



United Nations

Report of the Human Rights Council

**Thirty-fifth special session
(24 November 2022)**

**Organizational session
(9 December 2022)**

**Fifty-second session
(27 February–4 April 2023)**

**Thirty-sixth special session
(11 May 2023)**

**Fifty-third session
(19 June–14 July 2023)**

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



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ISSN XXXX-XXXX

6 September 2023

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C. President's statements

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I. Introduction

1. The present document contains the President's statement adopted at the organizational session of the Human Rights Council held on 9 December 2022, the resolutions adopted by the Council at its thirty-fifth special session, held on 24 November 2022, and its thirty-sixth special session, held on 11 May 2023, and the resolutions and decisions adopted by the Council at its fifty-second session, held from 27 February to 4 April 2023, and its fifty-third session, held from 19 June to 14 July 2023.
2. The reports of the Human Rights Council on the above-mentioned sessions are contained in documents [A/HRC/S-35/2](#), [A/HRC/52/2](#), [A/HRC/S-36/2](#) and [A/HRC/53/2](#).

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

52/30. 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,

Condemning the grave situation of human rights across the Syrian Arab Republic, and demanding that the Syrian regime meet its 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,

Welcoming the work of the Independent International Commission of Inquiry on the Syrian Arab Republic and that 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 2011,¹ noting with appreciation the work of the United Nations Headquarters Board of Inquiry, and 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,

Noting with grave concern the findings of the Commission of Inquiry, including its most recent report,² in which it documented continued violations of international human rights law and international humanitarian law, including attacks against civilians and civilian objects, arbitrary arrests, enforced disappearances and deaths in detention due to ill-treatment or lack of access to medical care and arbitrary arrests on return to the Syrian Arab Republic,

Expressing its deepest condolences for the victims of the earthquakes of February 2023 that affected approximately 8.8 million people in the Syrian Arab Republic,³ noting their impact, expressing deep concern for the impact of the earthquakes on populations already in vulnerable situations, as well as populations at greater risk of human rights violations and abuses, in addition to the existing crisis, as a result of over a decade of devastating conflict, and the already deteriorating humanitarian situation, and how this will further affect the situation in the Syrian Arab Republic, standing in solidarity with the people of the Syrian Arab Republic, and reaffirming the need for rapid, safe, unhindered and sustainable delivery of humanitarian aid to all people in need in the Syrian Arab Republic through all available modalities,

Noting with great concern that the Security Council-authorized cross-border access was reduced in January and July 2020, at the request of the regime and its allies, to a sole remaining United Nations-authorized border crossing at Bab al-Hawa, despite growing humanitarian needs, especially in the north-west of the Syrian Arab Republic, where it remains a lifeline for 4.1 million people, 80 per cent of whom are women and children, even prior to the devastating earthquakes of February 2023, since which time all parties have acknowledged the need for additional border crossings, such as at Bab al-Salam and Ra'i,

Expressing its deepest concern at the finding of the Office of the United Nations High Commissioner for Human Rights that, of the 350,209 deaths in the conflict recorded from 2011 to 2021, 143,350 were identified as civilians, in addition to an estimated 163,537

¹ See [A/76/690](#), [A/77/751](#) and [A/HRC/52/69](#).

² [A/HRC/52/69](#).

³ See United Nations country team, Syrian Arab Republic, "Flash appeal: Syrian Arab Republic earthquake (February–May 2023)", 18 February 2023.

undocumented civilian deaths, representing 1.5 per cent of the total population of the Syrian Arab Republic at the beginning of the conflict,⁴

Condemning the fact that children continue to be subjected to serious violations and abuses of human rights law, as well as violations of international humanitarian law, as identified by the Secretary-General,⁵ 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 was a child,⁶

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,

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, demanding that all parties immediately cease the practices of involuntary or enforced disappearance and kidnapping, in accordance with Security Council resolution 2474 (2019) of 11 June 2019 and applicable international law, and demanding also 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 violations and abuses of human rights and violations of international humanitarian law,

Recalling the report of the Secretary-General on missing people in the Syrian Arab Republic,⁷ underscoring the findings in the report that any measure towards addressing the continuing tragedy of missing persons in the Syrian Arab Republic requires a coherent and holistic approach, going beyond current efforts, which must be of a humanitarian nature, inclusive and centred on victims, and calling upon all parties to the conflict, first and foremost the Syrian authorities, to release immediately all persons subjected to enforced disappearance in the Syrian Arab Republic and to provide accurate information to the families of those who are missing regarding their fate and whereabouts,

Noting that parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities and to put in place appropriate channels enabling response and communication with families on the search process, and recalling Security Council resolution 2474 (2019), in which the Council called upon parties to armed conflict to take steps to prevent persons from going missing as a result of armed conflict,

Welcoming the work of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons, expressing grave concern at its findings attributing responsibility for multiple chemical weapons attacks to the authorities of the Syrian Arab Republic, as outlined in its reports to date, including the chlorine attack on Duma on 7 April 2018, in which 43 people were killed and dozens more affected, and anticipating the publication of its reports on other chemical weapons attacks,

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,

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 condemns all violations and abuses and the ongoing human rights situation, demands that all

⁴ See A/HRC/50/68.

⁵ See [A/76/871-S/2022/493](#).

⁶ See A/HRC/50/68.

⁷ [A/76/890](#).

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. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, 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;

3. *Also welcomes* the progress made regarding international accountability and notes the importance of further ongoing proceedings, such as those held in Koblenz, Germany, and efforts by States and internationally mandated institutions, including 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, to investigate conduct in the Syrian Arab Republic and where possible to prosecute crimes committed there in order to bring the truth to light and perpetrators to justice, recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court, and welcomes the joint initiative taken by Kingdom of the Netherlands and Canada to hold the Syrian Arab Republic responsible for breaching its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

4. *Calls for* sustainable, safe, rapid and unhindered cross-border humanitarian assistance, for which there is no alternative that can match its scope and scale, beyond the six months authorized by the Security Council in its resolution 2672 (2023) of 9 January 2023, in particular in the light of the impact of the earthquakes of February 2023, in addition to the existing critical levels of food insecurity and lack of access to water, among many other serious concerns, resulting in dire consequences for health and livelihoods, which have been exacerbated by continued hostilities;

5. *Calls upon* all parties, in particular the Syrian authorities, to maintain rapid, unhindered, safe and sustainable humanitarian access and to ensure that humanitarian assistance reaches its intended recipients, in this regard calls for the vital continuation of cross-border operations at Bab al-Salam and Ra'i, in addition to Bab al-Hawa, for delivering humanitarian aid and assisting vulnerable Syrians and survivors of the earthquakes, and calls upon all parties to facilitate immediate, rapid, unhindered and sustained humanitarian access, including cross-line access, to all parts of the Syrian Arab Republic;

6. *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, and notes that humanitarian aid must be delivered on the basis of need;

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 regime and its State and non-State allies;

8. *Expresses grave concern* in this regard at the continued violence, including air strikes and the use of cluster munitions, and the resulting civilian deaths and casualties, including children, and the destruction of civilian infrastructure, including medical facilities and schools, and cultural property across the Syrian Arab Republic, demands that all parties comply immediately with their respective obligations under international human rights law and international humanitarian law, and emphasizes the need to ensure that all those responsible for violations and abuses are held to account and that civilians are protected;

9. *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 Commission of Inquiry to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations, including the full and meaningful participation of women, and for the restoration of respect for human rights, 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,⁸ signed by the Russian Federation and Türkiye on 5 March 2020;

10. *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, deplores the stalling of any efforts to engage meaningfully and in good faith with the political process, and urges all parties to the conflict, and the Syrian authorities in particular, to advance all aspects of Security Council resolution 2254 (2015);

11. *Welcomes* the findings of the Secretary-General in his report, and anticipates the further efforts of the General Assembly, on how to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to the families and encourage better coordination among existing mechanisms and other stakeholders,⁹ strongly supports the timely implementation of a coherent and holistic humanitarian mechanism for this purpose, notes with appreciation the findings on the important role of Syrian civil society groups, in particular women-led and victim-led groups and women's rights organizations, in providing assistance to victims, survivors and their families, encourages greater support for civil society and its participation in the current multilateral process, in particular in the light of the burden on those groups, notes with appreciation the work to date of the Commission of Inquiry, the Office of the United Nations High Commissioner for Human Rights, the Special Envoy and civil society in this regard, and calls upon all parties to the conflict, first and foremost the Syrian authorities, to immediately release all those missing through abductions, enforced disappearances and arbitrary detention in the Syrian Arab Republic and to provide accurate information to the families regarding their fate and whereabouts;

12. *Notes* the unique impact on the families, in particular women and children, of those subjected to enforced disappearance, arbitrarily detained or otherwise missing in the Syrian Arab Republic, which includes the often terrifying and demoralizing search for their loved ones, as well as the financial and legal challenges and stigma owing to persisting gender inequalities and discriminatory laws and practices;

13. *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, and to support the right of the families of the disappeared to know the truth, and recalls the importance of promoting the full and meaningful participation of victims, survivors and their families in all efforts aimed at searching for the disappeared in the Syrian Arabic Republic;

14. *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"¹⁰ and regarding the documented executions during the Tadamun massacre, 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, 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, to provide families with information on and return the remains of those missing and to cease reprisals against families for seeking

⁸ S/2020/187, annex.

⁹ See A/HRC/52/59.

¹⁰ See A/HRC/WG.6/40/SYR/1.

further information on their missing and arbitrarily detained loved ones, and highlights the recent recommendations of the Commission in this regard;

15. *Expresses deep concern* that nearly 7 million refugees have been forced to flee the Syrian Arab Republic and that nearly 7 million people 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, recalls the findings of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the safe, sustainable, voluntary and dignified return of refugees or for the 6.8 million persons displaced inside the country, and calls upon the Syrian authorities to protect the human rights of returning refugees and internally displaced persons;

16. *Strongly condemns* the use of chemical weapons in the Syrian Arab Republic, demands that all parties desist from any use or preparation 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;

17. *Also strongly condemns* all acts of sexual and gender-based violence and abuse in the Syrian Arab Republic, as documented by the Commission of Inquiry in its reports to date, 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;

18. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights, and to prevent, and to protect children from, all forms of violence, including sexual and gender-based violence, child, early and forced marriage, exploitation, violations and abuses, including the recruitment and use of children in the armed conflict, in contravention of international law, and attacks on schools, in contravention of international law;

19. *Also urges* 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, in contravention of international law, and encourages the Commission of Inquiry to continue its investigation and documentation of violations and abuses of the rights of the child;

20. *Decides* to extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic for a period of one year;

21. *Requests* the Commission of Inquiry to present an oral update to the Human Rights Council during an interactive dialogue at its fifty-third session and to present an updated report during an interactive dialogue at both the fifty-fourth and fifty-fifth sessions of the Council;

22. *Reaffirms* its decision to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, also reaffirms its recommendation 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 Assembly, and recommends the continuation of such briefings;

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

56th meeting
4 April 2023

[Adopted by a recorded vote of 26 to 5, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gabon, Gambia, Georgia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Morocco, Paraguay, Qatar, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba and Eritrea

Abstaining:

Bangladesh, Cameroon, India, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Nepal, Pakistan, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam]

52/31. 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 General Assembly and Human Rights Council resolutions and decisions on the situation of human rights in Myanmar,

Welcoming Security Council resolution 2669 (2022) of 21 December 2022, 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 16 March 2023,

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 military on 1 February 2021, and the continuation of the state of emergency, including the extension on 1 February 2023, the declaration of martial law and its expansion on 1 February 2023, 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, religious leaders and many others,

Condemning also in the strongest terms the arbitrary detention, arrest and politically motivated convictions, sentencing and executions, including of pro-democracy activists, as well as violent acts, including extrajudicial killings, systematic sexual and gender-based violence, and torture committed against civilians, including health-care workers, children, teachers, students, lawyers, artists, journalists, human rights defenders and many others, which exacerbate the polarization and violence and worsens the humanitarian situation in the country,

Expressing deep concern at the ongoing use of violence and the escalation of the conflict by the Myanmar military, which seriously undermine the enjoyment of human rights of individuals in Myanmar, especially those of women, children and older persons, as well as those of persons belonging to ethnic and religious minorities, including Rohingya Muslims, owing to the heavy militarization of Myanmar, aggravated by the continued access to arms by the Myanmar military, 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,

Underlining the need to uphold the rule of law and to fully respect human rights, stressing in particular the need to fully protect the enjoyment of human rights by women and children, stressing the importance of accountability, and expressing deep concern at

restrictions on medical and humanitarian personnel, civil society, labour union members, journalists and media workers,

Expressing deep concern at the increasing military build-up and use of military force throughout the country, in particular in the south-eastern, central, north 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 the attacks against and the harassment of journalists and other media workers, including arbitrary arrests, enforced disappearance, torture and other ill-treatment, killings and 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 by the Myanmar armed forces against civilians, including sexual and gender-based violence, and grave violations and abuses against children, at airstrikes killing civilians and destroying civilian infrastructure, at the burning of villages, at the continuing forced displacement of civilians, including of ethnic and religious minorities, 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 at 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, and alarmed that children continue to be subjected to the six grave violations against children during armed conflict and that the scale and recurrent nature of such violations and abuses will affect generations to come,

