and their communities of origin to perform medicalized female genital mutilation;

(g) Ensuring a more holistic and coordinated approach to the humanitarian-development nexus by integrating the prevention of and response to female genital mutilation into humanitarian preparedness and response plans, including in the continuum of essential services for gender-based violence in emergencies, with particular attention to the protection needs of refugees, asylum seekers, migrants and internally displaced women and girls living in cross-border communities;

9. *Urges* States to take measures to develop and strengthen regional and national accountability systems in the context of comprehensive and multisectoral cooperation strategies, policies, plans and budgets to prevent and eliminate cross-border and transnational female genital mutilation, including by:

(a) Holding all relevant duty bearers, such as health-care providers, teachers, religious leaders, traditional authorities, politicians and law enforcement officials, accountable for not complying with or upholding laws and regulations relating to female genital mutilation, in order to prevent and respond in an age- and gender-sensitive manner, to end impunity and to avoid the perpetuation of the practice;

(b) Ensuring timely and effective legal remedies for women and girls at risk of or affected by female genital mutilation, including cross-border and transnational female genital mutilation, including by informing women and girls about their legal rights, removing all barriers to access to legal assistance and remedies, including linguistic barriers, providing gender- and age-sensitive training for law enforcement officials and other relevant authorities, and ensuring that justice processes take into account, as appropriate, the best interests of the child as a primary consideration and the right to privacy at all stages of proceedings;

(c) Ensuring that judicial and administrative protection measures to prevent cross-border and transnational female genital mutilation are used as a last resort and are consistent with the principles of non-discrimination, physical and psychological integrity and the best interests of the child, and properly informed by ex-ante risk assessments conducted by judicial or government officials in consultation with women and girls at risk of female genital mutilation, their families and relevant community members;

(d) Establishing or strengthening mechanisms to enable safe reporting of cross-border and transnational cases that are likely or have occurred, and to provide referrals to needed services and accurate gender-sensitive and age-appropriate information about female genital mutilation;

(e) Taking, within the general framework of integration policies and in consultation with affected communities, women and girls, young people, parents, legal guardians and family members, effective and specific targeted measures for refugee and migrant women and girls, their families and their communities to protect women and girls everywhere from female genital mutilation, including when the practice occurs outside the country of residence;

(f) Assisting regional and national professional associations and trade unions of health-care service providers in adopting declarations, protocols, codes of ethics and internal disciplinary rules prohibiting their members from engaging in cross-border or transnational female genital mutilation;

(g) Ensuring that regional and national strategies and coordination mechanisms to prevent and eliminate female genital mutilation, including cross-border and transnational practices, include transparent forms of monitoring, review and oversight of strategies, policies, programmes and budgets in partnership with cross-border and other affected communities and women and girls at risk of or affected by female genital mutilation in order to improve the quality and responsiveness of prevention and response services;

(h) Developing the capacity of national human rights institutions to monitor progress in the elimination of cross-border and transnational female genital mutilation and to investigate human rights violations or abuses by promoting cooperation and joint investigations between national human rights institutions from neighbouring countries and supporting global and regional networks of national human rights institutions to promote South-South and North-South cooperation by exchanging of information on regional trends, monitoring frameworks and methodologies and other good practices;

(i) Strengthening and systematizing the collection of data on cross-border and transnational female genital mutilation disaggregated by, inter alia, age, nationality, geographical location and ethnic, migrant, refugee and migration status, encouraging research, particularly at the university level, transparency, accountability and data-sharing by relevant stakeholders and between countries and cross-border and other affected communities, consistent with privacy and data protection concerns, using the results of

research to strengthen international and regional cooperation, policy formulation, public information and awareness-raising activities, and measuring their effectiveness in preventing and eliminating cross-border and transnational female genital mutilation;

(j) Developing and maintaining regional and national information management systems to allow relevant government entities, including law enforcement and judicial officials, health-care providers and social workers to share among themselves and with their respective regional peers information on trends, challenges and factors that affect cross-border and transnational female genital mutilation, and on the status of implementation of concrete initiatives and activities addressing those trends and challenges;

(k) Promoting within cross-border and other affected communities and their communities of origin the free, active, informed and meaningful participation of civil society organizations and of women and girls at risk of or affected by female genital mutilation in social accountability mechanisms to monitor regional and national policies, programmes and budgets, as well as local services designed to prevent and eliminate female genital mutilation, and the effective implementation of public declarations of abandonment;

(l) Taking all necessary and appropriate measures to enable the equal participation of affected girls and of youth-led organizations in regional intergovernmental cooperation and coordination mechanism to end cross-border and transnational female genital mutilation, including, but not limited to, by providing youth-friendly information on regional, national and local participation processes, making available financial resources to cover the costs related to their participation, and ensuring that their participation is not instrumentalized or deemed irrelevant by dominant entities within participatory processes;

10. *Calls upon* all States to increase their development cooperation efforts – technical and financial assistance, and South-South and triangular cooperation – in consultation with United Nations bodies, other specialized agencies and other relevant stakeholders for the effective implementation of regional, national and subnational comprehensive and multisectoral strategies, policies, programmes and action plans to prevent and eliminate cross-border and transnational female genital mutilation, and encourages States and development cooperation agencies to consider increasing their financial support for organizations and programmes that support women and girls affected by or at risk of female genital mutilation, including the Joint Programme on the Elimination of Female Genital Mutilation: Delivering the Global Promise to End Female Genital Mutilation by 2030 of the United Nations Population Fund and the United Nations Children’s Fund, and for other initiatives at the local, regional and international levels working on the elimination of cross-border and transnational female genital mutilation;

11. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, regional organizations, national human rights institutions, human rights experts and civil society organizations, including women’s human rights organizations, youth-led organizations and representatives of cross-border and other affected communities, to prepare a report on human rights challenges and good practices in relation to international and regional cooperation and coordination efforts and the implementation of national and subnational laws, policies, programmes and other initiatives to address cross-border and transnational female genital mutilation, and to submit the report to the Human Rights Council at its fifty-sixth session;

12. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.

41st meeting
8 July 2022

[Adopted without a vote.]

50/17. The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant human rights instruments,

Reaffirming Human Rights Council resolutions 15/21 of 30 September 2010, 21/16 of 27 September 2012, 24/5 of 26 September 2013, 32/32 of 1 July 2016 and 41/12 of 11 July 2019, and recalling Council resolutions 22/10 of 21 March 2013, 25/38 of 28 March 2014, 26/13 of 26 June 2014, 31/37 of 24 March 2016, 38/11 of 6 July 2018 and 44/20 of 17 July 2020, as well as 24/21 of 27 September 2013, 38/12 of 6 July 2018 and 47/3 of 12 July 2021 and relevant resolutions of the Commission on Human Rights,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007,

Noting relevant work of treaty bodies, including the Human Rights Committee and its general comment No. 37 (2020) on the right of peaceful assembly provided for under article 21 of the International Covenant on Civil and Political Rights,

Recognizing the importance of the rights to freedom of peaceful assembly and of association for the full enjoyment of civil and political rights, and economic, social and cultural rights, as their exercise, as enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, and enables the participation and mobilization of all stakeholders in support of the implementation of the 2030 Agenda for Sustainable Development, including with regard to advancing gender equality (Sustainable Development Goal 5) and climate action (Sustainable Development Goal 13),

Recognizing also that the rights to freedom of peaceful assembly and of association provide individuals with invaluable opportunities to, inter alia, express their political or other opinions, contribute to policymaking, transparency and accountability, call for respect for and protection of human rights, engage in literary and artistic pursuits and other cultural, economic social and educational activities, engage in religious observance or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable,

Recognizing further the importance of the rights to freedom of peaceful assembly and of association for the active involvement of civil society in processes of governance that affect the lives of people,

Encouraging States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, human rights defenders, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, indigenous peoples and others not associated with or organized in non-governmental organizations, such as peaceful social movements,

Calling upon States to ensure that domestic provisions on funding for civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlining the importance of the ability to solicit, receive and utilize resources for their work,

Recognizing the challenges to the enjoyment of the rights to freedom of peaceful assembly and of association, the need to continue to monitor these challenges and to assist in overcoming them, in particular by providing technical cooperation or capacity-building when requested by States,

Reiterating the important role of new information and communications technology in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association,

Stressing the importance for all States to promote, free, open, interoperable, reliable and secure use of and access to the Internet by facilitating international cooperation aimed at the development of media and information and communications facilities in all countries, by respecting and protecting human rights, including to freedom of peaceful assembly and of association and to privacy, and by refraining from undue restrictions, such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship,

Recognizing that the pandemic has exacerbated and accelerated existing challenges, both online and offline, for civil society space, including human rights defenders, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; and restrictions on the rights to freedom of peaceful assembly and of association and to freedom of expression; and that it has increased the impact of the digital divide,

Stressing that, in times when physical assemblies are restricted, such as in times of crisis or emergency, measures should be taken to ensure that access to the Internet extends to everyone, and to bridge digital divides, including the gender digital divide,

Deeply concerned about the instances in which peaceful assemblies, including peaceful protests, have been met with repression, including the unlawful use of force by law enforcement officials, the misuse of less-lethal weapons, arbitrary arrests and detention, torture and other cruel, inhuman or degrading treatment or punishment and enforced disappearance, as well as arbitrary and unlawful surveillance, Internet shutdowns and network restrictions, and assaults on protesters, bystanders, human rights defenders, journalists, other media workers and persons belonging to national or ethnic, religious and linguistic minorities or others who are in disproportionately vulnerable situations exercising their rights to freedom of peaceful assembly and of association,

Deeply concerned also that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding for civil society actors, registration or reporting requirements, or emergency measures, including public health measures, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to address the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

1. *Decides* to renew the mandate of Special Rapporteur on the rights to freedom of peaceful assembly and of association, as established by the Human Rights Council in its resolution 15/21, for a period of three years;

2. *Takes note with appreciation* of the work of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and also takes note of the reports he has submitted to the Human Rights Council¹⁵² and the General Assembly;¹⁵³

3. *Calls upon* States to continue to cooperate fully with and to assist the Special Rapporteur in the performance of the mandate, to respond promptly to the mandate holder's urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries, and to give due consideration to implementing the recommendations contained in the mandate holder's reports;

4. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector, including social media messaging services and telecommunications companies, to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate, and notes the cooperation between the Special Rapporteur and the treaty bodies, including the work on general comments, in particular Human Rights Committee general comment No. 37 (2020), and his work relating to the Guidelines for States

¹⁵² A/HRC/50/23 and A/HRC/50/42.