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 personnel, on medical facilities and on transport and equipment, and at the lack of humanitarian access, and calling upon all parties, in particular the Myanmar armed forces, to abide by international law, including international human rights law and international humanitarian law, and 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 independently, neutrally and impartially to all in need, in particular to persons displaced by the conflict,

Reiterating its grave concern that the Rohingya and persons belonging to other minorities 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, and reaffirming that the denial of their citizenship status and related rights, including voting rights, is a serious human rights concern,

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 are at risk of human trafficking and in which many others are living in precarious conditions, thereby exacerbating the humanitarian crisis, and urging the Myanmar military 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 deep concern at the recent announcement by the World Food Programme of the reduction in food aid because of the inadequate and ever-decreasing international financial support for the Rohingya temporarily sheltered in Bangladesh,

Expressing gratitude to the Government of Bangladesh for facilitating the visits of the Special Rapporteur on the situation of human rights in Myanmar, the Independent Investigative Mechanism for Myanmar and the Prosecutor of the International Criminal Court, as well as to other Governments that facilitated such visits, 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,

Recalling also 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 also 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 relating to the situation in Bangladesh and Myanmar,

Recalling 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, in which the Court concluded that, prima facie, it had jurisdiction to deal with the case, 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 indicated provisional measures, and welcoming the order of the

Court of 22 July 2022 in which it rejected the preliminary objections of Myanmar and found the application of the Gambia to be admissible,

Welcoming the work of the independent international fact-finding mission on Myanmar, and in particular its final report¹¹ 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 other things, 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,¹² 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, and encouraging all States, including Myanmar and its neighbours, to cooperate with and allow access to the Mechanism to carry out its mandated activities,

Welcoming also the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar,¹³ while deeply regretting the continued non-cooperation of the Myanmar military with the Special Rapporteur and the denial of access to Myanmar since December 2017,

Welcoming further the reports of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar, including the 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,¹⁴ as well as the initial activities carried out by the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society,

Recognizing the role of civil society in highlighting the most serious violations and abuses of human rights and violations of international humanitarian law in Myanmar, as relevant, and expressing concern at the continued attempts by the Myanmar military to restrict civic space, including through the so-called Organization Registration Law, which unnecessarily and disproportionately affect the right to freedom of association,

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 the Rohingya, children, older persons, persons with disabilities and other persons in vulnerable situations,

Emphasizing the importance of supporting women's leadership and full, equal and meaningful participation in inclusive State-building and nation-building, especially by amplifying their potential in Myanmar as multipliers of peace and promoting social cohesion across different ethnic and religious communities, and in that regard welcoming the development of the women and peace and security platform in Myanmar, facilitated jointly

¹¹ [A/HRC/42/50](#).

¹² [A/HRC/48/18](#).

¹³ See, for example, [A/HRC/49/76](#).

¹⁴ [A/HRC/43/18](#).

by the Special Envoy of the Secretary-General on Myanmar and the Minister for Foreign Affairs of Indonesia,

Welcoming as an important first step the pronouncements of the National Unity Government articulated in the “Policy position on the Rohingya in Rakhine State” released on 3 June 2021, its recognition that the Rohingya are entitled to citizenship as articulated, in particular its acceptance of the final recommendation of Advisory Commission on Rakhine State, chaired by Kofi Annan, and its commitment to a new citizenship act to replace the 1982 Citizenship Law,

Recalling the recommendation made by the independent international fact-finding mission 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 Myanmar military, or any enterprise owned or controlled by them, including subsidiaries, or their individual members, until and unless they are restructured and transformed,

Expressing its full support for the central role of the Association of Southeast Asian Nations in facilitating a peaceful solution in the interest of the people of Myanmar and in facilitating constructive dialogue among all parties, as well as in the provision of humanitarian assistance,

Underscoring the need to address the root causes of the crisis in Rakhine State and to create conditions necessary for the voluntary, safe, dignified and sustainable return of Rohingya refugees and internally displaced persons, encouraging diplomatic efforts between the parties concerned to help to address the issues facing the Rohingya, and stressing the importance of providing continued protection and assistance to refugees and displaced persons,

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, the rule of law and good governance and democratic principles;

2. *Welcomes* Security Council resolution 2669 (2022), in which the Council demanded an immediate end to all forms of violence, the protection of civilians and the respect for human rights, stresses the need to uphold democratic institutions and processes in accordance with the will and interests of the people of Myanmar, urges the Myanmar military to immediately release all arbitrarily detained prisoners, including President Win Myint and State Counsellor Aung San Suu Kyi, and calls for concrete and immediate action, noting the military’s commitments to the leaders of the Association of Southeast Asian Nations to effectively and fully implement the five-point consensus reached at the Leaders’ Meeting of the Association of Southeast Asian Nations held on 24 April 2021;

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

4. *Condemns unequivocally* the execution of four political prisoners on 25 July 2022 following trials widely reported as lacking the minimum guarantees required by international human rights law, and calls upon the Myanmar armed forces to immediately cease and refrain from all other use of the death penalty contrary to international human rights law;

5. *Condemns* the deliberate, widespread, indiscriminate and disproportionate use of force against civilians, 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;

6. *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, to return to the democratic transition in Myanmar and to 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;

7. *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, as well as 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;

8. *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 and other media workers, civil society representatives, legal practitioners, religious and community leaders, health-care workers, 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;

9. *Also calls for* an end to the unjustified use of military tribunals to try civilians, and reiterates the prohibition of torture, inhuman or degrading treatment, the necessity to respect for such civilians the right to a fair trial, including the presumption of innocence, the prohibition of being tried or punished again for offences of which one has already been convicted or acquitted, the right to be brought promptly before a judge to exercise judicial power, the right to be present at trial and to review of one's sentence or conviction by a higher tribunal according to law, the right to a trial by a competent, independent and impartial tribunal established by law and the right to adequate time and facilities to prepare a defence;

10. *Further 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 the 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;

11. *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 the 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, the recruitment and use of children in armed conflict, as well as for child labour and forced labour, the use of schools and universities for military purposes in contravention of international law, attacks on schools and universities, 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, human trafficking, forced labour and rape, sexual exploitation and other forms of sexual and gender-based violence;

12. *Calls upon* the Myanmar military to immediately cease all air strikes, the use of anti-personnel landmines and the use of arson attacks, and condemns in the strongest terms

the attack and killings of 23 October 2022 in Kachin State, as well as any attacks directed against civilians and civilian infrastructure, and indiscriminate attacks;

13. *Condemns in the strongest terms* the attack on a school and killings of 16 September 2022 in Sagaing Region, as well as any indiscriminate attacks against children by the Myanmar military, and calls upon all parties, and in particular the Myanmar armed and security forces, to end violations and abuses against children, to ensure accountability for these violations and abuses, to guarantee protection to all children in armed conflict, including by stopping and preventing their recruitment into armed forces, and to provide survivors with access to adequate assistance, including access to education and psychosocial and mental health support, justice and reparations;

14. *Calls upon* all parties to the conflict in Myanmar, in particular the Myanmar armed and security forces, to cease all attacks on schools, universities, students, teachers and education administrators in contravention of international humanitarian law and to mitigate and avoid the use of schools by armed forces, as appropriate, including by taking measures, such as considering implementing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, and ensuring safe, non-violent, inclusive, effective and enabling learning environments and quality education for all;

15. *Calls upon* the Myanmar armed forces to cease the arbitrary and unlawful arrest and detention of children, to release all children detained in interrogation centres and prisons immediately and unconditionally, and to ensure their rehabilitation and reintegration into their families and communities;

16. *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, to show restraint, to cease the conflict and to show readiness to re-engage in dialogue and constitutional reform;

17. *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;

18. *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;

19. *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, 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, 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;

20. *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 the deprivation of human rights, complete disenfranchisement and forced displacement, 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;

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

22. *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 for a guarantee of 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;

23. *Calls upon* all parties, in particular 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 for the unhindered procurement of the necessary supplies and equipment, to repeal the so-called Organization Registration Law, which hampers the delivery of humanitarian assistance, to cease any penalization of individuals and organizations under this framework 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 assistance related to combating the coronavirus disease (COVID-19) pandemic, to all people in need, including internally displaced persons;

24. *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 in this regard 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 places of their choosing in a voluntary, safe, dignified and sustainable manner;

25. *Encourages* the international community, in the true spirit of interdependence and equal burden- and responsibility-sharing, to assist Bangladesh in providing humanitarian assistance to Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity, and to assist in the provision of humanitarian assistance in Myanmar 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;

26. *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 by ceasing Internet shutdowns and lifting 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;

27. *Also calls for* an end to the reclassification of villages where the Rohingya and other ethnic minorities were previously located and to removing the names of villages from official maps and potentially altering how the land may be used, and for ceasing, without any delay, the construction of military facilities in those villages;

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

29. *Urges* that full and unhindered access be granted to the diplomatic corps, independent observers and representatives of the national and international independent media so that they may conduct their work without fear of reprisals, intimidation or attack;

30. *Stresses* the role and the importance of the involvement of the Association of Southeast Asian Nations in facilitating and launching political dialogue, 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;

31. *Expresses its deep concern* over the lack of progress by the Myanmar military in the implementation of the five-point consensus of the Association of Southeast Asian Nations, and reiterates the urgent call upon Myanmar to fully, swiftly and effectively implement the five-point consensus, including through constructive dialogue among all relevant parties, to facilitate a peaceful solution in the interest of the people of Myanmar and their livelihoods, to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the Special Envoy of the Chair of the Association on Myanmar, including by granting him access to all stakeholders, and expresses its support for these efforts;

32. *Expresses its support* for further efforts towards the implementation of the five-point consensus of the Association of Southeast Asian Nations, and in this regard welcomes the Association leaders' review and decision on the implementation of the five-point consensus, adopted at the fortieth and forty-first summits of the Association, held on 11 November 2022;

33. *Also expresses its support* for the Special Envoy of the Secretary-General on Myanmar and for her good offices, including her mandate to meet with all parties, and underlines the need for close coordination between the Special Envoy of the Secretary-General on Myanmar and the Special Envoy of the Chair of the Association of Southeast Asian Nations on Myanmar;

34. *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;

35. *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, and 505 (a) and (b) of the Penal Code and the Ward and Village Tract Administration Law, and enacting comprehensive data protection legislation;

36. *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;

37. *Urges* action to address and document 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;

38. *Underlines* the importance of consulting with survivors and the families of victims, including the Rohingya and persons belonging to other minorities, and of including them in advancing justice and accountability, as appropriate;

39. *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;

40. *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 Myanmar on the economic interests of the Myanmar armed forces,¹⁵ 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;

41. *Decides* to extend the mandate of 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 fifty-third session and to submit a written report to the Third Committee of the General Assembly at its seventy-eighth session and to the Council at its fifty-fifth 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;

42. *Encourages* the Special Rapporteur to continue to engage with relevant stakeholders, in the region and beyond, through meetings and conferences relating to human rights in Myanmar;

¹⁵ See the conference room paper of the independent international fact-finding mission on Myanmar on the economic interests of the Myanmar military, available at www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx.

43. *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;

44. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the support and resources in terms of the staffing, location and operational freedom necessary to deliver on its mandate, and urges all United Nations bodies to collaborate fully with the Mechanism, where possible, and to share evidence to be used in future prosecutions, and 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;

45. *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, maintaining 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, to make recommendations on additional steps necessary to address the current crisis and to provide to the Human Rights Council a written update, at its fifty-sixth session, and a comprehensive report, at its fifty-seventh session, to be followed by an interactive dialogue;

46. *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-fourth session, to focus the assessment on the erosion of the rule of law and the effects of the crisis on the human rights of civilians, in particular journalists, women, children, human rights defenders, detainees and others, to provide technical assistance to persons belonging to those groups in order to increase their protection capacities and to present updates in the context of his regular reporting to the Council;

47. *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 therein;

48. *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;

49. *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;

50. *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, where possible, to share evidence of violations with the Independent Investigative Mechanism for Myanmar to support future prosecutions, 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, 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 this regard;

51. *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;

52. *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;

53. *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;

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

*57th meeting
4 April 2023*

[Adopted without a vote.]

III. Resolution adopted at the thirty-fifth special session

S-35/1. **Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children**

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Recalling all resolutions adopted by the General Assembly and the Human Rights Council on the situation of human rights in the Islamic Republic of Iran, including Assembly resolution 76/178 of 16 December 2021 and Council resolution 49/24 of 1 April 2022,

Reaffirming the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms under international human rights law and to ensure the full enjoyment of all human rights and fundamental freedoms by all persons within their territories and subject to their jurisdictions,

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

Noting the concern about the ongoing situation of human rights in the Islamic Republic of Iran in the context of the protests following the death in custody of Jina Mahsa Amini, a young woman arrested for allegedly violating the compulsory veiling law, expressed by the United Nations High Commissioner for Human Rights, special procedure mandate holders of the Human Rights Council, United Nations entities, the Special Representative of the Secretary-General on Violence against Children and the Committee on the Rights of the Child,

Expressing deep concern about the recent violent crackdown on peaceful protests by security forces in the Islamic Republic of Iran, including alleged arbitrary arrests and detentions, sexual and gender-based violence, excessive use of force, torture and other inhumane treatment and enforced disappearances, as well as the deaths of hundreds of peaceful protesters and thousands of arrests,

Deeply concerned in particular about reports of the arbitrary arrest, detention and physical, psychological and sexual abuse of women and girls in the Islamic Republic of Iran for exercising their human rights and fundamental freedoms,

Reaffirming its unwavering commitment to the human rights of all women and girls in the Islamic Republic of Iran and their right to full equal, effective and meaningful participation in all spheres of life,

Alarmed by reports of the arbitrary arrest of children in relation to the protests, including in raids on schools, and the incarceration of children in “psychological centres”, and emphasizing the obligation of the Islamic Republic of Iran to comply with the Convention on the Rights of the Child,

Deeply concerned about reports of the arbitrary arrest and detention of members of civil society and human rights defenders, in order to restrict their right to participate in or organize peaceful protests, and reports of charges that carry the death penalty being applied to protesters for offences that are less than the most serious crimes,

Deeply concerned also about reports of restrictions on communications affecting landline and mobile telephone usage, including Internet shutdowns and the blocking of social media platforms, which undermine the exercise of human rights, including the rights to freedom of opinion, expression, peaceful assembly and association,

Stressing the need to ensure accountability for human rights violations, which is critical for the prevention of further violations, and recalling the obligation of the Islamic

Republic of Iran to ensure prompt, effective, independent, transparent and impartial investigations into all alleged human rights violations,

1. *Strongly deplores* the violent crackdown on peaceful protests resulting in the deaths of hundreds of people, including dozens of children and a disproportionate number of persons belonging to minorities, and the arrests of thousands of people in connection with the nationwide protests following the death in custody of Jina Mahsa Amini on 16 September 2022;

2. *Urges* the Government of the Islamic Republic of Iran to respect, protect and fulfil human rights and to take all measures necessary to stop and prevent extrajudicial killings, other forms of arbitrary deprivation of life, enforced disappearances, sexual and gender-based violence, arbitrary arrests and detentions, and torture and other cruel, inhuman or degrading treatment or punishment, including against peaceful protesters;

3. *Calls upon* the Government of the Islamic Republic of Iran to end all forms of discrimination and violence against women and girls in public and private life and in law and in practice and to uphold all human rights, including the rights to freedom of opinion, expression, peaceful assembly, association and religion or belief;

4. *Also calls upon* the Government of the Islamic Republic of Iran to cease the targeted intimidation and harassment of victims and survivors and their families and to ensure their access to truth, justice and redress, including reparations, and also ensure that perpetrators are held fully accountable, in compliance with fair trial guarantees under international human rights law;

5. *Reiterates* the urgent need for the Government of the Islamic Republic of Iran to fully restore Internet access, and underlines the importance of maintaining free, open, interoperable, reliable and secure nationwide access to the Internet, which contributes to the exercise of the freedoms of opinion, expression and assembly;

6. *Urges* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, in particular by granting free, full and unhindered access to the territory of the country, including unhindered access to all places of detention, and to extend full cooperation to the thematic special procedures of the Human Rights Council and to the United Nations treaty bodies;

7. *Decides* to establish an independent international fact-finding mission, until the end of the fifty-fifth session of the Human Rights Council, to be appointed by the President of the Council, with the following mandate:

(a) Thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran related to the protests that began on 16 September 2022, especially with respect to women and children;

(b) Establish the facts and circumstances surrounding the alleged violations;

(c) Collect, consolidate and analyse evidence of such violations and preserve evidence, including in view of cooperation in any legal proceedings;

(d) Engage with all relevant stakeholders, including the Government of the Islamic Republic of Iran, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, relevant United Nations entities, human rights organizations and civil society;

8. *Requests* the independent international fact-finding mission to present an oral update to the Human Rights Council during an interactive dialogue at its fifty-third session and to present to the Council a comprehensive report on its findings during an interactive dialogue at its fifty-fifth session;

9. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the independent international fact-finding mission, to grant unhindered access to the country without any delay and to provide the members of the fact-finding mission with all information necessary to allow for the proper fulfilment of their mandate;

10. *Requests* the immediate operationalization of the mandate, requests the Secretary-General to provide all the resources and expertise necessary to enable the fact-finding mission to fulfil its mandate, and requests 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.

*2nd meeting
24 November 2022*

[Adopted by a recorded vote of 25 to 6, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Czechia, Finland, France, Gabon, Gambia, Germany, Honduras, Japan, Libya, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Nepal, Kingdom of the Netherlands, Paraguay, Poland, Republic of Korea, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Armenia, China, Cuba, Eritrea, Pakistan and Venezuela (Bolivarian Republic of)

Abstaining:

Bolivia (Plurinational State of), Brazil, Cameroon, Côte d'Ivoire, India, Indonesia, Kazakhstan, Malawi, Malaysia, Mauritania, Namibia, Qatar, Senegal, Sudan, United Arab Emirates and Uzbekistan]

IV. President's statement adopted at the organizational session

PRST OS/16/1. Efficiency of the Human Rights Council: addressing financial and time constraints

At the organizational session of the Human Rights Council held on 9 December 2022, 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 and PRST OS/13/1 of 6 December 2019 and their impact on addressing the financial and time constraints related to its workload,

Recalling that the measures contained in PRST OS/13/1 were extended for one year by PRST OS/14/1 of 7 December 2020 and for one additional year by PRST OS/15/1 of 6 December 2021,

Welcoming the measures taken to enhance interactive dialogues, including the sharing of summaries of the reports of mandate holders, and recalling the importance of ensuring the timely issuance of reports and of encouraging participants in interactive dialogues to envisage, including in their statements, questions and comments for mandate holders on the basis of the reports,

Recognizing the need to introduce additional measures in line with its institution-building package to enhance its efficiency by addressing financial and time constraints, and welcoming the informal consultations on the matter led by its current and previous Bureaux, facilitators and focal points, guided by the principles of transparency, inclusiveness, predictability, consensus and non-selectivity,

1. Decides to continue to implement the measures outlined in President's statement PRST OS/12/1, including the three-year programme of work, the two-hour duration of panel discussions, the voluntary rationalization of initiatives and related outcomes and the exchange of information;

2. Invites the Director-General of the United Nations Office at Geneva to continue to provide a comprehensive update, orally and in writing, at the organizational session held each year in December, on the actual and envisaged resources for conference services provided to the Human Rights Council;

3. Welcomes the efforts for the implementation of the measures on the use of modern technology set out in annex II to President's statement PRST OS/12/1, in particular the e-deleGATE system, and strongly encourages the continuous, progressive and full implementation of modern technology measures to improve the efficiency of the Human Rights Council;

4. Decides that all interactive dialogues will follow existing modalities and will continue to be held individually, that the speaking time limits for all stakeholder interventions will be one and a half minutes and that all mandate holders and mechanisms will be allocated 20 minutes, with two additional minutes for each country visit report and/or other mandated report;

5. Also decides to extend for one additional year the measure contained in PRST OS/13/1 related to general debates, whereby general debates will be convened at its March and September sessions on all agenda items and no general debates will take place at its June session;

6. Further decides to extend for one additional year the measure contained in PRST OS/13/1 related to the annual interactive dialogue on the annual report of the United Nations High Commissioner for Human Rights, whereby the dialogue will be conducted at its June session;

7. Decides to continue to discuss ways and means to enhance its efficiency and effectiveness, including the convening of general debates at its June session, and also decides that those discussions should commence before its fifty-third session;

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

V. Fifty-second session

A. Resolutions

52/1. 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, the communiqués of the Peace and Security Council of the African Union on South Sudan, and the report of the Peace and Security Council on its field mission, adopted on 28 February 2023,

Noting also resolution 542 (LXXIII) 2022 of the African Commission for Human and Peoples' Rights on the situation of human rights in the Republic of South Sudan of 9 November 2022,

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,

Expressing disappointment at the failure to implement the commitments made in the Revitalized Agreement, which resulted in the decision made on 22 February 2023 by the parties to extend the transitional period of the Revitalized Agreement by two years, approved by the reconstituted Joint Monitoring and Evaluation Commission, and the launch of a road map for implementation,

Stressing the urgent need to implement fully all provisions of the Revitalized Agreement during this period, including the transitional justice provisions and mechanisms under chapter V,

Highlighting that, while the transitional justice mechanisms envisioned by chapter V of the Revitalized Agreement, namely the commission for truth, reconciliation and healing, the compensation and reparation authority and the hybrid court for South Sudan, are yet to be established, there is a need for continued monitoring of and reporting on human rights violations and abuses, as well as for ongoing investigations and the collection and preservation of evidence to support the future work of these institutions,

Noting the binding commitment made by the parties to the Revitalized Agreement to ensure its full implementation, and the corresponding commitments made by the African

Union, the Intergovernmental Authority on Development and key guarantor States to support the efforts of South Sudan,

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,

Expressing alarm at the reports documented by the Commission on Human Rights in South Sudan of ongoing human rights violations and abuses by both State and non-State actors, including extrajudicial killings, forced disappearances, pervasive sexual and gender-based violence, including conflict-related sexual violence, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment, excessive restrictions on freedoms of expression and peaceful assembly in South Sudan, and in particular at reports of a continuing culture of impunity and lack of justice or accountability for alleged violations and abuses, even when supported by clear and verifiable evidence, and dismayed at the impact of human rights violations and abuses on the people of South Sudan and their potential to achieve full enjoyment of all human rights,

Noting efforts to address conflict-related sexual violence and to strengthen accountability for crimes involving sexual and gender-based violence, including through the implementation of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan, and welcoming the endorsement by South Sudan of the political declaration on conflict-related sexual violence in November 2022, and the renewal of its commitments to eliminate conflict-related sexual violence within its territory,

Welcoming the convening of the first International Conference on Women's Transformational Leadership in Juba from 13 to 15 February 2023, while noting that the 35 per cent quota for women in executive positions mandated by the Revitalized Agreement has not yet been met and stressing that the full, equal and meaningful participation and leadership of women in public and political life are key to sustaining peace in South Sudan,

Recognizing the public consultations held in April 2022 on the design of legislation for the commission for truth, reconciliation and healing in 10 States and two of the three administrative areas of South Sudan, welcoming the inclusion of a broad range of sectors and views during this process, and encouraging the Government to apply the lessons learned from the process to other public consultation processes in the run-up to a constitutional drafting process,

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,

Noting the passing of legislation in December 2022, such as the Constitution Making Process Act, as part of the implementation of the Revitalized Agreement, while noting the urgent need to open the civic and political space, to adopt an election law, to establish an inclusive electoral system and to advance an inclusive permanent constitution-making process to create the environment for free, fair and inclusive elections,

Noting also the agreement by the President and First Vice President to remove sections 54 and 55 of the 2014 National Security Service Act relating to the arrest and detention powers of the National Security Service, and encouraging the Government of South Sudan to secure the passage of the necessary legislative amendments and to give effect to this change without delay,

Recognizing the provision of technical assistance and capacity-building by the international community to South Sudan to date, including by the Office of the United Nations High Commissioner for Human Rights, the Commission for Human Rights in South Sudan and other bodies of the United Nations, 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, in addition to the political will of the leaders of South Sudan to address ongoing challenges, 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 conference on transitional justice organized by the Commission on Human Rights in South Sudan in Mombasa, Kenya in February 2023, with the participation of the Government of South Sudan, which resulted in key agreed priorities and the decision to meet quarterly in Juba to review progress on these priorities and to address challenges to their implementation,

Noting the acceptance by South Sudan of 222 out of 258 recommendations made by States at its review during the third cycle of the universal periodic review,¹⁶

Warmly welcoming the joint ecumenical visit to South Sudan by Pope Francis, the Archbishop of Canterbury and the Moderator of the Church of Scotland, who assessed that the reconciliation process was “stagnant” and the “promise of peace unfulfilled”, and warmly welcoming also their call upon all parties to the Revitalized Agreement to end conflict, bloodshed, sexual and gender-based violence and mutual recrimination, and to deliver peace for the people of South Sudan through full implementation of the Revitalized Agreement; to guarantee the full enjoyment of all human rights, including the right to the freedoms of expression and of association; and to ensure the meaningful participation of women and youth in public life,

Noting the additional and sustained challenges posed by the global climate change, food security and energy security emergencies to local, regional, national and international efforts to advance the situation of human rights in South Sudan,

Noting with concern that attacks on humanitarian workers continue unabated in South Sudan, and calling upon all parties to ensure an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection of humanitarian workers while ensuring full compliance with international humanitarian law,

1. *Notes with regret* the lack of sufficient progress in 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, calls upon the Government to demonstrate the political will to achieve tangible progress on this issue, including on implementation of the Revitalized Agreement 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. *Notes* the ongoing cooperation of the Government of South Sudan with the African Union, the Intergovernmental Authority on Development and the United Nations Mission in South Sudan, including its Human Rights Division;

4. *Commends* the vital role played by human rights defenders, women, including women peacebuilders and women human rights defenders, 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 groups that are marginalized and in vulnerable situations;

¹⁶ See [A/HRC/50/14](#).