¹⁵³ A/76/222.

on the effective implementation of the right to participate in political and public affairs published by the Office of the United Nations High Commissioner for Human Rights;

5. *Expresses concern* at violations of the rights to freedom of peaceful assembly and of association;

6. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, including Internet shutdowns and online censorship, calls upon all States to refrain from and to cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of association and of peaceful assembly;

7. *Calls upon* States to respect, fully protect and fulfil the rights of all individuals to assemble peacefully and associate freely, online and offline, including in the context of elections, including persons belonging to national or ethnic, religious and linguistic minorities or expressing dissenting views or beliefs, human rights defenders, children, youth, persons with disabilities, indigenous peoples, individuals associated with political parties, trade unionists, migrants and others seeking to exercise or to promote these rights, and to take all measures necessary to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association, including imposed during states of emergency, are in accordance with their obligations under international human rights law, and also calls upon States to take measures, in a manner consistent with those obligations, to ensure that these rights continue to be respected and protected during crises;

8. *Recalls* that, in accordance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the exercise of the rights to freedom of peaceful assembly and of association can be subject to certain restrictions that are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others;

9. *Calls upon* States to establish and maintain a safe and enabling environment in which civil society actors can operate freely, including by fostering and facilitating their access to financial resources, to ensure that national legislation, policies and practices are in compliance with their international human rights obligations and commitments, and to refrain from applying laws and engaging in practices that unduly interfere with their ability to do so, including with regard to their ability to access funding;

10. *Also calls upon* States to refrain from the arbitrary or unlawful use of force by law enforcement officials against those taking part in peaceful assemblies, and from the use of digital technology to silence, unlawfully or arbitrarily surveil or harass individuals or groups for having organized, taken part in or observed, monitored or recorded peaceful assemblies, or from ordering partial or full Internet shutdowns and from blocking websites and platforms around peaceful assemblies, including peaceful protests, or key political moments;

11. *Stresses* that access to justice is an integral element of the protection of the rights to freedom of peaceful assembly and of association, and calls upon States to take measures to ensure that their national legislation, policies and practices are in compliance with their international human rights obligations and commitments, and to provide timely and effective remedy and reparations, as appropriate, to victims;

12. *Requests* the Special Rapporteur to continue to report annually to the Human Rights Council and the General Assembly;

13. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil the mandate, in particular by placing adequate human and material resources at his or her disposal;

14. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

41st meeting
8 July 2022

[Adopted without a vote.]

50/18. Elimination of all forms of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and all other relevant human rights treaties and instruments,

Recalling that gender equality and the condemnation of discrimination and violence against women and girls have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, in particular Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

Recalling further the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and their mainstreaming into all goals and targets of the 2030 Agenda for Sustainable Development, and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of gender, and that national legislation, policies and practices should comply with States' international obligations,

Taking note of the recommendations contained in the report of the Human Rights Council Advisory Committee on current levels of representation of women in human rights organs and mechanisms, and ensuring gender balance,¹⁵⁴ submitted to the Human Rights Council at its forty-seventh session as requested by the Council in its resolution 41/6, aimed at ensuring women's representation and active participation at the international level and gender equality in international organizations,

Expressing profound concern at the backlash against progress made by States, international and regional organizations and civil society, including women's and girls' rights and community-based organizations, feminist groups, organizations of indigenous women and of women of African descent, women and girl human rights defenders, journalists, trade unions, girl- and youth-led organizations and other relevant actors, to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to economic crisis and inequality, racial discrimination, negative social norms and gender stereotypes, retrogressive lobbies, ideological views or misuse of culture or religion to oppose the struggle for women's and girls' equal rights, as well as to shrink civic space,

Recognizing that women and girls are subject to multiple, intersecting and systemic forms of discrimination throughout their life course based on, inter alia, gender, age, race, ethnicity, indigeneity, religion or belief, physical and mental health, disability, civil status, socioeconomic and migration status, in private and public spaces, both online and offline, and that substantive equality requires the elimination of the root causes of structural discrimination against them, including deep-rooted patriarchal systems and gender

¹⁵⁴ A/HRC/47/51.

stereotypes, harmful gender norms, negative social norms and cultural patterns of conduct, sociopolitical and economic inequalities and systemic racism, as well as deeply entrenched social norms and expectations of gender roles that perpetuate unequal power relations, discriminatory attitudes, behaviours, norms, perceptions, customs, disregard for women's and girls' dignity, bodily integrity and autonomy, sexual and gender-based violence, and harmful practices, such as female genital mutilation and child, early and forced marriage, including during the coronavirus disease (COVID-19) pandemic and humanitarian crises or emergencies,

Acknowledging that States should recognize intersecting and systemic discrimination in law and in practice where applicable, and implement policies and programmes addressing its compounded impact on women and girls, and recognizing the importance of eliminating all forms of discrimination in private and public spheres, and of fully engaging men and boys as strategic partners and allies, and as agents and beneficiaries of change, in efforts to break intergenerational cycles of discrimination, to achieve gender equality and the empowerment of all women and girls, and to respect, protect and fulfil their human rights and fundamental freedoms throughout their life course,

Reaffirming that the full enjoyment of all human rights by all women and girls includes sexual and reproductive health and reproductive rights, free from coercion, discrimination and violence,

Recognizing that sexual and reproductive health information, education and services include, inter alia, accessible and inclusive family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy and unintended pregnancies, maternal health care and services, such as skilled birth assistance and emergency obstetric care, including midwives for maternity services, prenatal and perinatal care, safe abortion where not against national law, post-abortion care, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV/AIDS and reproductive cancers,

Deeply concerned that the COVID-19 crisis has exacerbated pre-existing forms of inequality and systemic discrimination faced by women and girls, including patriarchy, misogyny, racism, stigma, xenophobia, ableism and sociopolitical and economic inequalities, and has increased the occurrence of sexual and gender-based violence and harassment, women's and girls' disproportionate share of paid and unpaid care and domestic work, as well as loss of employment and livelihoods, particularly among women who work in the informal sector, and a higher risk, for girls, of child, early and forced marriage, and that these disproportionate impacts compound existing obstacles to women's and girls' meaningful participation and decision-making in public life,

Reaffirming the need to strengthen efforts to enhance the participation and leadership of women and girls with disabilities in society through the elimination of all barriers that prevent or restrict the full and equal participation of women and girls with disabilities,

Expressing particular concern about systemic and structural discrimination, violence and harassment faced by women and girl activists, including sexual and gender-based violence as well as defamation and smear campaigns, both online and offline,

Recognizing that women and girls are among those who are most affected by violence and discrimination in participation in public affairs, including, inter alia, the persistence of gender, disability and age-related stereotypes, and negative social and cultural norms in this regard,

Deeply concerned that girls and young women continue to lack the same opportunities as boys and young men to participate in and learn about the social, economic and political functioning of society, and that they are often directly or indirectly discouraged from taking part in decision-making processes and the subsequent implementation and evaluation phases,

Recognizing that stereotypes and negative cultural and social norms ascribing lower status to girls and young women perpetuate discrimination against them in the public and private spheres, and increase the likelihood of confinement to the home, burdensome domestic and care work, lack of access to all education levels, unequal and limited access to

health-care services, limited opportunities for leisure, sport and recreation, and lack of access to cultural life and the arts, and increase the gender digital divide,

Noting with deep concern that girl and young women activists face particular challenges owing to common misperceptions around their participation in public life and on their rights to freedom of expression, association and peaceful assembly, violence and harassment, disregard for their best interests, and superficial involvement in diverse processes,

Recognizing that girls and young women have an interest in and engage in a wide and varied array of topics, such as gender equality, eliminating all forms of gender-based violence and harmful practices, children's rights, climate justice, social and economic inequalities, inclusive development, racial discrimination, good governance, digital inclusion, and peacebuilding, and that their engagement and initiatives contribute to positive transformative changes in the local, national and international contexts,

Recognizing also the contribution that family members can have to combating discrimination against women and girls by, inter alia, providing a protective and supportive environment for the empowerment of girls,

Underlining the necessity of respecting and protecting the human rights and autonomy of all girls and young women, and of actively promoting and supporting their agency, while ensuring safeguards against threats, acts of intimidation, reprisals and violence and harassment, both online and offline, and of undertaking concrete steps to remove the structural barriers and the systemic disadvantages they face,

Recognizing that the right to education, and access to inclusive and quality education, has a transformative potential and is a multiplier right that supports the empowerment of all women and girls to claim their human rights, including the right to participate in the conduct of public affairs as well as in economic, social and cultural life, and to fully, equally and meaningfully participate in the decision-making processes that shape society,

Recalling that discrimination against women and girls violates the principle of equality, and that States should ensure effective measures to promote substantive equality and non-discrimination, including by taking into account and addressing pre-existing gender inequalities,

1. *Calls upon States:*

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, in accordance with the Vienna Convention on the Law of Treaties;

(c) To implement the Convention through appropriate legislation, regulation, policies and programmes, including in relation to women's and girls' access to justice, redress and effective remedies;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women, and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note* of the work undertaken by the Working Group on discrimination against women and girls,¹⁵⁵ including its recommendations to States with regard to their international obligations to support substantive equality by adopting appropriate measures, including temporary special measures, necessary to prevent, redress and eliminate patriarchal and gender stereotypes that cause or perpetuate discrimination in all spheres of life;

3. *Calls upon States:*

¹⁵⁵ See [A/HRC/47/38](#) and [A/HRC/50/25](#).