5. *Expresses its deep concern* at the harassment, intimidation, arbitrary arrest and enforced disappearance of, and other attacks against, human rights defenders, members of civil society organizations, media workers and humanitarian workers, and other individuals, as well as undue restrictions on the rights to freedom of opinion and expression, online and offline, and to the freedom of peaceful assembly and of association;

6. *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 take more effective steps to improve its performance in promoting and protecting political and civic space and the full respect of these freedoms, particularly with a view to ensuring a credible electoral environment;

7. *Welcomes* the report of the Commission on Human Rights in South Sudan¹⁷ and its presentation to the Human Rights Council during the interactive dialogue held at its present session, while expressing concern at the findings in the report and at its overall assessment regarding the current situation of human rights on the ground, and encourages the Government of South Sudan and other actors to engage with the Commission with a view to implementing the recommendations made in the report;

8. *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;¹⁸

9. *Welcomes* the renewal of the mandate of the United Nations Mission in South Sudan on 15 March 2023 by the Security Council in its resolution 2677 (2023);

10. *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 of evidence regarding alleged violations and abuses of human rights in South Sudan;

11. *Notes* the relevance of the work of the Commission on Human Rights in South Sudan to the mandate and functions of chapter V mechanisms, once these have been established in accordance with the Revitalized Agreement, and welcomes the efforts made by the Government of South Sudan to date to establish them;

12. *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;

13. *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-fifth session, to be followed by an enhanced interactive dialogue, which should also include the participation of the United Nations High Commissioner for Human Rights;

14. *Requests* the Office of the High Commissioner to provide all the administrative, technical and logistical support and personnel necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, and in particular to support the Commission's investigative and evidence-collection functions, including, inter alia, the use of computer software and access to witness and victim protection and support services, including psychosocial support services;

15. *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;

¹⁷ See [A/HRC/52/26](#).

¹⁸ See www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index.

16. *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, and relevant organs and subsidiary bodies of the United Nations, on the issue of human rights in South Sudan, including by sharing its reports and recommendations and exchanging other information, as appropriate;

17. *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 transitional justice provisions as agreed to in the Revitalized Agreement, including the chapter V institutions, and to support efforts by South Sudan to implement the recommendations it accepted at its review during the third cycle of the universal periodic review;

18. *Calls upon* South Sudan to make further progress under the Revitalized Agreement and the road map to a peaceful and democratic end to the transition period of the Revitalized Agreement without delay, 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);

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

55th meeting
3 April 2023

[Adopted by a recorded vote of 19 to 9, with 19 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Algeria, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Senegal, Somalia and Sudan

Abstaining:

Bangladesh, Benin, Cameroon, Gabon, Gambia, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, South Africa, United Arab Emirates, Uzbekistan and Viet Nam

52/2. 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,

Reaffirming also the importance of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, of which Nicaragua is a State party, as a means of preventing and reducing statelessness and ensuring the protection of stateless persons,

Recalling its resolutions 40/2 of 21 March 2019, 43/2 of 19 June 2020, 46/2 of 23 March 2021 and 49/3 of 31 March 2022 on the promotion and protection of human rights in Nicaragua,

Recalling also that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,

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 fiftieth and fifty-second sessions, the comprehensive report on the situation of human rights in Nicaragua presented to the Council at its fifty-first session,¹⁹ the interim oral update of the High Commissioner on the situation of human rights in Nicaragua presented to the Council on 15 December 2022, and the report of the Group of Human Rights Experts on Nicaragua presented to the Council at its fifty-second session,²⁰ and expressing profound alarm that the Group of Human Rights Experts on Nicaragua found reasonable grounds to believe that the following crimes against humanity have been committed in Nicaragua since 2018: murder, imprisonment, torture, deportation, rape and other forms of sexual violence of comparable gravity, and persecution,

Expressing alarm at the continuing democratic backsliding and sociopolitical and human rights crisis in Nicaragua, and also at 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 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, the Group of Human Rights Experts on Nicaragua and the special procedures of the Human Rights Council, and recognizing that this refusal continues to create a protection gap in the country,

Expressing serious concern at the continued disregard of Nicaragua for its international human rights obligations, including its failure to engage with and submit periodic reports to the relevant treaty bodies, most recently by refusing to cooperate with both the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and even questioning the legitimacy of the treaty body system as a whole,

Expressing concern 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 lead-up to and during the municipal elections held in November 2022, 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 continued 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 exclusion from participation of political parties whose legal status has been arbitrarily cancelled, the wave of arrests and disqualifications of political opponents in the months leading up to the elections, acts of violence and intimidation to coerce voters, including by setting up check points around polling stations to track voters and denying access to the polling stations to persons perceived as political opponents, and the widespread political violence during the entire process,

¹⁹ A/HRC/51/42.

²⁰ A/HRC/52/63.

Expressing serious concern at the aggravated situation of those who have been forcibly displaced and the continuing trend in forced displacement, 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 continued 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; at the broad scope of the Amnesty Law of 2019; and at the implementation of 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 Weapons of Mass Destruction, Law No. 1055 on the Rights of People to Independence, Sovereignty and Self-Determination for Peace, and Law No. 1115, the General Law on the Regulation and Control of Non-Profit Organizations, the amendment of article 21 of the Constitution and the adoption of Law No. 1145 on the Loss of Nicaraguan Nationality, 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 opinion and expression, of association, of peaceful assembly and of movement, the right to a nationality, the right to take part in the conduct of public affairs and the right to privacy, as recognized in international law, unduly limiting 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 municipal electoral process of 2022, of, inter alia, political leaders, human rights defenders, business people, journalists, religious leaders, Indigenous Peoples, Afrodescendants, peasant and student leaders, members of civil society organizations and relatives of real or perceived dissidents, 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 challenges faced by 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, 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 and girls in detention, and Assembly resolutions 77/209 and 77/219 of 15 December 2022 on, respectively, torture and other cruel, inhuman or degrading treatment or punishment, and human rights in the administration of justice, which both mention the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles),

Expressing grave concern at continuing 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,

Acknowledging the decision of Nicaragua to release from prison 222 political prisoners on 9 February 2023, and expressing deep concern at their deportation by Nicaragua,

Condemning in the strongest terms the decision of Nicaragua to arbitrarily revoke the Nicaraguan nationality of the 222 political prisoners deported on 9 February 2023, of that of 94 additional persons on 14 February 2023 and of other political prisoners who remain in the country, in contravention of their human right to a nationality and which, as stateless persons, exposes them to further human rights violations and abuses,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with

respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Condemning in the strongest terms the arbitrary seizure of assets, belonging to, among others, persons who have been arbitrarily stripped of their nationality, conducted by the Government of Nicaragua,

Condemning the growing restrictions imposed by Nicaragua on the exercise of the right to freedom of thought, conscience and religion, including by the arbitrary arrest and harassment of religious leaders,

Condemning also 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,

Profoundly concerned at allegations that the denial of re-entry into Nicaragua of Ms. Anexa Alfred Cunningham, a member of the United Nations Expert Mechanism on the Rights of Indigenous Peoples, may be linked to her work as a United Nations expert, her work as an Indigenous leader and woman human rights defender or her affiliation with the Indigenous organization and political party Movimiento Indígena de la Costa Atlántica (Yatama),

Seriously alarmed by the reports of the deteriorating human rights situation of Indigenous Peoples and Afrodescendants in Nicaragua, many of whom who are facing increased repression, persecution, discrimination, threats and harassment, including violations and abuses of their rights, the persistent failure of Nicaragua to grant titles and protect demarcated and titled Indigenous territories from encroachment by settlers, the stalling of investigations into homicides, sexual and gender-based violence, and attacks related to territorial disputes in the Mayangna Sauni As territory,

Expressing deep concern that, after the municipal elections of 2022, riot police reportedly repressed supporters of the Indigenous political party Yatama which claimed to have won in the municipality of Waspam, in the region of the Northern Caribbean Coast, with at least 19 people, mostly young Indigenous people, arrested and detained for several days,

Expressing grave concern at the continuing violations of the freedom of opinion and expression and the freedom to seek, receive and impart information, including for members of the press, including by the raiding and closure 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, the rule of law, the separation of powers and the situation of human rights in Nicaragua, in particular with regard to the enjoyment of civil and political rights, including the right to a nationality, continuing reports of human rights violations and abuses, the lack of accountability and independent, transparent and impartial investigations since April 2018, including with respect to the killing of at least 300 individuals, the persisting bans on public demonstrations and the disproportionate and lethal use of force and acts of intimidation and harassment by the police to repress peaceful protests, and acts of violence by armed groups, including against Indigenous Peoples and Afrodescendant communities in the region of the Caribbean Coast, 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 and against those who visit detainees;

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, Afrodescendant and those working in environmental matters referred to as environmental human rights defenders, community and religious leaders, journalists and other media workers, peasants, students, victims of human rights violations

and abuses 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 and 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 and without fear of persecution or reprisal;

3. *Expresses profound concern* at the dramatic increase in the number of civil society organizations, universities and independent media outlets, including those working with groups in vulnerable situations such as Indigenous Peoples, Afrodescendants, women, children and adolescents, 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 and academic freedom of the private universities that have been placed under government control and that of the public universities that have been stripped of their autonomy, to return arbitrarily seized assets, including confiscated property, and to allow for the continuation of their work without any type of intimidation, threat or reprisal;

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 opinion and expression, including the freedom to seek, receive and impart information, of peaceful assembly and of association, the right to take part in the conduct of public affairs, the right to a nationality 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, 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 political prisoners and all those who have been unlawfully, 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 and due process, 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), the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok 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- and survivor-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 and enabling environment for victims of human rights violations and their families,

including political prisoners and opposition members, those with long-term injuries and disabilities, and Indigenous Peoples and Afrodescendants, particularly in the regions of the Caribbean Coast of Nicaragua, including access to physical and mental health services, without discrimination;

8. *Expresses concern* at the increase in the number of femicides and other acts of sexual and gender-based violence in the country, at the lack of effective complaint mechanisms and at the cancellation of the legal status of civil society organizations that tended to victims of violence, particularly Indigenous and Afrodescendant women and girls, and 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 sexual and gender-based violence and abuse;

9. *Urges* the Government of Nicaragua to take effective measures, in full and meaningful consultation with Indigenous Peoples and Afrodescendants and 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, the Public Defender's Office and the Human Rights Ombudsman's Office, to cease its political interference in the judiciary, including through the arbitrary detention and expulsion of magistrates and other high-ranking judicial officials and the detention and expulsion of the former Supreme Court spokesperson, 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, the report of the Group of Human Rights Experts on Nicaragua and by the treaty bodies, and the recommendations received during the third cycle of the universal periodic review of Nicaragua,²¹ 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, religious leaders, business people, Indigenous Peoples, Afrodescendants, peasants, student leaders, 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 respect all civil and political rights, including the right to a nationality, and to guarantee the conditions for the voluntary, safe return to Nicaragua, without fear of new reprisals, intimidation or attacks, of Ms. Anexa Alfred Cunningham, and all those living in exile;

14. *Also 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;

15. *Decides* to renew, for a period of two years, the mandate of the Group of Human Rights Experts on Nicaragua as established in its resolution 49/3;

16. *Requests* the Group of Human Rights Experts on Nicaragua to submit a report to the Human Rights Council at its fifty-fifth and fifty-eighth sessions, during an interactive

²¹ See [A/HRC/42/16](#).

dialogue, and to present an oral update to the Council at its fifty-fourth and fifty-seventh sessions;

17. *Requests* the immediate operationalization of the mandate renewal, taking all administrative and legal measures to guarantee no interruption of its work, and requests the Secretary-General to provide the Group of Human Rights Experts on Nicaragua with full administrative, technical, security, legal, data-processing and logistical support and the resources necessary to enable it to carry out its mandate;

18. *Requests* the High Commissioner to strengthen monitoring and engagement, including by preparing comprehensive and gender-responsive reports on the situation of human rights in Nicaragua, building on previous reports of the High Commissioner and the reports and recommendations of Human Rights Council mechanisms and those of the treaty bodies, including on justice and due process for political dissidents and groups in vulnerable situations, and to present them to the Council at its fifty-fourth and fifty-seventh sessions, to be followed by an interactive dialogue, and to present an oral update to the Council at its fifty-third, fifty-fifth, fifty sixth and fifty-eighth sessions, and an oral update followed by an interactive dialogue before the end of 2023 and 2024;

19. *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, and to continue to seek cooperation with the authorities of Nicaragua;

20. *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, and including during its upcoming review by the Committee on the Elimination of Discrimination against Women, 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;

21. *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;

22. *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
3 April 2023*

[Adopted by a recorded vote of 21 to 5, with 21 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Gambia, Georgia, Germany, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Morocco, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Algeria, China, Cuba, Eritrea and Viet Nam

Abstaining:

Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Côte d'Ivoire, Gabon, Honduras, India, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates and Uzbekistan]

52/3. 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 (the 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 obligation of 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 the prohibition on discrimination, 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 character 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, end its occupation of 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. *Expresses* grave concern regarding the decision of the Government of Israel to impose punitive measures on the Palestinian people, leadership and civil society following the adoption by the General Assembly of its resolution 77/247 of 30 December 2022;

4. *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;

5. *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;

6. *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;

7. *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;

8. *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;

9. *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;

10. *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;

11. *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;

12. *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;

13. *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;

14. *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;

15. *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;

16. *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;

17. *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;

18. *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;

19. *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;

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 ongoing policies of harassment, threats, intimidation and reprisals against human rights defenders, journalists, media workers 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 report on the implementation of the present resolution to the Human Rights Council at its fifty-fifth session, to be followed by an interactive dialogue;

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

55th meeting
3 April 2023

[Adopted by a recorded vote of 38 to 2, with 7 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Honduras, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Montenegro, Morocco, Pakistan, Paraguay, Qatar, Romania, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Malawi and United States of America

Abstaining:

Cameroon, Czechia, Georgia, India, Nepal, Ukraine and United Kingdom of Great Britain and Northern Ireland]

52/4. Mandate of Special Rapporteur on the situation of human rights defenders

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 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 annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, including Human Rights Council resolutions 16/5 of 24 March 2011, 25/18 of 28 March 2014, 31/32 of 24 March 2016, 34/5 of 23 March 2017, 40/11 of 21 March 2019, 43/16 of 22 June 2020 and 49/18 of 1 April 2022, 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,

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,

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play at the local, national, regional and international levels in the promotion and protection of all human rights and fundamental freedoms for all,

Reiterating the grave concerns expressed by the General Assembly and the Human Rights Council with regard to the serious risks faced by human rights defenders due to threats, attacks, reprisals and acts of intimidation against them,

Reaffirming that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Stressing that respect and support for the activities of all human rights defenders, including women human rights defenders, are essential to the overall enjoyment of human rights,

Mindful that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

Underscoring 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,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

1. *Welcomes* the work and takes note with appreciation of the report of the Special Rapporteur on the situation of human rights defenders,²² and strongly urges all States to take concrete steps to create, in law and in practice, a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

2. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights defenders for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 16/5;

3. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to the communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil the mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his or her mandate;

6. *Encourages* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his or her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders;

²² A/HRC/52/29.

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

55th meeting
3 April 2023

[Adopted without a vote.]

52/5. Mandate of Special Rapporteur on minority issues

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,

Taking into consideration 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 its resolution 5/1 on institution-building of the Human Rights Council and resolution 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,

Recalling further 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 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 realization 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,

1. *Decides* to extend the mandate of Special Rapporteur on minority issues for a period of three years under the same terms as provided for by the Human Rights Council in its resolution 25/5 of 27 March 2014;

2. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to him or her, to provide him or her with all the necessary information requested and to seriously consider responding promptly and favourably to the request of the Special Rapporteur to visit their countries in order to enable him or her to fulfil his or her duties effectively;

3. *Encourages* specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop and maintain regular dialogue and cooperation with the mandate holder, and to continue to contribute to the

promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *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 fulfilment of the mandate of the Special Rapporteur;

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

55th meeting
3 April 2023

[Adopted without a vote.]

52/6. 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 49/5 of 31 March 2022, 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 for the eradication of 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 landscape of freedom of religion or belief;²³

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. *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;

16. *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;

17. *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;

18. *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
3 April 2023*

[Adopted without a vote.]

52/7. Torture and other cruel, inhuman or degrading treatment or punishment: mandate of Special Rapporteur

The Human Rights Council,

Recalling international human rights law, standards and guidelines on torture and other cruel inhuman degrading treatment or punishment,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, that must be respected and protected under all circumstances, including in times of international and non-international armed conflict or internal disturbances and tensions or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law without territorial limitation, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

²³ [A/HRC/52/38](#).

Recognizing the importance of the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

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,

Noting that March 2025 will mark the fortieth anniversary of the mandate of Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and commending in this regard the current and previous mandate holders for the activities undertaken to date in the discharge of the mandate, the results achieved and the important role played in eradicating torture and other cruel, inhuman or degrading treatment or punishment,

Noting also that December 2024 will mark the fortieth anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and encouraging all States that have not signed, ratified or acceded to the Convention to consider doing so,

1. *Decides* to extend the mandate of Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(a) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, and to follow up on recommendations made in reports after visits to their countries;

(c) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective and a victim-centred approach throughout the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the Subcommittee on Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, Indigenous Peoples, national preventive mechanisms and civil society, including non-governmental organizations, and to contribute to the promotion of strengthened cooperation among the above-mentioned actors;

(g) To report on all of his or her activities, observations, conclusions and recommendations to the Human Rights Council in accordance with its programme of work, and annually on overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing the benefits of the reporting process;

2. *Urges* States:

(a) To cooperate fully with and to assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To respond favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries;

(c) To ensure, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body or other relevant stakeholders active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(d) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

(e) To adopt a victim-centred and gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims and survivors in policy development and other activities relating to rehabilitation, prevention and accountability for torture and other cruel, inhuman or degrading treatment or punishment, and sexual and gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(f) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto as a matter of priority, and to designating or establishing independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

(g) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on Prevention of Torture;

(h) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Takes note with appreciation* of the report of the Special Rapporteur;²⁴

4. *Requests* the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

5. *Decides* to continue to consider this matter in conformity with its annual programme of work.

*55th meeting
3 April 2023*

[Adopted without a vote.]

52/8. Promoting human rights and the Sustainable Development Goals through transparent, accountable and efficient public service delivery

The Human Rights Council,

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

²⁴ [A/HRC/52/30](#).

Guided also by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Stressing that States bear the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms,

Recalling all relevant United Nations resolutions relating to public services and good governance, including Human Rights Council resolution 37/7 of 22 March 2018,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, including Sustainable Development Goal 16, which encourages Member States to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing,

Reaffirming the importance of the United Nations Convention against Corruption,

Recalling 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 also resolution 6/8 entitled “Prevention of corruption by promoting transparent, accountable, and efficient public service delivery through the application of best practices and technological innovations”, adopted on 6 November 2015 by the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session,

Noting the importance of multilateral platforms and public-private partnership mechanisms that foster good governance policies and the achievement of the Sustainable Development Goals, such as the Open Government Partnership, which aims to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance,

Noting also the initiatives and practices on the international, regional, national and local levels in delivering transparent, accountable and efficient public services,

Taking note of the report of the United Nations High Commissioner for Human Rights on the role of public service as an essential component of good governance in the promotion and protection of human rights,²⁵

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence, integrity, accessibility and non-discrimination is one of the essential components of good governance,

Reaffirming the right of everyone to have access, on general terms of equality, to public service, in line with article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Stressing that the use of information and communications technology, including the digitalization of public service, can strengthen the efficiency, professionalism, accountability, transparency and accessibility of public institutions,

Highlighting the significance of access to relevant information as one of the key components of efficiency in the delivery of public services, and emphasizing the importance of respecting, promoting and protecting the freedom of expression, as stipulated in article 19 of the International Covenant on Civil and Political Rights, including the freedom to seek, receive and impart information,

Stressing in that regard the important role of Governments in the effective use of information and communications technology in the design of public policies and in the provision of public services responsive to national needs and priorities, including on the basis

²⁵ [A/HRC/25/27](#).

of a multi-stakeholder approach, to support national development efforts as stipulated by the General Assembly in its resolution 69/204 of 19 December 2014 entitled “Information and communications technologies for development”,

Underlining that the increased application of technological innovations and electronic services in public service delivery can play an important role in preventing and fighting corruption by promoting and strengthening transparency and accountability,

Recognizing the potential of e-government in promoting transparency, accountability, efficiency and citizen engagement in public service delivery,

Bearing in mind that there are persons in every society, including women and girls, persons with disabilities, those residing in remote areas of a country and those in vulnerable situations, who may be disadvantaged in their access to public services,

Noting that everyone, including those residing in remote areas of a country, should have access to simple and consumer-oriented public service delivery, as appropriate, including through the availability of online and mobility services, as well as e-applications,

Deeply concerned about the impact of the coronavirus disease (COVID-19) pandemic on States’ implementation of their human rights obligations and commitments, including the unprecedented challenges and inequalities in access to public services in many parts of the world,

Acknowledging the important role that civil society and other stakeholders can play in the design, delivery and promotion of transparent, accountable and efficient delivery of public services, and emphasizing that their involvement is key for the success of such processes,

Concerned about the negative impact of widespread corruption on the enjoyment of human rights, and recognizing that corruption weakens institutions, erodes public trust in government and creates inequitable access to public services by women and girls, persons with disabilities and those in vulnerable situations, which constitutes obstacles to the effective promotion and protection of human rights and fundamental freedoms,

Stressing the need to incorporate transparent, accountable and efficient public service delivery models into local, national and regional development plans,

Recognizing the importance of quality control of the delivery of public services on an ongoing basis with a view to ensuring accountability and the need for the voluntary exchange of relevant information, experience, knowhow and technology on mutually agreed terms and at all levels on successful national practices in the efficient, transparent and accountable delivery of public services, in order to leave no one behind,

1. *Encourages* States to promote, instil and integrate human rights principles in the national public service, including in the design and implementation of digital technologies in public services;

2. *Recognizes* the important role of the Government, as service provider, and of all other stakeholders, including the private sector and civil society, in the promotion and protection of all human rights and, as appropriate, in the achievement of the Sustainable Development Goals and the Addis Ababa Action Agenda;

3. *Stresses* that non-discriminatory, efficient, accessible, accountable and transparent public service delivery consistent with citizens’ needs and feedback is one of the key components in building an anti-corruption environment in the public sector and contributes to the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development;

4. *Acknowledges* that many countries all over the world need support in terms of expanding infrastructure, technological cooperation and capacity-building, including on human and institutional aspects, to ensure the accessibility, affordability and availability of the Internet in promoting digital literacy, bridging the digital divide and accelerating efforts to achieve the relevant Sustainable Development Goal;

5. *Encourages* States with effective models for the delivery of public services to share their best practices, particularly in the digitalization of public service, with other States, especially with developing States, through bilateral, regional and multilateral cooperation frameworks, and calls upon all States to establish, taking into account best practices from other States, as appropriate, a transparent, accountable and efficient public service system;

6. *Encourages* international cooperation and national efforts, including by strengthening capacity-building and the training of public servants, to cover such areas as human rights, gender equality, the rule of law and good governance within the public service, and the provision of technical assistance, such as the voluntary exchange of knowhow and technology on mutually agreed terms;

7. *Underlines* the important role of the United Nations Public Service Awards as the most prominent international recognition of excellence in public service within the United Nations system in identifying and promoting innovations and new concepts, including in digitalization, in public administration that minimize the risks for corruption, and encourages United Nations entities and other international organizations to continue to promote and reward such initiatives and their replication;

8. *Notes with appreciation* United Nations Public Service Day, held annually on 23 June to celebrate the value and virtue of public service to the community, highlight the contribution of public service in the development process, recognize the work of public servants and encourage young people to pursue careers in the public sector;

9. *Invites* all relevant special procedures of the Human Rights Council, within their respective mandates, to pay due attention to the role of public services in the promotion and protection of human rights and the achievement of the Sustainable Development Goals, including the progress towards achieving gender equality and the empowerment of all women and girls;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on the role of public service delivery in the promotion and protection of human rights and in the achievement of the Sustainable Development Goals, including in relation to the protection of persons in vulnerable situations, that reflects best practices, challenges and recommendations in assisting national Governments in delivering transparent, accountable and efficient public services, and to present the report, including in an accessible and easy-to-read format, to the Human Rights Council at its fifty-sixth session;

11. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned report, to seek input from experts from diverse geographic regions, including from States and local governments, relevant intergovernmental organizations, United Nations agencies, funds and programmes, relevant special procedures, the Human Rights Council Advisory Committee, the treaty bodies, national human rights institutions and civil society representatives, including relevant non-governmental organizations;

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

55th meeting
3 April 2023

[Adopted without a vote.]

52/9. Freedom of opinion and expression: mandate of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

The Human Rights Council,

Recalling Human Rights Council resolutions 7/36 of 28 March 2008, 12/16 of 2 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, 43/4 of 19 June 2020, 44/12 of 16 July 2020 and 50/15 of 8 July 2022, and all previous resolutions of the Commission on Human Rights and the Council on the right to freedom of opinion and expression,

Recognizing that the effective exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human 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,

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 the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

2. *Decides* to extend the mandate of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for a further period of three years;

3. *Urges* all States to cooperate fully with and to assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her and to consider favourably his or her requests for visits and for implementing his or her recommendations;

4. *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;

5. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to his or her mandate, with a view to maximizing the benefits of the reporting process;

6. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

*55th meeting
3 April 2023*

[Adopted without a vote.]