(a) To repeal all laws and policies that exclusively or disproportionately target or criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them on the basis of any grounds, including any custom, tradition or misuse of culture or religion, and to create accountability mechanisms to end impunity and prevent, eliminate and remedy the discriminatory application of the law;

(b) To consider reviewing all proposed and existing legislation in accordance with their international human rights obligations, using an intersectional approach that takes into consideration, *inter alia*, age, race, gender, disability and the historical, social, economic, cultural and political contexts of women's and girls' realities;

(c) To promote and implement legislation, regulation, policies and programmes that facilitate substantive gender equality, the social, political and economic empowerment of all women and girls, and prevent and eliminate all forms of discrimination and gender-based violence and harassment, in all spheres of life, both online and offline;

4. *Urges States:*

(a) To respect, protect and fulfil all women's and girls' equal enjoyment of all human rights, in particular by preventing and eliminating all forms of discrimination by all actors, State and non-State, including by combating gender-based and other bias, and acknowledging that multiple, structural and intersecting forms of discrimination perpetuate deeply damaging stereotypes, while also undertaking special measures, in accordance with international obligations, to accelerate progress towards substantive equality and ensuring that women and girls can enjoy their rights in practice;

(b) To remove political, legal, social, practical, structural, cultural, economic, institutional and physical barriers, and those derived from misuse of religion, that prevent the full, equal, effective and meaningful participation, in all fields, of women and of girls, in accordance with their age and maturity, including the participation of women in leadership at all levels of decision-making in the public and private sectors, and to actively promote diversity in leadership and a culture of inclusive and enabling leadership;

(c) To support substantive gender equality, including within families, in particular in the promotion of measures for the equal sharing of responsibilities in relation to unpaid care and domestic work, the burden of which the COVID-19 pandemic has exacerbated for women and girls, especially those in marginalized and vulnerable situations;

(d) To ensure women's representation and leadership in local, national and global policy spaces and decision-making with regard to pandemics and other health emergencies, such as the COVID-19 pandemic, including in task forces, standing committees and other decision-making bodies, concerning preparedness, response and recovery, and the allocation of funding and assistance for their strengthened participation, and to promote and facilitate the meaningful participation and active consultation of girls in those spaces;

(e) To promote long-term awareness-raising initiatives in education, in communities in the media and online, engaging men and boys, through the incorporation of curricula on all women's and girls' rights into teacher training courses, on topics including the root causes of gender-based discrimination and the prevention of sexual and gender-based violence, including domestic violence, and by ensuring universal access to evidence-based comprehensive sexuality education;

(f) To develop, support and protect an enabling environment for the full, effective, meaningful and equal participation of civil society, including women's and girls' rights organizations, feminist groups, women and girl human rights defenders and girl- and youth-led organizations, in the creation, design, implementation and monitoring of all legislation and policies relevant to achieving substantive gender equality;

(g) To review and repeal, when appropriate, any law or policy that restricts women with disabilities and prevents their effective and full participation in political and public life, and to take steps to ensure that care and support systems are resourced appropriately and implemented in a way that supports community inclusion;

5. *Calls upon States:*

(a) To promote the full, inclusive and meaningful participation and active involvement of young women, as well as of girls in accordance with their age and maturity, in all issues in which they are interested, particularly those affecting them, without discrimination of any kind, by addressing the root causes of the barriers they face, including poverty and lack of access to resources, by strengthening their agency, autonomy and leadership and by providing them with life and leadership skills, training and opportunities, including catch-up and literacy education, digital literacy skills, human rights education, lifelong education opportunities and remote learning opportunities that empower them and that allow them to express themselves and to become agents of change within their communities and beyond;

(b) To create and enhance safe and accessible spaces, online and offline, for girl and young women activists to participate and express their views freely and meaningfully, within which their views are given due consideration, including formal mechanisms and institutions, such as children's and youth parliaments and other possible mechanisms having a gender, disability and age perspective, and in an inclusive manner that addresses the root causes of inequalities;

(c) To adopt policy measures and laws enabling and supporting the formation of groups, organizations and networks led by girls and young women aimed at encouraging and facilitating their full, effective, inclusive and meaningful participation in public life, and their opportunities to influence policymaking, in accordance with girls' age and maturity, including by creating and strengthening mentoring programmes facilitating intergenerational dialogue, collaboration and solidarity and providing them with relevant women role models;

(d) To adopt comprehensive national laws and policies that respect, protect and fulfil the human rights of girls and young women, including their rights to take part in the conduct of public affairs, to freedom of expression, association and assembly, and to seek, receive and impart information, integrating a gender, disability and age perspective and removing discriminatory barriers that impede girls' and young women's exercise of their civil and political rights, ensuring that any restrictions placed are in conformity with international human rights law;

(e) To adopt all necessary measures, including sustainable awareness-raising campaigns and policies, to encourage all stakeholders, including families, government officials, justice sector, educators and education institutions, local communities, civil society organizations and actors, faith groups, media and the private sector, to enable girls and young women to freely form an informed view and to support them in that regard by ensuring, among other things, their access to inclusive and quality education and health care, promoting their personal holistic development, empowerment and self-awareness, providing them with comprehensive, free, accessible and child-friendly information and promoting their active participation in decision-making processes in private and public life;

(f) To adopt specific measures to close the gender-related digital divide for girls and young women, and to ensure that particular attention is paid to access, affordability, digital literacy, privacy and online safety, enhance the use of information and communications technology, and promote equal opportunities in the design and implementation of information and communications technology and in mainstreaming a gender and disability perspective in policy decisions and the frameworks that guide them;

(g) To establish protection systems, with a gender, disability and age perspective, to safeguard girl and young women activists against any form of discrimination, violence, harassment, intimidation or reprisal, online and offline, in private or public life, and to ensure accountability for human rights violations and abuses by, inter alia, putting in place accessible and child-friendly complaint mechanisms and facilitating access to applicable international complaint procedures;

6. *Also calls upon* States to implement policies and actions:

(a) To collect, share, promote, support, implement and widely publicize evidence and good practices, including awareness-raising programmes to prevent and eliminate all forms of discrimination against women and girls and to counter gender and other stereotyping, negative portrayals of women and girls, including those who face multiple and intersecting

forms of discrimination, to reduce sexual and gender-based violence and to promote and support the implementation of awareness-raising programmes to combat gender and other stereotypes and gender-based discrimination in all settings;

(b) To ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and gender-based violence, including by informing women and girls about their rights under relevant laws in an accessible way and by improving legal infrastructure, and mainstreaming age-, disability- and gender-responsive training into justice systems to ensure equality before the law and equal protection of women and girls by the law;

(c) To modify social and cultural patterns of conduct in order to prevent and eliminate racist, xenophobic, patriarchal, disability, age and gender stereotypes and any other negative social norms, attitudes or behaviours, or unequal power relations that view women and girls as subordinates or that underlie and perpetuate multiple and intersecting forms of discrimination and violence against women and girls;

7. *Urges* States to respect, protect and fulfil the right to sexual and reproductive health, including for adolescent girls and young women, free from discrimination, coercion and violence, including by addressing social and other determinants of health, the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect dignity, integrity and the right to bodily autonomy and guarantee universal access to sexual and reproductive health services and evidence-based information and education, including for family planning; and to ensure timely access to maternal health services and emergency obstetric care, including treatment for pregnancy-related morbidities, respectful of individual privacy;

8. *Calls upon* States to systematically gather outbreak-related data that are disaggregated by sex, age, disability and other characteristics relevant in national contexts, to examine and report on the gender-specific and intersectional health, social and economic effects of the COVID-19 pandemic on women and girls, and to take a human rights-based and gender-responsive approach in their responses to the COVID-19 pandemic and their recovery strategies, and to pay special attention to women and girls, in particular those in vulnerable situations, and their specific needs, including protection from xenophobia, social stigma, sexual and gender-based violence, and domestic violence, and equal access to livelihood and socioeconomic opportunities and health-care services, including testing, treatment, vaccines and respectful, inclusive and non-coercive sexual and reproductive health information and services;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies using a human rights-based approach in the design and roll-out of population censuses and household surveys, as well as in the collection, analysis and dissemination of gender statistics and sex-, age- and disability-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance to enable developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, disability, income and other characteristics relevant in national contexts;

10. *Decides* to extend the mandate of the Working Group on discrimination against women and girls for a period of three years, on the same terms provided for by the Human Rights Council in its resolution 15/23 of 1 October 2010, and requests the Working Group to continue to consider, and to mainstream across all its work, an age dimension in the fulfilment of its mandate, and to examine the specific forms of discrimination that girls face;

11. *Calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively, invites relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the treaty bodies and other special procedures, within their respective mandates, and civil society actors, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage

with the Commission on the Status of Women, including by participating in its work and formally reporting to it;

12. *Requests* the Secretary-General to ensure that the reports of the Working Group are brought to the attention of the Commission on the Status of Women and the General Assembly, and requests the Working Group to present an oral report annually to the Commission and to the Assembly, in proximity with the reports of the Special Rapporteur on violence against women, its causes and consequences and of the Committee on the Elimination of Discrimination against Women;

13. *Encourages* States to make public any progress made and good practices adopted in order to ensure women's equal representation in human rights bodies and mechanisms;

14. *Invites* the United Nations High Commissioner for Human Rights to inform the Human Rights Council periodically of progress made to implement the recommendations addressed to her office in the report of the Human Rights Council Advisory Committee on current levels of representation of women in human rights organs and mechanisms, and ensuring gender balance;¹⁵⁶

15. *Encourages* States to consider ways to enhance the participation of women in the work of the Human Rights Council, taking into consideration existing guidelines and standards as set out in Council resolution 6/30 of 14 December 2007, Council decision 6/102 of 27 September 2007 and President's statement OS/12/1;

16. *Decides* to continue its consideration of the issue of the elimination of all forms of discrimination against women and girls as a matter of high priority, in conformity with its programme of work, at its fifty-sixth session.

41st meeting
8 July 2022

[Adopted without a vote.]

50/19. Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to full respect for the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated and that women's and girls' access to justice and accountability for violations of their human rights must be ensured,

Recalling also that gender equality has been reflected in the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Expressing deep concern at the continued violence across different parts of the Syrian Arab Republic and its devastating impact on civilians, including through the ongoing humanitarian crisis, grave violations and abuses of international human rights law and violations of international humanitarian law,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to

¹⁵⁶ [A/HRC/47/51](#).

have been committed in the Syrian Arab Republic, and the conclusions of the Independent International Commission of Inquiry on the Syrian Arab Republic that violations and abuses have included acts that are likely to constitute crimes against humanity, war crimes and other international crimes, including genocide,

Noting with deep concern the findings by the Commission of Inquiry, including in its most recent report,¹⁵⁷ that sexual and gender-based violence against women, girls, men and boys has been persistent and underreported in the Syrian Arab Republic since 2011 and continues to be perpetrated,

Noting with deep concern also the findings in the Commission of Inquiry's papers entitled "I lost my dignity": sexual and gender-based violence in the Syrian Arab Republic", from 2018, and "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic", from 2016,¹⁵⁸ including that significant violence, including rape and sexual abuse, is taking place in places of detention with impunity, and during ground operations and house raids and at checkpoints, and that such acts were committed most commonly by Syrian authorities,

Recognizing that all women and girls have been disproportionately affected by the crisis and continue to be among the worst affected, and on multiple grounds, including that many women have become the main or sole breadwinners for their families, a situation that may be exacerbated by the enforced disappearance of members of their families, while they face increased caring responsibilities and alarming levels of violence,

Noting with regret the findings of the Office of the United Nations High Commissioner for Human Rights that more than 1 in 13 of those who have died as a result of the conflict were women, and that almost 1 in 13 of those who have died as a result of the conflict were children,

Noting with deep concern that internally displaced Syrian women and children are disproportionately affected by the loss of livelihoods during displacement, including inequitable access to assistance, education, adequate hygiene, including menstrual hygiene, and health-care services, and that they experience sexual and gender-based violence such as exploitation, abuse, trafficking in persons, forced recruitment and abduction,

Noting with deep concern also the findings of the Commission of Inquiry that children have suffered sexual and gender-based violence since the early days of the Syrian conflict and recognizing the profound effect that the conflict has had on children, and in this regard, noting the Commission of Inquiry's paper of 2020 entitled "They have erased the dreams of my children": children's rights in the Syrian Arab Republic",¹⁵⁹

Acknowledging that sexual and gender-based violence against men and boys in the Syrian Arab Republic has been perpetrated on male detainees, including boys as young as 11 years, who were subjected to a range of forms of sexual and gender-based violence including rape, sexual torture, and humiliation, often in regime detention facilities during interrogations to force confessions, and occasionally even after detainees have confessed so as to further humiliate or punish them, and recognizing the need to raise awareness of sexual violence against men and boys,

Noting with deep regret that women, girls, men and boys subjected to sexual and gender-based violence often lack access to immediate health care, particularly in detention facilities where reports of sexual violence continue to be prevalent, and that authorities often deny medical care to persons in detention,

Noting with concern the situation of internally displaced persons in camps, the majority of whom are women and children, who are especially vulnerable to sexual and gender-based violence, which includes killings, physical, verbal and sexual abuse, neglect, movement restrictions, child, early and forced marriage, child labour and trafficking, and who often lack access to food, education, a livelihood and health care, including mental health care,

¹⁵⁷ [A/HRC/49/77](#).

¹⁵⁸ Available from www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation.

¹⁵⁹ *Ibid.*

Noting the remarks of the United Nations High Commissioner for Human Rights on the unique impact that the protracted issue of enforced disappearances and missing and arbitrarily detained persons has had on Syrian women,¹⁶⁰ which includes carrying out the often terrifying and demoralizing search for their loved ones as well as the financial and legal challenges they face due to persisting discriminatory laws and practices,

Acknowledging the importance of fully, equally, effectively and meaningfully engaging survivors and providing a platform for their perspectives to be heard, including the perspectives of women and child survivors, and their demands for truth and justice in the international community's efforts with regard to the Syrian Arab Republic,

Noting with deep concern that survivors of sexual and gender-based violence in the Syrian Arab Republic fear reporting such abuse owing to the stigma associated with their experiences of sexual and gender-based violence and the threat of retaliation,

Recognizing the crucial importance of women's full, equal and meaningful participation in peace efforts in order to secure sustainable peace and contribute to conflict prevention, conflict resolution and peace efforts, as outlined by the Security Council in its resolution 1325 (2000) of 31 October 2000 on women and peace and security and in subsequent resolutions,

1. *Condemns in the strongest of terms* all acts of sexual and gender-based violence committed by all parties since the start of the conflict in 2011;

2. *Reaffirms* that acts of sexual and gender-based violence, when committed as part of a widespread or systematic attack directed against any civilian population, can constitute crimes against humanity, and that acts of sexual and gender-based violence in situations of armed conflict can constitute war crimes;

3. *Calls upon* all parties to the conflict to immediately cease the perpetration of sexual and gender-based violence against all persons in the Syrian Arab Republic;

4. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights, and to prevent and protect children from all forms of violence, including killing and maiming, sexual and gender-based violence, exploitation, and violations and abuses, including the unlawful recruitment and use of children in the armed conflict and unlawful attacks on schools and hospitals;

5. *Calls upon* all parties to ensure that children affected by the conflict receive appropriate assistance, including access to identity documentation, education, justice and health care, including the provision of mental health and psychosocial support, strongly condemns the use of schools for military purposes, and encourages the Independent International Commission of Inquiry on the Syrian Arab Republic to continue its investigation and documentation of violations and abuses of the rights of the child, in particular their impact on the right to education;

6. *Strongly condemns* the continued use of arbitrary detention, torture and ill-treatment, including through sexual and gender-based violence, involuntary or enforced disappearance and summary executions, which the Commission of Inquiry noted had been carried out with consistency, by all parties to the conflict, first and foremost by the Syrian regime, and calls for the immediate cessation of arbitrary detention, as well as torture and other cruel, inhuman or degrading treatment or punishment, and sexual and gender-based violence;

7. *Also strongly condemns* that tens of thousands of individuals have been killed in the custody of the Syrian authorities, and that, in detention centres, rape and sexual and gender-based violence have been used, including against children, as a tool to punish, humiliate and instil fear, and demands in this respect the immediate release of all persons arbitrarily or unlawfully detained by the Syrian regime;

8. *Demands* that the Syrian Arab Republic meet its responsibility to protect its population and to respect and protect the human rights of all persons within its jurisdiction,

¹⁶⁰ See www.ohchr.org/en/statements/2022/04/update-general-assembly-missing-persons-syria.

including persons in detention and their families, in particular those who are at risk of sexual and gender-based violence, in a manner consistent with the applicable international law obligations of the Syrian Arab Republic, including those that are relevant to women and children, including under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child;

9. *Condemns* the gross systematic abuse of women's and children's rights by terrorist groups and armed groups, including so-called ISIL (also known as Da'esh), in particular those involving the killing of women and girls, sexual and gender-based violence including the enslavement and sexual exploitation and abuse of women and girls, and the recruitment, use and abduction of children;

10. *Expresses grave concern* at the disproportionate impact on women and children of the dire humanitarian conditions in all parts of the Syrian Arab Republic, reaffirms the need for full, safe and unhindered humanitarian access, and calls for the renewal of the cross-border mechanism by the Security Council in its resolution in July 2022;

11. *Calls for* every effort to be made to ensure justice for those who have suffered as a result of such crimes, including accountability and reparations, and urges all parties to the conflict to respect and protect the full enjoyment by women and children of their human rights and to heed the recommendations made by the Commission of Inquiry;

12. *Reaffirms* the need to end impunity through the prosecution of perpetrators of sexual and gender-based crimes under national and international law, and stresses the need for the perpetrators of these crimes to be held accountable by national justice systems or, where applicable, international courts and tribunals, and acknowledges in this regard the role of the International Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the International Criminal Court;

13. *Welcomes* the progress made on accountability efforts, and in this regard the judgment in January 2022 of a higher regional court in Germany finding a former director of the Syrian intelligence service guilty of crimes against humanity, including rape and sexual abuse, and notes the importance of this verdict and further ongoing proceedings under the principle of universal jurisdiction to bring truth to light and perpetrators to justice, and of the joint initiative taken by Canada and the Netherlands to hold the Syrian Arab Republic responsible for breach of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

14. *Recognizes* the need for a coordinated and effective survivor-centred approach in preventing and responding to such violence and abuse, and calls for immediate and non-discriminatory access to services, such as health care and psychosocial support, to be provided to all survivors of such crimes, and underlines the need for effective and gender-sensitive measures to be in place to ensure the safety, confidentiality, privacy and broader protection of survivors and witnesses of sexual violence in accountability processes;

15. *Calls upon* all parties to the conflict to adopt a more robust response to sexual and gender-based violence across the whole of the Syrian Arab Republic, including by raising awareness and addressing stigma, and calls for the protection of women human rights defenders and women peacebuilders and for the full, equal and meaningful participation and representation of Syrian women in humanitarian and political decision-making;

16. *Strongly supports* the efforts of the Special Envoy of the Secretary-General for Syria to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, and particularly the pivotal role of the Women's Advisory Board and its work to enhance the participation of women in the peace process;

17. *Calls for* the lifting of constraints faced by women in the Syrian Arab Republic in their access to economic resources and opportunities, including by ending discrimination against women with respect to access to property or on the grounds of national origin or family, particularly in regime-held areas, in order to promote equal opportunities for the benefit of Syrian society as a whole;

18. *Requests* the Commission of Inquiry to consider updating its report on sexual and gender-based violence, taking a victim- and survivor-centred approach, and in particular to look to make recommendations, including on broader efforts to bolster women's full, equal and meaningful participation in political and public life;

19. *Decides* to remain seized of the matter.