52/10. 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 and the International Covenant on Civil and Political Rights entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling all previous resolutions of the Human Rights Council, and those adopted by the Commission on Human Rights, on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolutions 43/14 of 19 June 2020 and 49/17 of 31 March 2022,

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,

Recalling further 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),

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,

1. *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, including the undertaking of country missions;

2. *Takes note* of the reports by the Special Rapporteur, including his most recent report on the climate crisis and the right to adequate housing;²⁶

3. *Decides* to extend, for a period of three years, the mandate of 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, as set out in Human Rights Council resolutions, in particular Council resolution 15/8 of 30 September 2010;

4. *Requests* the Special Rapporteur, in fulfilling the mandate, to continue to engage with States with a view to progressively achieving the full realization of the right to adequate housing as a component of adequate standard of living, the New Urban Agenda and housing-related Sustainable Development Goals and targets, and to consult with civil society and other stakeholders, and to submit proposals and recommendations thereto;

5. *Also requests* the Special Rapporteur, in fulfilling the mandate, to work in close cooperation and coordination with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, the treaty bodies and regional human rights organizations;

6. *Further requests* the Special Rapporteur, in fulfilling the mandate, to pay special attention to the human rights and fundamental freedoms of, inter alia, women, children, young persons, older persons, persons with disabilities and persons in vulnerable situations, and to mainstream a gender perspective into the performance of the mandate;

7. *Notes with appreciation* the cooperation extended to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate fully with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

8. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions, civil society, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur in the fulfilment of the mandate;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

10. *Requests* the Special Rapporteur to submit an annual report on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their annual programme of work;

11. *Decides* to continue its consideration of this matter under the same agenda item.

*55th meeting
3 April 2023*

[Adopted without a vote.]

²⁶ [A/HRC/52/28](#).

52/11. Question of the realization in all countries of economic, social and cultural rights

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 Economic, Social and Cultural Rights and all other relevant human rights instruments, and by the principles of economic, social and cultural rights therein enshrined,

Reaffirming that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Recalling, as highlighted in, inter alia, the Vienna Declaration and Programme of Action, 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, and recalling also that the respect, protection and fulfilment of one category of rights should never exempt States from the respect, protection and fulfilment of the other rights,

Reaffirming Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the latest of which being Council resolution 46/10 of 23 March 2021, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming also Human Rights Council resolution 42/13 of 26 September 2019 on the right to social security,

Recalling the Sustainable Development Goals and their specific and interlinked targets, which cover a wide range of issues relating to economic, social and cultural rights, and acknowledging that the promotion, protection and realization of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing,

Recognizing that the 2030 Agenda 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,

Recalling 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, and supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

Recalling also the New York Declaration for Refugees and Migrants adopted by the General Assembly on 19 September 2016, which led to the adoption of a global compact on refugees and the Global Compact for Safe, Orderly and Regular Migration that address the human rights of all refugees and migrants, regardless of status, and that include a pledge to fully protect such rights, including economic, social and cultural rights,

Reaffirming the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to undertake to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, in particular the adoption of legislative measures,

Noting general comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights, wherein the Committee states that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent

upon every State party to the International Covenant on Economic, Social and Cultural Rights, as is not to adopt retrogressive measures on the protection of economic, social and cultural rights,

Noting also the Social Protection Floors Recommendation, 2012 (No. 202) of the International Labour Organization,

Noting further the three-day workshop on promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic, convened by the Office of the United Nations High Commissioner for Human Rights from 6 to 8 February 2023 and mandated by the Human Rights Council,

Underlining the human rights principles of, inter alia, non-discrimination and equality, human dignity, equity, universality, indivisibility, interrelatedness, participation and accountability, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Recalling the obligation included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, and recalling also the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal, and its integration into all goals and targets of the 2030 Agenda and throughout the implementation process,

Recognizing that the establishment of nationally defined gender-responsive social protection floors is a key path to facilitating the enjoyment of economic, social and cultural rights and that social protection floors, when used as a baseline, have the potential to reduce poverty and inequality by promoting basic income security, decent work, equal pay for work of equal value and universal access to health care and basic services,

Recognizing also the importance of the universality and indivisibility of all human rights, of robust and efficient public policies, of adequately resourced and fully functioning services and of cooperation at the national, regional and international levels for the realization of all economic, social and cultural rights to address the continuing negative impact of the COVID-19 pandemic, including on women and girls, older persons, persons with disabilities, migrants, refugees, rural populations and Indigenous Peoples, in the context of equitable recovery efforts,

Noting with concern that the growing economic and financial burden caused by the COVID-19 pandemic has further exacerbated existing inequalities and exposed others, increased poverty and hunger, reversed hard-won developmental gains and reduced the chances of achieving the Sustainable Development Goals,

Underlining that the COVID-19 pandemic has led to a widespread loss of or disruption to employment and public services, a worsening of working conditions, in particular for those in the informal sector, and has raised barriers to inclusive and equitable quality education, physical and mental health and social protection,

Stressing that women, often overrepresented in the informal sector, have suffered disproportionately from the economic and social impact of the COVID-19 pandemic, shouldering additional unpaid or underpaid care and domestic work to compensate for the lack of essential services and school closures, while also experiencing increased violence, including sexual and gender-based violence,

Reiterating that empowering people and ensuring equality and inclusiveness in a manner consistent with States' obligations under international human rights law are among the main elements for achieving sustainable development, and mindful that the normative framework for economic, social and cultural rights offers guidance in implementing the 2030 Agenda in a more effective and inclusive manner,

Noting that an essential aspect of a human rights-based approach to sustainable development is promoting knowledge of human rights, including economic, social and cultural rights, thus enabling individuals and stakeholders to participate in a meaningful, free

and active manner in decision-making processes that affect their lives, including through the exercise of civil and political rights,

Recognizing that persistent and growing inequalities and underinvestment in public services within countries are major challenges to the realization of economic, social and cultural rights, affecting in particular those living in poverty and in vulnerable situations, including, inter alia, older persons and persons with disabilities, and recalling States' obligations relating to non-discrimination and the promotion of equality, and their commitment to leave no one behind and to reach the furthest behind first,

Recognizing also that States should provide timely and accurate information on public services, both online and offline, to individuals and stakeholders, including civil society organizations, for the realization of economic, social and cultural rights, also in order that persons eligible to social protection may effectively benefit from it,

1. *Urges* all States to respect, protect and fulfil all economic, social and cultural rights by strengthening legal frameworks, adopting adequate policies and programmes and allocating sufficient resources for their implementation;

2. *Calls upon* all States to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which being resolution 40/12 of 21 March 2019;

3. *Also calls upon* all States that have not yet signed, ratified or acceded to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

4. *Further calls upon* all States that have not yet signed, ratified or acceded to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

5. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization of economic, social and cultural rights in all countries, with a special focus on the continuing impact of the COVID-19 pandemic on economic, social and cultural rights and on social protection;²⁷

6. *Welcomes* the panel discussion on the importance of robust public policies and services for the protection of economic, social and cultural rights, held during the forty-ninth session of the Human Rights Council pursuant to its resolution 46/10;

7. *Recognizes* that, in recovering better from the pandemic, structural inequalities and deficiencies in social protection, health and education systems should be addressed to better protect economic, social and cultural rights and to ensure that societies and economies are more resilient to possible future crises;

8. *Acknowledges* the need to strengthen the fulfilment of the right to social security, which contributes significantly to mitigating or preventing many of the adverse impacts associated with crises, as demonstrated by the rapid and extensive emergency social protection measures taken by States in response to the COVID-19 pandemic;

9. *Recognizes* that all States have the potential to expand their investment in inclusive and equitable quality education, physical and mental health and social protection, which contributes to the fulfilment of their obligations regarding the realization of economic, social and cultural rights;

10. *Encourages* international financial institutions to continue to support States in their COVID-19 pandemic recovery efforts and, when doing so, to take into consideration the prioritization of social spending and the enhancement of States' fiscal space, while engaging collaboratively in terms of international assistance and cooperation, all of which contribute to the realization of economic, social and cultural rights;

11. *Urges* all States to guarantee that the right to social security is exercised without discrimination, and stresses the importance of a universal, comprehensive and

²⁷ [A/HRC/49/28](#).

inclusive social protection system, based on full respect for human rights and that leaves no one behind;

12. *Also urges* all States to design social protection systems that promote women's economic security and take into consideration women's unequal share of unpaid or underpaid care and domestic work, and aim to address this imbalance;

13. *Notes with appreciation* the contributions of international human rights mechanisms, including the international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, the special procedures and the universal periodic review in promoting the implementation of the 2030 Agenda for Sustainable Development in a manner consistent with States' human rights obligations, and encourages States to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring the progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes;

14. *Underlines* the importance of access to justice and to an effective remedy for violations of economic, social and cultural rights, including those of a systemic character, and in this regard notes with appreciation the measures taken by States for the domestic adjudication of cases and to ensure access to complaints procedures for victims of alleged human rights violations, and calls upon States to strengthen their efforts to guarantee access to judicial and non-judicial remedies at the national, regional and international levels;

15. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts, and in this regard underlines the need to consider justiciability when determining the best way to give domestic legal effect to the rights contained in the International Covenant on Economic, Social and Cultural Rights;

16. *Acknowledges* that social protection floors facilitate the enjoyment of economic, social and cultural rights, including the rights to education, social security, work, including just and favourable conditions of work, the enjoyment of the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of acting consistently to establish and/or further develop such floors in compliance with the principles of non-discrimination and equality, gender equality and inclusion of persons with disabilities, transparency, participation and accountability;

17. *Also acknowledges* the important contribution of women and girls to sustainable development and reiterates that gender equality and the empowerment of all women and girls and women's full, equal and meaningful participation and leadership in the economy are vital for achieving sustainable development, promoting peaceful, just and inclusive societies, enhancing sustained, inclusive and sustainable economic growth and productivity, ending poverty in all its forms everywhere and ensuring the well-being of all;

18. *Underlines* the importance of providing human rights training and education for all, across the life cycle, which can help to build societies that respect dignity, equality, inclusion, integrity, diversity and the rule of law;

19. *Encourages* the use of international human rights standards and the recommendations of the human rights bodies and mechanisms to identify the root causes of discrimination, in particular in the context of multiple and aggravated forms of discrimination, and the measures necessary to combat discrimination and inequalities;

20. *Calls upon* States:

(a) To adopt, further develop, use and promote the use of procedures for information-gathering and measurement, and human rights indicators contextualized at the national level, to support decision-making processes and to measure progress in the implementation of laws, policies and actions to respect, protect and fulfil economic, social and cultural rights and to address discrimination and inequalities, noting that these procedures

should respect human rights, including the right to privacy, and be transparent, participatory and allow for accountability;

(b) To identify patterns of discrimination in law, policies and practices, and to address entrenched structural barriers and unequal power relations that generate and perpetuate inequality over generations;

(c) To strengthen the role and capacity of national human rights institutions consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and of equality bodies, to protect civic space and to contribute to strengthening the realization of economic, social and cultural rights, and to provide support for stakeholders in the identification of appropriate measures for achieving the Sustainable Development Goals at the national and local levels;

(d) To consider establishing and/or strengthening national mechanisms for the implementation of, reporting on and follow-up to human rights obligations and recommendations, recognizing their contribution to implementation, reporting and follow-up processes and their potential to undertake cross-cutting initiatives to strengthen the realization of economic, social and cultural rights, and to follow up on and review the progress made in achieving the Sustainable Development Goals, and international and national commitments made at United Nations conferences and summits;

21. *Acknowledges* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the elaboration of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the Covenant, the examination of individual communications;

22. *Also acknowledges* the work of other relevant treaty bodies and special procedures, within their mandates, in the promotion and protection of economic, social and cultural rights, and the important role of the universal periodic review in this regard;

23. *Encourages* enhanced cooperation and increased coordination between the Committee on Economic, Social and Cultural Rights and other human rights treaty bodies, United Nations bodies, specialized agencies and programmes and the mechanisms of the Human Rights Council whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

24. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions, to the promotion and protection of economic, social and cultural rights, including training and information activities, and underlines the importance of consultation with and the participation of affected persons in decisions affecting them;

25. *Encourages* States, in line with the Guiding Principles on Business and Human Rights, to provide effective guidance to business enterprises on how to meet their responsibility to respect human rights, including economic, social and cultural rights, throughout their operations, and to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts;

26. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, and notes with appreciation the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

27. *Requests* the United Nations High Commissioner for Human Rights to convene at its fifty-fifth session a panel discussion, accessible to persons with disabilities and open to the participation of States, local authorities, relevant treaty bodies and the special procedures of the Human Rights Council, academia, civil society and other relevant stakeholders, on challenges and good practices to strengthen the fulfilment of the right to social security and

for building, financing and implementing public policies and quality public services as key tools for the realization of economic, social and cultural rights;

28. *Requests* the Secretary-General to prepare and submit to the Human Rights Council, at its fifty-eighth session, a report, in formats accessible to persons with disabilities, on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on challenges and good practices to strengthen the fulfilment of the right to social security, taking into consideration the outcomes of the panel discussion to be convened at the fifty-fifth session;

29. *Requests* the Office of the High Commissioner to prepare, before the fifty-fifth session of the Human Rights Council, a practical information note compiling best practices on social protection with regard to human rights, that builds on existing initiatives carried out by the Office's field presences, including in coordination with United Nations country teams and in partnership with the International Labour Organization, and to do so in consultation with States, the treaty bodies, the special procedures of the Human Rights Council, civil society and other relevant stakeholders, in particular the International Labour Organization;

30. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

55th meeting
3 April 2023

[Adopted without a vote.]