42nd meeting

8 July 2022

[Adopted by a recorded vote of 25 to 6, with 15 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Côte d'Ivoire, Czechia, Finland, France, Gabon, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Armenia, Bolivia (Plurinational State of), China, Cuba, Eritrea and Venezuela (Bolivarian Republic of)

Abstaining:

Brazil, Cameroon, India, Indonesia, Kazakhstan, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Senegal, Somalia, Sudan, United Arab Emirates and Uzbekistan]

50/20. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 47/19 of 13 July 2021 and 49/26 of 1 April 2022, and recalling also the statements made by the United Nations High Commissioner for Human Rights, the Office of the Secretary-General and the special procedures of the Human Rights Council on the deteriorating situation of human rights in Belarus,

Regretting the inadequate response and lack of cooperation by the Belarusian authorities to the requests made by the Human Rights Council in the above-mentioned resolutions, including on access, and to the recommendations made by the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the State,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;¹⁶¹

2. *Expresses deep concern* about the continuing systematic violations of human rights and fundamental freedoms in Belarus, in particular the ongoing oppressive restrictions on the right to freedoms of peaceful assembly, association and expression, both online and offline, resulting in the harassment, intimidation and repression of civil society and independent media, and the continuously increasing number of arbitrary detentions and arrests of individuals on politically motivated grounds or for exercising their human rights or fundamental freedoms, including journalists and other media workers, human rights defenders, including women human rights defenders, medical workers, lawyers, cultural

¹⁶¹ [A/HRC/50/58](#).

workers, teachers, students, persons belonging to national minorities, individuals expressing dissenting opinions, members of trade unions and strike committees, and other members of civil society;

3. *Strongly condemns* reported arbitrary deprivation of life of persons in custody in breach of international human rights law, and reported continued systematic and widespread torture and other cruel, inhuman or degrading treatment and punishment of and sexual and gender-based violence against individuals, including children and youth, detained and arrested in Belarus by the State authorities, inhumane detention conditions and denial of access to proper medical care and legal assistance in detention centres and prisons, as well as the denial of the right to a fair trial, and the failure of the Belarusian authorities to conduct prompt, effective, thorough, transparent and impartial investigations into all the aforementioned human rights violations;

4. *Expresses deep concern* about the reported repression of persons exercising their right to freedom of expression and opinion by speaking out against the aggression by the Russian Federation against Ukraine and the support of Belarus for that aggression, and at the repression of individuals' freedom to seek, receive and impart information, including regarding the State's use of territory and infrastructure to enable the aggression by the Russian Federation, and urges the Belarusian authorities to ensure a conducive environment for the functioning of genuinely independent media, both online and offline, including unhindered access to an open, interoperable, reliable and secure Internet;

5. *Notes with deep concern* the increasingly restrictive legal framework that further restricts the right to freedoms of opinion and expression and of peaceful assembly in violation of international human rights law or that leads to violations of other human rights, and especially targeting pro-democracy activists, peaceful protesters against the aggression by the Russian Federation against Ukraine, civil society actors, human rights defenders, including women human rights defenders, lawyers, independent media, journalists and other media workers, but also other individuals, including children, notably the amendments to the Law on Mass Gatherings, the Law on Mass Media, the Law on Countering Extremism and the Law on the Bar and Legal Advocacy, adopted in May 2021, the amendments to the Criminal Code, adopted in May and December 2021, criminalizing the engagement in the activities of dissolved civil society entities or involvement in activities of non-registered organizations, the new Code of Administrative Offences adopted in January 2022, the amendments to the Criminal Code, adopted in May 2022, expanding the use of the death penalty, and particular amendments to the Constitution adopted in the referendum held on 27 February 2022;

6. *Strongly urges* the Belarusian authorities to fully respect, protect and fulfil all their international human rights obligations, including those under the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

7. *Demands* in this respect the immediate and unconditional release of all persons arbitrarily or unlawfully detained in Belarus, and also demands that the Belarusian authorities immediately cease the criminal or administrative prosecution, harassment, intimidation and repression of all individuals solely for exercising their human rights and fundamental freedoms;

8. *Also demands* prompt, effective, thorough, transparent and impartial investigations with a view to ensuring accountability in all cases of alleged human rights violations and abuses, especially those involving deaths, arbitrary detentions, torture and ill-treatment, including acts of sexual and gender-based violence, and to ensuring restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims, as appropriate;

9. *Again strongly urges* the Belarusian authorities to take all measures necessary to ensure the full independence and impartiality of the judiciary and the independence and protection of the legal profession, to guarantee the right of all persons to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to guarantee adequate time and facilities to prepare their defences and to communicate with counsel of

their choosing, and other legal protection throughout all proceedings, including for those accused of administrative or criminal offences, and regrets the lack of progress in this context;

10. *Welcomes* the assistance of the Special Rapporteur on the situation of human rights in Belarus to the United Nations High Commissioner for Human Rights within her mandate pursuant to Human Rights Council resolution 49/26, and also welcomes the report of the High Commissioner on the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath;¹⁶²

11. *Reiterates* its call upon the Belarusian authorities to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

12. *Strongly encourages* Belarus to implement the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur, while noting with concern the lack of transparency and inclusiveness also in the process of the constitutional referendum held on 27 February 2022;

13. *Deplores* the continuing discrimination affecting women and girls and individuals in vulnerable situations, including lesbian, gay, bisexual, trans and intersex persons, persons with disabilities, and persons belonging to national or ethnic, linguistic and religious minorities, while noting the amendment to the Constitution on the rights of persons with disabilities;

14. *Again urges* the Belarusian authorities to adopt a comprehensive non-discrimination policy and legislation guaranteeing equal rights for all in law and in practice, including full access to quality education on an equal basis, and, stressing the need for the best interests of the child to be taken into account, also urges the Belarusian authorities to implement all recommendations of the Committee on the Rights of the Child and of the Committee against Torture regarding juvenile justice, and all recommendations of the Committee on Economic, Social and Cultural Rights, while noting that a few measures to prevent discrimination have already been implemented in Belarus;

15. *Notes* that the first national human rights action plan for 2016–2019 was a useful framework for facilitating intergovernmental cooperation and dialogue with civil society, contributing to the State's earlier marginally increased communication with civil society, again calls upon the Belarusian authorities to revoke the decisions on the forced dissolution of civil society entities, to enter into a genuine, constructive, inclusive and transparent national dialogue with civil society, and to develop and implement, without delay, in close cooperation with civil society, a new plan on human rights, building on the lessons learned from the implementation of the first plan and taking into consideration the recommendations accepted by the State in the context of the third universal periodic review, and the recommendations made by the treaty bodies, human rights mechanisms and civil society;

16. *Again strongly encourages* the Belarusian authorities to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to implement in this context the recommendations of the Committee on Economic, Social and Cultural Rights, and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

17. *Expresses deep concern* at the use of the death penalty in a context where fair trial guarantees are not respected, and at the limited amount of relevant information with

¹⁶² A/HRC/49/71.

regard to its use, especially in the context of the amendments to the Criminal Code adopted in May 2022 expanding the use of the death penalty, and taking into account that transparency is a requirement of fair and effective criminal justice, welcomes the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, requests her to continue to monitor developments and to make recommendations, and encourages Belarus to relaunch a national dialogue on a moratorium on the death penalty and to study its abolition;

18. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to continue to monitor developments and to make recommendations, and to submit a report on the situation of human rights in Belarus to the Human Rights Council at its fifty-third session and to the General Assembly at its seventy-eighth session;

19. *Urges* the Belarusian authorities to cooperate fully with the Special Rapporteur, including by allowing her access to visit the country and to meet freely with relevant stakeholders, including civil society, in her official capacity in order to assist the Belarusian authorities in fulfilling its international human rights obligations and by considering the implementation of her recommendations, and also urges the Belarusian authorities to extend full cooperation to thematic special procedures and to the Office of the United Nations High Commissioner for Human Rights;

20. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to enable her to fulfil her mandate in its entirety.

42nd meeting
8 July 2022

[Adopted by a recorded vote of 23 to 6, with 18 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Brazil, Czechia, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan and Venezuela (Bolivarian Republic of)

Abstaining:

Armenia, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Libya, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Uzbekistan]

50/21. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant regional human rights instruments,

Recalling the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reaffirming that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013, 25/38 of 28 March 2014, 31/37 of 24 March 2016, 38/11 of 6 July 2018 and 44/20 of 17 July 2020 on the promotion and protection of human rights in the context of peaceful protests, and other relevant resolutions of the Human Rights Council,

Recalling also its resolution 43/1 of 19 June 2020 on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, and be necessary and proportionate to further a legitimate aim, in accordance with the State's obligations under applicable international human rights instruments, and that, if imposed, administrative or judicial review that is prompt, competent, independent and impartial should be available,

Reaffirming that emergency measures taken by Governments must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law,

Recalling that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with their international human rights obligations and commitments,

Mindful of the work undertaken by the treaty bodies to address the promotion and protection of human rights in the context of assemblies, including peaceful protests, and noting in this regard Human Rights Committee general comments No. 34 (2011) on freedoms of opinion and expression, No. 36 (2019) on the right to life and No. 37 (2020) on the right of peaceful assembly,

Noting that the proper management of assemblies involves and can have an impact on respect for human rights before, during and after an assembly, and aims to contribute to its peaceful conduct and to prevent injuries to and loss of life of those participating in and monitoring such protests, and bystanders and officials exercising law enforcement duties,

Acknowledging that peaceful protests may occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums, as well as to the rule of law,

Recognizing also that peaceful protests have historically played a constructive social and political role in the development of more just, equal and accountable societies, and that such protests can continue to make a positive contribution to human development and to the full enjoyment of civil, political, economic, social and cultural rights,

Recognizing further that peaceful protests should be seen as spaces where individuals, communities and groups facing marginalization and discrimination can safely assemble to voice their views and opinions and to claim their rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Recalling that the rights to freedom of peaceful assembly, of expression, and of association include organizing, disseminating information about, participating in, observing, monitoring and recording assemblies,

Stressing therefore that everyone, including persons espousing minority or dissenting views or beliefs, must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisal or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested or detained, tortured, killed or subjected to enforced disappearance, or subjected to abusive criminal or civil proceedings,

Deeply concerned about extrajudicial, summary or arbitrary executions, arbitrary arrests and detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment of, and violence, including sexual and gender-based violence, against persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Expressing deep concern at the restrictions placed on and the targeting of journalists and other media workers, monitors, lawyers, other observers, such as human rights defenders, and medical personnel while they are engaging in their legitimate activities during protests,

Acknowledging that women, children, indigenous peoples, migrants, persons of African descent, persons belonging to minorities, persons with disabilities and other persons belonging to groups who are discriminated against and marginalized are particularly vulnerable to unlawful police use of force while taking part in protests,

Reaffirming that the full, meaningful and active participation of women and girls in public life is essential to the achievement of equality, sustainable development, peace and democracy, and that effective policies, public campaigns and educational programmes are necessary to combat discriminatory social norms, attitudes and harmful stereotypes about gender roles and capabilities that discourage involvement in public life and the exercise of the rights to freedom of peaceful assembly, of opinion and expression and of association, such as in peaceful protests,

Deeply concerned about misinformation, disinformation, misuse of new technologies and undue restrictions preventing or impairing an individual's ability to have access to or disseminate information, including partial or full Internet shutdowns, inter alia, at key political moments, with an impact on the ability to organize and conduct assemblies,

Noting that the possibility of having access to and using communications technology securely and privately, in accordance with international human rights law, is important for the organization and conduct of assemblies,

Noting also that, although an assembly has generally been understood as a physical gathering of people, the protections guaranteed by international human rights law, including for the rights to freedom of peaceful assembly, of expression and of association, also apply to analogous interactions taking place online,

Noting further that online and digital spaces are particularly important where individuals face limitations to operating in physical spaces, and where there is no possibility of holding peaceful assemblies in person,

Acknowledging that new technologies can be enablers for the exercise of the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs by facilitating mobilization for and the organization of assemblies, and acknowledging also that they create space for the holding of assemblies online and may facilitate and enhance the involvement and participation of those often marginalized, as well

as support the proper management of assemblies and increase transparency and accountability,

Expressing its concern at the criminalization and prosecution, including violations of due process and fair trial guarantees or trials in military courts, in all parts of the world, of individuals and groups solely for having organized or taken part in peaceful protests, for having observed, monitored or recorded protests or for offering medical support to or defending the rights of protesters,

Expressing its concern also at the arbitrary and unlawful surveillance, both in physical spaces and online, of individuals engaged in peaceful protests, including through the use of closed-circuit television and aerial surveillance vehicles, as well as through the use of new and emerging digital tracking tools, such as biometric technologies, including facial and emotional recognition and international mobile subscriber identity-catchers (“stingrays”),

Emphasizing that technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity online, are important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association,

Stressing that peaceful protests, their organizers and their participants should not be viewed as a threat, and therefore calling upon all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Bearing in mind that the peaceful conduct of assemblies can be facilitated on the basis of communication and collaboration among organizers, protesters, local authorities and officials exercising law enforcement duties,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue among organizers, individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of protests, including by investigating such violations and abuses and providing victims with access to an effective remedy and redress,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and recalling also the Minnesota Protocol on the Investigation of Potentially Unlawful Death,

Recalling also the *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement* issued by the Office of the United Nations High Commissioner for Human Rights as a supplement to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and calling upon all States to consider applying it to their law enforcement operations in relation to assemblies,

Encouraging all States to make appropriate use of the *Resource Book on the Use of Force and Firearms in Law Enforcement* published by the Office of the High Commissioner and the United Nations Office on Drugs and Crime, and the updated training package of the Office of the High Commissioner on human rights law and law enforcement,

Recalling the importance of adequate training, equipment, oversight and accountability for officials and private personnel exercising law enforcement duties assigned to the management of assemblies, and of refraining, to the extent feasible, from assigning military personnel or employing military equipment and techniques to perform such duties, while reaffirming that the State’s international obligations and commitments in relation to the use of force in the context of law enforcement also apply to the military when it is performing law enforcement duties, and that private personnel should respect internationally recognized standards,

Reaffirming that, in situations of armed conflict, including military occupation, international human rights law and international humanitarian law are complementary and mutually reinforcing, and that States must comply with their applicable obligations under international human rights law during peaceful protests, including in the use of force and firearms,

Recognizing the critical role that law enforcement plays in respecting and protecting human dignity and maintaining and upholding the human rights of all persons, including in the facilitation of assemblies,

1. *Takes note* of the summary report of the Office of the United Nations High Commissioner for Human Rights of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges;¹⁶³

2. *Takes note with appreciation* of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on the protection of human rights in the context of peaceful protests during crisis situations, submitted to the Human Rights Council in accordance with its resolution 44/20,¹⁶⁴ and encourages States and all other relevant stakeholders to consider the recommendations made in the report;

3. *Expresses deep concern* regarding the instances in which peaceful protests have been met with repression, including the unlawful and excessive use of force by law enforcement officials, the misuse of less-lethal weapons, the militarization of law enforcement, arbitrary arrests and detention, unfair trials, torture or other cruel, inhuman or degrading treatment, violence, including sexual and gender-based violence, and enforced disappearance, as well as undue restrictions, such as Internet shutdowns, and assaults on protesters, bystanders, human rights defenders, lawyers, journalists and other media workers and medical personnel;

4. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations and abuses, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings, or threats of such acts, at all times;

5. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, both online and offline, including by ensuring that domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments to clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

6. *Also calls upon* States to ensure that legislation relating to national security, public order and public health is in line with their obligations under international law, in particular international human rights law, in order to prevent undue criminalization of or restrictions or bans on peaceful protests;

7. *Further calls upon* States to cease using rhetoric that stigmatizes protesters, and to facilitate a dialogue with them in an inclusive manner when seeking solutions for resolving a crisis and addressing its causes;

8. *Reaffirms* that emergency measures taken by Governments must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law;

9. *Encourages* all States to give due consideration to the compilation of practical recommendations for the proper management of assemblies based on best practices and

¹⁶³ A/HRC/50/47.

¹⁶⁴ A/HRC/50/42.

lessons learned,¹⁶⁵ which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, and to promote and protect human rights in the context of assemblies, including peaceful protests;

10. *Calls upon* States to facilitate peaceful protests by providing protesters, to the extent possible, with access to public space within sight and sound of their intended target audience, and by protecting them, without discrimination, where necessary, against any form of threat or harassment, and underlines the role of local authorities in this regard;

11. *Underlines* the important role that communication between organizers, protesters, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls upon States to establish such appropriate channels;

12. *Urges* States to pay particular attention to the safety and protection of women and girls, as well as of women human rights defenders, in the context of peaceful protests, to develop systems to prevent and respond to acts of intimidation, harassment and violence, including sexual and gender-based violence, and to adopt protocols on gender-responsive policing of protests;

13. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, of expression and of association, including in the context of peaceful protests, and stresses the need for additional guidance for law enforcement with regard to the participation of children in peaceful protests;

14. *Calls upon* all States to pay particular attention to the safety and protection of those observing, monitoring and recording protests, including human rights defenders, lawyers, journalists and other media workers, taking into account their specific role, exposure and vulnerability, even if the protest has been declared unlawful or is dispersed;

15. *Calls upon* States to take measures before, during and after protests to protect all individuals, paying special attention to those belonging to groups that are particularly vulnerable to unlawful police use of force, while recognizing the need for specific technical and practical tools to assist law enforcement officials in promoting and protecting human rights in the context of peaceful protests;

16. *Stresses* that, in times when physical assemblies are restricted, inter alia in times of crisis or emergency, it is all the more necessary that access to and use of the Internet be ensured by refraining from undue restrictions, such as Internet shutdowns or online censorship, by taking measures to ensure that access to the Internet extends to the entirety of the global population and that it is affordable, and by fully respecting and protecting each individual's rights to privacy and to freedom of opinion and expression, including the freedom to seek, receive and impart information;

17. *Calls upon* all States to refrain from and cease measures that violate human rights, including practices such as the disruption of communications through Internet shutdowns, or measures that unlawfully or arbitrarily block or take down media websites or social networks, and other widespread restrictions on Internet access, the dissemination of information online or from gathering in online spaces;

18. *Urges* all States to avoid using force during peaceful protests, to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force, and also to ensure that assistance and medical aid are rendered to any injured or affected person at the earliest possible moment;

19. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular, applicable principles of law enforcement, such as necessity and proportionality, bearing in

¹⁶⁵ A/HRC/31/66.

mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

20. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

21. *Calls upon* States to investigate any deaths or significant injuries, including those that lead to disability, incurred during protests, including those resulting from the discharge of firearms or the use of less-lethal weapons by officials exercising law enforcement duties or by private personnel acting on behalf of the State;

22. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of the State, including in international human rights law and, where appropriate, international humanitarian law, and in this regard urges States to include in such training the application of de-escalation and negotiation strategies;

23. *Encourages* States to make appropriate protective equipment and less-lethal weapons available to their officials exercising law enforcement duties in order to decrease their need to use weapons of any kind, while pursuing efforts to regulate and establish protocols for the training and use of less-lethal weapons, bearing in mind that even less-lethal weapons can result in a risk to life or serious injury;

24. *Underlines* the importance of thorough and independent testing of less-lethal weapons prior to procurement and deployment to establish their lethality and the extent of likely injury, of monitoring appropriate training and use of such weapons, and of promoting accountability at all stages;

25. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies, including peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to international human rights law and standards;

26. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent injuries, including those that lead to disability, and loss of life of protesters, those observing, monitoring and recording such assemblies, bystanders, medical personnel and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

27. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and of the role that can be played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users, human rights defenders and lawyers in this regard;

28. *Calls upon* States to refrain from the use of digital technology to silence, arbitrarily or unlawfully surveil, or harass individuals or groups solely for having organized, taken part in or observed, monitored or recorded peaceful protests, or from ordering blanket Internet shutdowns and from blocking websites and platforms including around protests or key political moments;

29. *Urges* States to refrain from the arbitrary or unlawful use of biometric identification technologies, including facial recognition, to identify those peacefully participating in an assembly;

30. *Calls upon* States to refrain, in accordance with applicable national procedures and international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons when they assess that there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights, including in the context of assemblies;

31. *Expresses grave concern* at the use of private surveillance technologies to commit widespread violations and abuses against those exercising their right to peaceful assembly, including through hacking;

32. *Calls upon* States to refrain from applying any undue restrictions to technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity online, given that these are important to ensure the enjoyment of human rights, in particular the rights to privacy, in the context of assemblies;

33. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law and in conformity with their international human rights obligations and commitments, and to provide all victims with access to a remedy and redress, including in the context of peaceful protests;

34. *Requests* the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, to engage in global and regional consultations and to develop specific technical and practical tools based on international standards and best practices to assist law enforcement officials in promoting and protecting human rights in the context of peaceful protests, and when preparing the said practical tools to seek the views of States, other relevant entities of the United Nations Secretariat, other relevant United Nations agencies, funds and programmes, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners, such as law enforcement practitioners, and to present those technical and practical tools to the Human Rights Council at its fifty-fifth session;

35. *Decides* to continue its consideration of the present topic.