52/12. Mental health and human rights

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 and by all relevant international human rights treaties, in particular, 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 and the Convention on the Rights of Persons with Disabilities,

Reaffirming Human Rights Council resolutions 32/18 of 1 July 2016, 36/13 of 28 September 2017 and 43/13 of 19 June 2020 on mental health and human rights, and Council resolutions on the rights of persons with disabilities,

Welcoming the Sustainable Development Goals, including Goal 3, on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing,

Taking note with appreciation of the consultation on human rights and mental health,²⁸ organized by the United Nations High Commissioner for Human Rights on 15 November 2021 pursuant to Human Rights Council resolution 43/13, which, inter alia, identified ways to harmonize laws, policies and practices relating to mental health with the Convention on the Rights of Persons with Disabilities, and on how to implement them,

Welcoming the political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases,²⁹

²⁸ See [A/HRC/49/29](#).

²⁹ General Assembly resolution 73/2.

Acknowledging the opportunity to advance universal health coverage, of which mental health services are an essential component, at the upcoming high-level meeting of the General Assembly on universal health coverage, in September 2023,

Welcoming the discussion held by the Joint United Nations Programme on HIV/AIDS on the theme of mental health and HIV/AIDS: promoting human rights, an integrated and person-centred approach to improving adherence to antiretroviral therapy, well-being and quality of life, during the thematic segment of the forty-third meeting of its Programming Coordinating Board in December 2018,

Welcoming also the World Health Organization QualityRights initiative and its comprehensive package of training and guidance materials on how to implement a human rights and recovery approach in the area of mental health in line with the Convention on the Rights of Persons with Disabilities and other international human rights standards,

Taking note of the comprehensive mental health action plan 2013–2030 of the World Health Organization,

Welcoming the adoption at the Thirty-third International Conference of the Red Cross and Red Crescent, held in Geneva from 9 to 12 December 2019, of resolution 33IC/19/R2 on addressing mental health and psychosocial needs of people affected by armed conflicts, natural disasters and other emergencies,

Welcoming also conclusion No. 116 (LXXIII) on mental health and psychosocial support adopted in 2022 by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, in which the Executive Committee, inter alia, underlined the importance of raising awareness about mental health and psychosocial well-being, early identification of mental health and psychosocial support needs, reducing stigma and discrimination associated with mental health and psychosocial support and facilitating access for all persons of concern to mental health and psychosocial support wherever it is needed and in their native languages whenever possible, based on the principle of informed consent, taking into account the local context, as well as language, cultural, social and religious diversity,

Acknowledging that the coronavirus disease (COVID-19) pandemic has been one of the biggest global health crises ever, and also its negative impact on mental health, and drawing attention to the importance of guaranteeing access to quality mental health services with the aim of ensuring the full realization of the highest standard of physical and mental health,

Taking note of resolution WHA74.7, adopted by the World Health Assembly at its seventy-fourth session, in which the Assembly acknowledged the negative consequences of the COVID-19 pandemic on society, public health, human rights and the economy, which had disproportionately affected persons with disabilities, especially women, girls and older persons with psychosocial disabilities and disrupted the provision of essential health services, including mental health services,

Recalling, as highlighted in, inter alia, the Vienna Declaration and Programme of Action, 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,

Reaffirming that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming also that everyone has the right to life, liberty and security of person, the equal right to live independently and be included in the community and the right to equal recognition before the law, which includes the enjoyment of legal capacity on an equal basis with others, and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely respect for inherent dignity, individual autonomy and independence, non-discrimination, and full and effective participation and inclusion in society,

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that mental health is an integral part of that right,

Welcoming the work of the treaty bodies and the special procedures of the Human Rights Council relating to issues of mental health and human rights, and taking note of their respective general comments and reports,

Taking note of the guidelines on deinstitutionalization, including in emergencies, of the Committee on the Rights of Persons with Disabilities,

Reaffirming the right of everyone to be guaranteed the full enjoyment of their human rights and fundamental freedoms, without discrimination of any kind,

Deeply concerned that persons with psychosocial disabilities and current or potential users of mental health services continue to be subject to, inter alia, widespread, multiple, intersecting and aggravated discrimination, stigma, stereotypes, prejudice, violence, abuse, social exclusion and segregation, unlawful and arbitrary deprivation of liberty, and institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences,

Equally concerned that such practices may constitute or lead to violations and abuses of their human rights and fundamental freedoms, sometimes amounting to torture or other cruel, inhuman or degrading treatment or punishment,

Equally concerned also that suicide is the fourth leading cause of death in young people aged from 15 to 29 years, and is among the top 20 leading causes of death worldwide, and acknowledging that suicide attempts and self-harm must be addressed through prevention strategies and support services that promote and respect human rights and fight stigma and discrimination,

Recognizing the need to respect, protect and fulfil all human rights in the global response to mental health-related issues, and stressing that mental health and community services should integrate a human rights perspective so as to avoid any harm to persons using them and to respect their dignity, integrity, enjoyment of legal capacity on an equal basis with others, choices and inclusion in the community,

Emphasizing that States should ensure that persons with psychosocial disabilities and, in particular, current or potential users of mental health services, have access to a range of support services, including peer support, that are based on respect for human rights in order to live independently, be included in the community, exercise their autonomy and agency, participate meaningfully in and decide upon all matters affecting them and have their dignity respected, on an equal basis with others,

Reiterating how important it is for States to adopt, implement, update, strengthen or monitor, as appropriate, laws, policies and practices to eradicate any form of discrimination, stigma, violence and abuse in the context of mental health,

Recognizing the particularly important role that psychiatry and other mental health professions should have, alongside, inter alia, government institutions and services, actors within the justice system, including the penitentiary system, civil society organizations and national human rights institutions, in taking measures to ensure that practices in the field of mental health do not perpetuate stigma, discrimination and social exclusion, coercion, overmedicalization and institutionalization that lead to violations or abuses of human rights,

Acknowledging that the Convention on the Rights of Persons with Disabilities laid the foundation for a paradigm shift in mental health and created the momentum for deinstitutionalization and the identification of models of care and support based on respect for human rights that, inter alia, address the underlying determinants of mental health, provide effective mental health and community-based services and psychosocial support, reduce power asymmetries in mental health settings and respect the enjoyment of autonomy on an equal basis with others,

Reaffirming that the right to the enjoyment of the highest attainable standard of physical and mental health is an inclusive right that encompasses tackling the underlying

determinants of health through interventions, policies and programmes that protect persons from key risk factors of poor health,

Recalling that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Acknowledging that good mental health and well-being cannot be defined by the absence of a psychosocial disability but rather by an environment that enables individuals and populations to live a life of dignity, with full enjoyment of their rights, in the equitable pursuit of their potential, and that values both social connection and respect through non-violent and healthy relationships at the individual and societal levels, and recognizing that discriminatory laws, policies, practices and attitudes undermine the social structures required to support well-being and inclusion,

Concerned that there is a continuing lack of parity between physical and mental health reflected in the marginalization of mental health within health policies and budgets or in medical education, research and practice, and stressing the importance of investing more on mental health promotion through an interdisciplinary approach that is based on respect for human rights and that also addresses the underlying social, economic and environmental determinants of mental health,

Reaffirming the right of refugees and migrants to the enjoyment, without discrimination, of the highest attainable standard of physical and mental health, and underscoring the vulnerable situations that can have a negative impact on the mental health of persons on the move,

Recognizing that women and girls with mental health conditions or psychosocial disabilities at all ages, and in particular current or potential users of mental health services, face an increased vulnerability to violence, abuse, discrimination and negative stereotyping, and underscoring the need to take all appropriate measures to ensure access to mental health and community services that are gender-sensitive,

Acknowledging the intersections between mental health and HIV and that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by people living with, presumed to be living with or affected by HIV/AIDS and members of key populations have negative consequences on their enjoyment of the highest attainable standard of mental health, and underlining the importance of improving psychosocial well-being and the quality of life of people affected by and living with HIV through the implementation of community-, evidence- and human rights-based and people-centred policies and programmes in the context of HIV prevention, diagnosis, treatment and comprehensive care services,

Convinced that the Human Rights Council, in fulfilling its responsibility 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, has an important role to play in the area of mental health and human rights by fostering constructive international dialogue and cooperation and promoting human rights education and learning, and also advisory services, technical assistance, capacity-building and awareness-raising,

Acknowledging the leadership of the World Health Organization in the field of health, and also the work that it has carried out to date to, inter alia, integrate a human rights perspective into mental health, and recalling the commitment of States to implement by 2030 the Organization's comprehensive mental health action plan,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on mental health and human rights on the consultation on human rights and mental health, held in Geneva on 15 November 2021;³⁰

³⁰ [A/HRC/49/29](#).

2. *Takes note* of the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the elements that are needed to set a rights-based global agenda for advancing the right to mental health;³¹

3. *Also takes note* of the reports of the Special Rapporteur on the rights of persons with disabilities on artificial intelligence and the rights of persons with disabilities and on the transformation of services for persons with disabilities;³²

4. *Reaffirms* the obligation of States to respect, protect and fulfil all human rights and fundamental freedoms and to ensure that policies and services relating to mental health comply with international human rights law;

5. *Urges* States to take active steps to fully integrate a human rights perspective into mental health and community services, and to adopt, implement, update, strengthen or monitor, as appropriate, all existing laws, policies and practices in line with international human rights obligations, with a view to eliminating all forms of discrimination, stigma, stereotypes, prejudice, violence, abuse, social exclusion, segregation, unlawful or arbitrary deprivation of liberty, and institutionalization, and overmedicalization of persons with psychosocial disabilities and current or potential users of mental health services, and to promote their right to live independently, to equality and non-discrimination, and to have access to holistic mental health services and support that are free from coercion and respect their legal capacity and informed consent, and that promote their right to full and effective inclusion and participation in society, to decide upon matters affecting them and to have their dignity respected on an equal basis with others;

6. *Also urges* States to promote a paradigm shift in mental health, inter alia, in the fields of clinical practice, policy, research, medical education and investment, through the promotion of community-, evidence- and human rights-based and people-centred services and support that respect, protect and fulfil the human rights, autonomy, will and preferences of persons with psychosocial disabilities and current or potential users of mental health services, including by providing a range of voluntary supported decision-making mechanisms, such as peer support, and safeguards against abuse and undue influence within support arrangements, over a model based on the dominance of biomedical interventions, coercion, medicalization and institutionalization;

7. *Calls upon* States to abandon all practices and treatments that fail to respect the rights, autonomy, will and preferences of all persons on an equal basis with others, and that lead to power imbalances, stigma, discrimination, harm and human rights violations and abuses in mental health settings, which may involve forced institutionalization and substituted decision-making in law and in practice;

8. *Also calls upon* States to carry out the necessary legal reforms, in line with the Convention on the Rights of Persons with Disabilities, in all sectors relevant to mental health, including anti-discrimination, legal capacity and criminal justice, education, health, social protection and family law, with a human rights perspective, ensuring that all persons are guaranteed equal rights and equal recognition before the law;

9. *Further calls upon* States to adopt all measures necessary to ensure that everyone who requires mental health support is recognized, first and foremost, as a person before the law, in accordance with the human rights model of disability, and to ensure that, in all fields, including law and health, language, especially in connection with disability and mental health, reflects a human rights model that does not reinforce stigma, prejudice or ableism;

10. *Calls upon* States to ensure that persons with psychosocial disabilities and current or potential users of mental health services have access to justice on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, and to enable them to have access to redress and reparations;

³¹ [A/HRC/44/48](#).

³² [A/HRC/49/52](#) and [A/HRC/52/32](#).