*43rd meeting
8 July 2022*

[Adopted without a vote.]

50/22. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity, and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the coronavirus disease (COVID-19) pandemic;

3. *Stresses* the need for the increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2023, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other relevant stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on the contribution of science, technology and innovation to the promotion of human rights, including in the context of post-pandemic recovery;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2023 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents, including statistical reports, as background documents for the dialogues and debates that will be held at the 2023 Social Forum;

7. *Requests* the United Nations High Commissioner for Human Rights to facilitate the participation in the 2023 Social Forum – in order to contribute to the interactive dialogues and debates held at the Forum and to assist the Chair-Rapporteur as resource persons – of no fewer than 10 experts, including, as appropriate, representatives of academic, scientific and technological sectors, civil society and grass-roots organizations in developing countries, representatives of relevant international organizations, including the United Nations Educational, Scientific and Cultural Organization, and relevant special procedures of the Human Rights Council;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means for ensuring consultation and the broadest possible participation of representatives from every region, in particular representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2023 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its fifty-fifth session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all States Members of the United Nations to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its fifty-third session under the same agenda item.

43rd meeting
8 July 2022

[Adopted without a vote.]

50/23. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Reaffirming also its previous resolutions on Libya, in particular Human Rights Council resolutions 43/39 of 22 June 2020 and 48/25 of 11 October 2021,

Commending the continued positive cooperation and constructive engagement of the Libyan authorities with the fact-finding mission, which has allowed the mission to carry out its mandate in a comprehensive and impartial manner, notably by facilitating recent missions and sharing information about their own investigative and prosecution efforts,

Commending the Government of Tunisia for hosting and facilitating the work of the fact-finding mission,

Noting with appreciation all the work done to date by the fact-finding mission,¹⁶⁶

Acknowledging that the fact-finding mission was delayed in the commencement of its work by administrative and logistical challenges, and that more time will be needed for it to complete its remaining activities,

1. *Decides* to extend the mandate of the fact-finding mission on Libya for a final, non-extendable period of nine months, to present its concluding recommendations;

2. *Requests* the fact-finding mission to present, to the Human Rights Council at its fifty-second session, its final report on the situation of human rights in Libya, during an interactive dialogue, with a particular focus on its concrete and concluding recommendations for the Libyan authorities in the priority areas of:

(a) Achieving transitional justice and national reconciliation;

(b) Strengthening national human rights institutions and the national action plan for human rights to follow up on the investigation of the fact-finding mission and recommendations made by the treaty bodies and in the context of the universal periodic review;

(c) Strengthening the rule of law, including supporting judicial processes and law enforcement;

3. *Renews* its request to the Office of the United Nations High Commissioner for Human Rights to provide more comprehensive and sustainable technical assistance and capacity-building to empower the Libyan authorities to follow up on the recommendations

¹⁶⁶ See [A/HRC/50/63](#).

made by the fact-finding mission to protect and promote human rights, to prevent human rights violations and abuses and to ensure accountability, in accordance with the State's priorities;

4. *Requests* the Libyan authorities to continue to cooperate and engage with the fact-finding mission, including by granting it access without delay;

5. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

6. *Decides* to remain seized of the matter.

43rd meeting
8 July 2022

[Adopted without a vote.]

B. Decisions

50/101. Outcome of the universal periodic review: Togo

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Togo on 24 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Togo, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶⁷ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁶⁸

29th meeting
30 June 2022

[Adopted without a vote.]

50/102. Outcome of the universal periodic review: Syrian Arab Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Syrian Arab Republic on 24 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Syrian Arab Republic, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶⁹ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments

¹⁶⁷ [A/HRC/50/5](#).

¹⁶⁸ [A/HRC/50/5/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

¹⁶⁹ [A/HRC/50/6](#).

and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁰

*29th meeting
30 June 2022*

[Adopted without a vote.]

50/103. Outcome of the universal periodic review: Iceland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Iceland on 25 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Iceland, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷¹ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷²

*29th meeting
30 June 2022*

[Adopted without a vote.]

50/104. Outcome of the universal periodic review: Bolivarian Republic of Venezuela

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Bolivarian Republic of Venezuela on 25 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Bolivarian Republic of Venezuela, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷³ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁴

*30th meeting
1 July 2022*

[Adopted without a vote.]

¹⁷⁰ [A/HRC/50/6/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

¹⁷¹ [A/HRC/50/7](#).

¹⁷² [A/HRC/50/7/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

¹⁷³ [A/HRC/50/8](#).

¹⁷⁴ [A/HRC/50/8/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

50/105. Outcome of the universal periodic review: Zimbabwe

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Zimbabwe on 26 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Zimbabwe, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁵ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁶

*30th meeting
1 July 2022*

[Adopted without a vote.]

50/106. Outcome of the universal periodic review: Lithuania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Lithuania on 26 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Lithuania, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁷ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁸

*30th meeting
1 July 2022*

[Adopted without a vote.]

50/107. Outcome of the universal periodic review: Uganda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Uganda on 27 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹⁷⁵ [A/HRC/50/9](#).

¹⁷⁶ [A/HRC/50/9/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

¹⁷⁷ [A/HRC/50/10](#).

¹⁷⁸ [A/HRC/50/10/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

Adopts the outcome of the review of Uganda, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁹ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁸⁰

32nd meeting

1 July 2022

[Adopted without a vote.]

50/108. Outcome of the universal periodic review: Timor-Leste

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Timor-Leste on 27 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Timor-Leste, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁸¹ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁸²

32nd meeting

1 July 2022

[Adopted without a vote.]

50/109. Outcome of the universal periodic review: Republic of Moldova

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Republic of Moldova on 28 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Republic of Moldova, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁸³ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁸⁴

33rd meeting

4 July 2022

[Adopted without a vote.]

¹⁷⁹ A/HRC/50/11.

¹⁸⁰ A/HRC/50/11/Add.1; see also A/HRC/50/2, part two, chap. VI.

¹⁸¹ A/HRC/50/12.

¹⁸² A/HRC/50/12/Add.1; see also A/HRC/50/2, part two, chap. VI.

¹⁸³ A/HRC/50/13.

¹⁸⁴ A/HRC/50/13/Add.1; see also A/HRC/50/2, part two, chap. VI.

50/110. Outcome of the universal periodic review: South Sudan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of South Sudan on 31 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of South Sudan, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁸⁵ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁸⁶

34th meeting
4 July 2022

[Adopted without a vote.]

50/111. Outcome of the universal periodic review: Haiti

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Haiti on 31 January 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Haiti, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁸⁷ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁸⁸

34th meeting
4 July 2022

[Adopted without a vote.]

50/112. Outcome of the universal periodic review: Sudan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Sudan on 9 February 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹⁸⁵ [A/HRC/50/14](#).

¹⁸⁶ [A/HRC/50/14/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

¹⁸⁷ [A/HRC/50/15](#).

¹⁸⁸ [A/HRC/50/15/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

Adopts the outcome of the review of the Sudan, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁸⁹ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁹⁰

*34th meeting
4 July 2022*

[Adopted without a vote.]

50/113. Commencement of the fourth cycle of the universal periodic review

At its 43rd meeting, held on 8 July 2022, the Human Rights Council decided that the fourth cycle of the universal periodic review shall commence in November 2022.

[Adopted without a vote.]

¹⁸⁹ [A/HRC/50/16](#).

¹⁹⁰ [A/HRC/50/16/Add.1](#); see also [A/HRC/50/2](#), part two, chap. VI.

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements

	<i>Page</i>
Adequate housing	
Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context.....	res. 49/17 87
Afghanistan	
Situation of human rights of women and girls in Afghanistan.....	res. 50/14 221
Antigua and Barbuda	
Outcome of the universal periodic review: Antigua and Barbuda.....	dec. 49/110 161
Arms transfers	
Human rights and the regulation of civilian acquisition, possession and use of firearms.....	res. 50/12 210
Belarus	
Situation of human rights in Belarus.....	res. 50/20 250
Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath.....	res. 49/26 128
Casualty recording	
Importance of casualty recording for the promotion and protection of human rights.....	res. 50/11 209
Children	
Elimination of all forms of violence against women and girls.....	res. 50/18 240
Mandate of the Special Rapporteur on violence against women and girls, its causes and consequences.....	res. 50/7 196
Rights of the child: realizing the rights of the child and family reunification.....	res. 49/20 102
Situation of human rights of women and girls in Afghanistan.....	res. 50/14 221
Climate change	
Human rights and climate change.....	res. 50/9 201
Coronavirus disease	
Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic.....	res. 49/25 122
Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic.....	res. 49/19 98
Democratic People's Republic of Korea	
Situation of human rights in the Democratic People's Republic of Korea.....	res. 49/22 114
Development	
Commemoration of the thirty-fifth anniversary of the Declaration on the Right to Development.....	res. 49/8 55

Discrimination

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.....	res. 49/31	141
Mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.....	res. 50/10	207
Elimination of all forms of discrimination against women and girls	res. 50/18	240

Disinformation

Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights	res. 49/21	111
---	------------	-----

Economic, social and cultural rights

Cultural rights and the protection of cultural heritage.....	res. 49/7	51
Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	res. 49/15	83
Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic.....	res. 49/19	98
Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	res. 49/16	86

Eritrea

Situation of human rights in Eritrea	res. 50/2	168
--	-----------	-----

Eswatini

Outcome of the universal periodic review: Eswatini.....	dec. 49/109	161
---	-------------	-----

Ethiopia

Situation of human rights in Ethiopia.....	res. S-33/1	20
--	-------------	----

Firearms

Human rights and the regulation of civilian acquisition, possession and use of firearms	res. 50/12	210
---	------------	-----

Female genital mutilation

Elimination of female genital mutilation.....	res. 50/16	230
---	------------	-----

Foreign debt

Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	res. 49/15	83
--	------------	----

Freedom of opinion and expression

Freedom of opinion and expression	res. 50/15	225
---	------------	-----

Genocide

Prevention of genocide.....	res. 49/9	56
-----------------------------	-----------	----

Georgia

Cooperation with Georgia	res. 49/33	147
--------------------------------	------------	-----

Greece		
Outcome of the universal periodic review: Greece	dec. 49/104	159
Haiti		
Outcome of the universal periodic review: Haiti.....	dec. 50/111	267
Human Rights Council		
Efficiency of the Human Rights Council	PRST OS/15/1	19
Human rights defenders		
Recognizing the contribution of human rights defenders, including women human rights defenders, in conflict and post-conflict situations, to the enjoyment and realization of human rights	res. 49/18	92
Human rights situation in Palestine and other occupied Arab territories		
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	res. 49/4	36
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	res. 49/29	133
Right of the Palestinian people to self-determination	res. 49/28	131
Hungary		
Outcome of the universal periodic review: Hungary.....	dec. 49/101	158
Iceland		
Outcome of the universal periodic review: Iceland.....	dec. 50/103	264
Internally displaced persons		
Mandate of Special Rapporteur on the human rights of internally displaced persons	res. 50/6	189
International cooperation		
Enhancement of international cooperation in the field of human rights.....	res. 50/4	178
International solidarity		
Human rights and international solidarity	res. 50/8	197
Iran (Islamic Republic of)		
Situation of human rights in the Islamic Republic of Iran.....	res. 49/24	121
Ireland		
Outcome of the universal periodic review: Ireland	dec. 49/113	163
Israel		
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	res. 49/29	133
Libya		
Technical assistance and capacity-building to improve human rights in Libya	res. 50/23	262

Lithuania

Outcome of the universal periodic review: Lithuania dec. 50/106 265

Mali

Technical assistance and capacity-building for Mali in the field of human rights .. res. 49/34 150

Minorities

Rights of persons belonging to national or ethnic, religious
and linguistic minorities res. 49/14 79

Myanmar

Situation of human rights in Myanmar res. 49/23 2

Situation of human rights of Rohingya Muslims and other minorities
in Myanmar res. 50/3 169

Nicaragua

Promotion and protection of human rights in Nicaragua res. 49/3 31

Papua New Guinea

Outcome of the universal periodic review: Papua New Guinea dec. 49/106 160

Peaceful assembly and association

The rights to freedom of peaceful assembly and of association res. 50/17 236

The promotion and protection of human rights in the context
of peaceful protests res. 50/21 253

Peaceful protest

The promotion and protection of human rights in the context
of peaceful protests res. 50/21 253

Persons with disabilities

Participation of persons with disabilities in sport, and statistics
and data collection res. 49/12 69

Religion

Combating intolerance, negative stereotyping and stigmatization of,
and discrimination, incitement to violence and violence against, persons
based on religion or belief res. 49/31 141

Freedom of religion or belief res. 49/5 42

Rights of persons belonging to national or ethnic, religious
and linguistic minorities res. 49/14 79

Republic of Moldova

Outcome of the universal periodic review: Republic of Moldova dec. 50/109 266

Right to food

Mandate of Special Rapporteur on the right to food res. 49/13 78

Right to the enjoyment of the highest attainable standard of physical and mental health

Access to medicines, vaccines and other health products in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	res. 50/13	213
Elimination of female genital mutilation.....	res. 50/16	230

Right to work

Right to work	res. 49/11	65
---------------------	------------	----

Saint Vincent and the Grenadines

Outcome of the universal periodic review: Saint Vincent and the Grenadines	dec. 49/105	159
--	-------------	-----

Samoa

Outcome of the universal periodic review: Samoa.....	dec. 49/103	158
--	-------------	-----

Sexual orientation and gender identity

Mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	res. 50/10	208
---	------------	-----

Social Forum

The Social Forum.....	res. 50/22	260
-----------------------	------------	-----

South Sudan

Advancing human rights in South Sudan	res. 49/2	28
Outcome of the universal periodic review: South Sudan	dec. 50/110	267
Technical assistance and capacity-building for South Sudan.....	res. 49/35	155

Sudan

Outcome of the universal periodic review: Sudan.....	dec. 50/112	267
Reporting by the United Nations High Commissioner for Human Rights on the situation in the Sudan	res. 50/1	167
Situation of human rights in the Sudan	res. S-32/1	16

Suriname

Outcome of the universal periodic review: Suriname	dec. 49/102	158
--	-------------	-----

Syrian Arab Republic

Outcome of the universal periodic review: Syrian Arab Republic	dec. 50/102	263
Situation of human rights in the Syrian Arab Republic.....	res. 49/27	10
Situation of human rights in the Syrian Arab Republic.....	res. 50/19	246

Syrian Golan

Human rights in the occupied Syrian Golan.....	res. 49/30	139
--	------------	-----

Tajikistan

Outcome of the universal periodic review: Tajikistan.....	dec. 49/107	160
---	-------------	-----

Technical assistance or cooperation

Strengthening the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council	res. 49/32	145
Technical assistance and capacity-building for Mali in the field of human rights ..	res. 49/34	150
Technical assistance and capacity-building for South Sudan.....	res. 49/35	155
Technical assistance and capacity-building to improve human rights in Libya	res. 50/23	262

Terrorism

Mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.....	res. 49/10	64
--	------------	----

Thailand

Outcome of the universal periodic review: Thailand	dec. 49/112	162
--	-------------	-----

Timor-Leste

Outcome of the universal periodic review: Timor-Leste.....	dec. 50/108	266
--	-------------	-----

Togo

Outcome of the universal periodic review: Togo	dec. 50/101	263
--	-------------	-----

Trinidad and Tobago

Outcome of the universal periodic review: Trinidad and Tobago	dec. 49/111	162
---	-------------	-----

Uganda

Outcome of the universal periodic review: Uganda	dec. 50/107	265
--	-------------	-----

Ukraine

Situation of human rights in Ukraine stemming from the Russian aggression.....	res. 49/1	25
The deteriorating human rights situation in Ukraine stemming from the Russian aggression	res. S-34/1	164

Unilateral coercive measures

The negative impact of unilateral coercive measures on the enjoyment of human rights.....	res. 49/6	45
---	-----------	----

United Republic of Tanzania

Outcome of the universal periodic review: United Republic of Tanzania.....	dec. 49/108	160
--	-------------	-----

Universal periodic review

Commencement of the fourth cycle of the universal periodic review	dec. 50/113	268
Outcome of the universal periodic review: Antigua and Barbuda.....	dec. 49/110	161
Outcome of the universal periodic review: Eswatini.....	dec. 49/109	161
Outcome of the universal periodic review: Greece	dec. 49/104	159
Outcome of the universal periodic review: Haiti.....	dec. 50/111	267
Outcome of the universal periodic review: Hungary.....	dec. 49/101	158
Outcome of the universal periodic review: Iceland	dec. 50/103	264
Outcome of the universal periodic review: Ireland	dec. 49/113	163

Outcome of the universal periodic review: Lithuania	dec. 50/106	265
Outcome of the universal periodic review: Papua New Guinea	dec. 49/106	160
Outcome of the universal periodic review: Republic of Moldova.....	dec. 50/109	266
Outcome of the universal periodic review: Saint Vincent and the Grenadines	dec. 49/105	159
Outcome of the universal periodic review: Samoa.....	dec. 49/103	158
Outcome of the universal periodic review: South Sudan	dec. 50/110	267
Outcome of the universal periodic review: Sudan.....	dec. 50/112	267
Outcome of the universal periodic review: Suriname	dec. 49/102	158
Outcome of the universal periodic review: Tajikistan.....	dec. 49/107	160
Outcome of the universal periodic review: Thailand	dec. 49/112	162
Outcome of the universal periodic review: Timor-Leste.....	dec. 50/108	266
Outcome of the universal periodic review: Togo	dec. 50/101	263
Outcome of the universal periodic review: Trinidad and Tobago	dec. 49/111	162
Outcome of the universal periodic review: Syrian Arab Republic	dec. 50/102	263
Outcome of the universal periodic review: Uganda	dec. 50/107	265
Outcome of the universal periodic review: United Republic of Tanzania.....	dec. 49/108	160
Outcome of the universal periodic review: Bolivarian Republic of Venezuela	dec. 50/104	264
Outcome of the universal periodic review: Zimbabwe.....	dec. 50/105	265

Vaccines

Access to medicines, vaccines and other health products in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.....	res. 50/13	213
--	------------	-----

Venezuela (Bolivarian Republic of)

Outcome of the universal periodic review: Bolivarian Republic of Venezuela	dec. 50/104	264
--	-------------	-----

Women and women's rights

Elimination of all forms of discrimination against women and girls	res. 50/18	240
Elimination of female genital mutilation.....	res. 50/16	230
Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers: participation of women in the administration of justice	res. 50/5	184
Mandate of Special Rapporteur on violence against women and girls, its causes and consequences.....	res. 50/7	196
Recognizing the contribution of human rights defenders, including women human rights defenders, in conflict and post-conflict situations, to the enjoyment and realization of human rights	res. 49/18	92
Situation of human rights of women and girls in Afghanistan	res. 50/14	221

Zimbabwe

Outcome of the universal periodic review: Zimbabwe.....	dec. 50/105	265
---	-------------	-----