11. *Urges* States to address the underlying social, economic and environmental determinants of health and to address holistically the range of structural barriers arising from inequality and discrimination that impede the full enjoyment of human rights in the context of mental health, and to recognize that the approach to mental health systems and services should be widened beyond the biomedical model to include a holistic approach that considers all aspects of a person's life;

12. *Strongly encourages* States to develop cross-sectoral strategies for the promotion of mental health that include public policies to prevent inequality, discrimination and violence in all settings and promote non-violent and respectful relationships between members of societies and communities, and increase mutual trust between authorities, individuals and civil society;

13. *Urges* States to adopt prevention strategies to address depression and suicide, such as public health policies that respect human rights and focus on tackling determinants, enhancing life skills and resilience, promoting social connection and healthy relationships, and avoiding overmedicalization;

14. *Calls upon* States to take all measures necessary to ensure that health professionals provide care and support of the same quality to persons with psychosocial disabilities and current or potential users of mental health services as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of these persons through training and the promulgation of ethical standards for public and private health care;

15. *Also calls upon* States to build capacity among mental health professionals, civil society actors, including organizations of persons with disabilities, and other key stakeholders in order to strengthen knowledge and skills for the promotion of laws, policies, services and practices in the area of mental health, in line with the Convention on the Rights of Persons with Disabilities;

16. *Strongly encourages* States to support persons with psychosocial disabilities and current or potential users of mental health services to empower themselves in order to know and demand their rights, including by promoting health and human rights literacy and education on issues concerning loss of power and control, to provide human rights education and training for health and social workers, police, law enforcement officers, prison staff and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for their will and preferences, confidentiality and privacy, and to exchange best practices in this regard;

17. *Encourages* States to promote the effective, full and meaningful participation of persons with psychosocial disabilities and current or potential users of mental health services and their organizations in the design, implementation and monitoring of law, policies, services and programmes relevant to realizing, without discrimination, the right of everyone to the enjoyment of the highest attainable standard of mental health;

18. *Calls upon* States to adopt all measures necessary for the realization of the highest standard of physical and mental health, including through stronger and more resilient health systems and by working towards the achievement of universal health coverage;

19. *Recognizes* the need to promote the mainstreaming of a human rights perspective into mental health in all relevant public policies;

20. *Encourages* States to provide technical support and capacity-building through international cooperation to countries that develop and implement policies, plans, laws and services that promote and protect the human rights of persons with psychosocial disabilities and current or potential users of mental health services, in accordance with the present resolution, in consultation with, and with the consent of, the countries concerned;

21. *Requests* the High Commissioner to organize in 2024, and no later than the seventy-seventh session of the World Health Assembly, a one-day consultation on the challenges and best ways to implement at the local, national and regional levels enabling normative and policy measures for the realization of the human rights of persons with psychosocial disabilities and current or potential users of mental health services;

22. *Also requests* the High Commissioner to provide the above-mentioned consultation with all the services and facilities necessary, including by making the discussions fully accessible to persons with disabilities;

23. *Further requests* the High Commissioner to invite to the consultation Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, in particular the World Health Organization, the special procedures of the Human Rights Council, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the treaty bodies, national human rights institutions and civil society;

24. *Requests* the High Commissioner to invite persons with psychosocial disabilities and current or potential users of mental health services, and their organizations, and to ensure their active participation in the consultation, mindful of the central role they play and their historical exclusion from decision-making processes;

25. *Also requests* the High Commissioner to prepare a comprehensive report, accessible to persons with disabilities, on the outcome of the consultation, with recommendations for States and all other relevant stakeholders, including health professionals, and to include suggestions of policy tools for the implementation of a human rights perspective to mental health, and to present the report to the Human Rights Council at its fifty-eighth session;

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

55th meeting
3 April 2023

[Adopted without a vote.]

52/13. 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 46/5 of 23 March 2021 and 49/6 of 31 March 2022 and General Assembly resolutions 76/171 of 16 December 2021 and 77/214 of 15 December 2022,

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, 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,

Recalling 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 coronavirus disease (COVID-19) pandemic, in which the Council expressed deep concern about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasized the importance of human rights in shaping the response to and inclusive recovery from the pandemic,

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

Taking note of 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,³³ held on 16 September 2021 during the forty-eighth session of the Human Rights Council,

Stressing that unilateral coercive measures and legislation and secondary sanctions 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 overcompliance 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 solidarity, 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, and secondary sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and persons 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 or access to critical infrastructure, services and goods,

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

³³ [A/HRC/50/66](#).

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 one of the major obstacles to the implementation of the Declaration on the Right to Development and to the realization of the Goals and targets of the 2030 Agenda for Sustainable Development,

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

Concerned also that unilateral coercive measures impede the provision of humanitarian assistance to populations in countries affected by natural and other disasters,

Underlining that, in each situation worldwide, unilateral coercive measures have a direct or indirect 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, as well as on global trade relations,

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,³⁴

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, implementing or complying with 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;

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;

³⁴ A/HRC/28/74.

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 rights 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,³⁵ and takes note of the reports of the Special Rapporteur submitted to the Human Rights Council at its fifty-first session³⁶ and to the General Assembly at its seventy-seventh session;³⁷

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 on the human rights impact of secondary sanctions and overcompliance, including through the organization of multi-stakeholder consultations towards the development of guiding principles for relevant stakeholders, 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-fourth session, and to the General Assembly, at its seventy-eighth session;

25. *Notes* the Special Rapporteur's initiative for the development of an impact assessment methodology, through expert consultations with the United Nations system and with other international organizations, civil society and academia, and 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, and also through the establishment of a sanctions research platform;

27. *Requests* the Office of the High Commissioner to organize, in accordance with Human Rights Council resolution 27/21, a biennial panel discussion, to be held at the fifty-fourth session of the Council, on the impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals, with the participation of States, relevant United Nations bodies, agencies and other relevant stakeholders, and requests the Special Rapporteur to act as

³⁵ A/HRC/42/46 and A/HRC/42/46/Add.1.

³⁶ A/HRC/51/33.

³⁷ A/77/296.

rapporteur of the panel discussion and to prepare a report thereon, and to submit and present the report to the Council at its fifty-fifth session;

28. *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;

29. *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;

30. *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;

31. *Requests* the United Nations High Commissioner for Human Rights, in discharging his 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 his annual report;

32. *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;

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

34. *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;

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

*55th meeting
3 April 2023*

[Adopted by a recorded vote of 33 to 13, with 1 abstention. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Mexico]

52/14. Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development

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 that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all other human rights instruments,

Reaffirming General Assembly resolution 60/251 of 3 April 2006, in which the Assembly decided that the work of the Human Rights Council would 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,

Reaffirming also General Assembly resolution 70/1 of 25 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 and pledged that no one would be left behind,

Recalling General Assembly resolution 69/313 of 27 July 2015, in which the Assembly endorsed the Addis Ababa Action Agenda adopted at the Third International Conference on Financing for Development, and recognizing the importance of the means of implementation and of revitalizing global partnerships for sustainable development,

Reaffirming Human Rights Council resolutions 37/24 of 23 March 2018 and 43/19 of 22 June 2020, and recalling other relevant resolutions adopted by the Council,

Expressing concern at the interlinked global crises that negatively affect progress in the implementation of the 2030 Agenda for Sustainable Development, reversing years of progress and development, including in ending poverty, combating inequalities and achieving gender equality,

Recognizing that the 2030 Agenda 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,

Recognizing also that the implementation of the 2030 Agenda must be consistent with a State’s obligations under international human rights law,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

Recognizing that national human rights mechanisms for implementation, reporting and follow-up and voluntary national reviews contribute to the promotion and protection of human rights and to the achievement of the Sustainable Development Goals,

Noting the contribution of the Secretary-General’s Call to Action for Human Rights, the Global Accelerator on Jobs and Social Protection for a Just Transition and the report of the Secretary-General entitled “Our Common Agenda” to the implementation of the 2030 Agenda,

Recognizing the importance of coordinating high-level meetings of the United Nations to promote all human rights and ensure a coherent and integrated sustainable development agenda,

Noting the contribution of international human rights mechanisms, including the treaty bodies, the special procedures of the Human Rights Council and the universal periodic review, in promoting the implementation of the 2030 Agenda, in line with States’ obligations and commitments to respect, protect and fulfil human rights,

Reaffirming that the high-level political forum on sustainable development, consistent with its universal intergovernmental character, shall provide political leadership, guidance and recommendations for sustainable development, and follow up on and review progress in the implementation of sustainable development commitments, enhancing the integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all

levels, and have a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges,

Reaffirming also General Assembly resolution 74/4 of 15 October 2019, in which the Assembly endorsed the political declaration adopted by the high-level political forum on sustainable development at the Sustainable Development Goals Summit on 24 and 25 September 2019, in which Heads of State and Government and high representatives recognized the urgent need to accelerate action on all levels and by all stakeholders in order to implement the 2030 Agenda,

Noting the invitation made by participants in the 2022 high-level political forum on sustainable development to the Secretary-General to mobilize Governments, the United Nations system and stakeholders in preparing for the 2023 Sustainable Development Goals Summit so that it marks the beginning of a new phase of accelerated progress towards the Sustainable Development Goals,³⁸

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development at the national level,³⁹

Noting the important role that technical cooperation and capacity-building can play in building States' capacities to achieve the Sustainable Development Goals in a way that is consistent with their respective obligations under international human rights law,

Noting also the surge initiative of the Office of the High Commissioner, which continues to increase technical assistance in integrating human rights in country implementation plans and strategies to achieve the Sustainable Development Goals, and the Office's work on Sustainable Development Goal indicators and data,

Recalling General Assembly resolution 75/233 of 21 December 2020, in which the Assembly recognized the United Nations contribution to the promotion of all human rights for sustainable development, called upon all entities of the United Nations development system in accordance with their respective mandates, to assist States upon their request and in consultation with them in their efforts to respect and fulfil their human rights obligations and commitments under international law, as a critical tool to operationalize the pledge to leave no one behind,

Taking note of the 2022 report of the Secretary-General on progress towards the Sustainable Development Goals⁴⁰ and the Global Sustainable Development Report 2019,

Recalling that the organizations of the United Nations system and other relevant intergovernmental organizations are invited to contribute within their respective mandates to the discussions of the high-level political forum on sustainable development,

Welcoming the holding of the third, fourth and fifth intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development, on 14 January 2021, on 18 January 2022 and on 19 January 2023, and taking note of the summary reports thereof,

1. *Decides* to organize three full-day intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development, which will provide a space for States, relevant United Nations and regional human rights mechanisms, United Nations agencies, funds and programmes, national human rights institutions, local and regional governments, and civil society organizations to voluntarily share good practices, achievements, challenges and lessons learned concerning integrated and gender responsive approaches in the promotion and protection of human rights and the implementation of the 2030 Agenda;

³⁸ See [E/HLS/2022/1](#).

³⁹ [A/HRC/51/9](#).

⁴⁰ [E/2022/55](#).

2. *Also decides* that the focus of each of the intersessional meetings will be informed by the stated themes of the 2024, 2025 and 2026 meetings of the high-level political forum on sustainable development;

3. *Further decides* that the intersessional meetings should be held in advance of the 2024, 2025 and 2026 meetings of the high-level political forum;

4. *Requests* the United Nations High Commissioner for Human Rights to organize the three intersessional meetings in consultation with Member States, relevant United Nations agencies, funds and programmes, international human rights mechanisms, national human rights institutions, civil society organizations and other relevant stakeholders, and to facilitate their participation in the meetings, as appropriate;

5. *Also requests* the High Commissioner to provide, for the above-mentioned full-day intersessional meetings, all the services and facilities necessary to make the discussions fully accessible to persons with disabilities, and to provide webcasting services for the meetings;

6. *Requests* the President of the Human Rights Council to appoint for each meeting, on the basis of regional rotation, and in consultation with regional groups, a chair for the meeting from candidates nominated by members and observers of the Council, who, together with the Office of the United Nations High Commissioner for Human Rights, shall be responsible for the preparation of summary reports of the discussions of the meetings, to be made available to all their participants, and for presenting them to the Council at its fifty-sixth, fifty-ninth and sixty-second sessions, respectively;

7. *Requests* the Office of the High Commissioner to increase its support, technical assistance and capacity-building for States, upon their request, to implement approaches that integrate the promotion and protection of human rights and the realization of the 2030 Agenda, taking into account a gender-responsive approach, including by working with national mechanisms for implementation, reporting and follow-up, national human rights institutions and other stakeholders, as well as with United Nations country teams, and requests the Secretary-General to further strengthen the dedicated capacity of the Office at the regional level to provide such increased support;

8. *Also requests* the Office of the High Commissioner, to prepare a report on best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda at the global level, seeking input from States at the national and regional level, relevant United Nations and regional human rights mechanisms, United Nations agencies, funds and programmes, national human rights institutions and civil society organizations, taking into account previous reports of the Office relating to the implementation of the 2030 Agenda, and further requests the Office to present the report to the Human Rights Council at its sixtieth session;

9. *Decides* that the summary reports of the discussions of the intersessional meetings and of the report should be made available to the high-level political forum on sustainable development and the Sustainable Development Goals Summit, where applicable.

*55th meeting
3 April 2023*

[Adopted without a vote.]

52/15. Cooperation with regional human rights organizations

The Human Rights Council,

Recalling General Assembly resolution 32/127 of 16 December 1977 and subsequent Assembly resolutions concerning regional arrangements for the promotion and protection of human rights, the latest being resolution 63/170 of 18 December 2008,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993 and subsequent Commission resolutions in this regard, and Human Rights Council resolutions 6/20 of 28 September 2007, 12/15 of 1 October 2009, 18/14 of 29 September

2011, 24/19 of 27 September 2013, 30/3 of 1 October 2015, 34/17 of 24 March 2017 and 43/17 of 22 June 2020,

Bearing in mind paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should work in close cooperation with regional organizations,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the importance of cooperation between regional arrangements and the United Nations human rights activities, and the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Reaffirming the fact that regional organizations, in all their variety and at all their levels of formalization, can play an important role in promoting and protecting human rights and should reinforce universal human rights, as contained in international human rights instruments,

Welcoming the contribution that regional organizations working in the field of human rights make to the advancement of human rights globally, through dialogue, cooperation and the adoption of relevant human rights instruments, including those open for joining by parties from other regions,

Taking note with appreciation of the initiative of the United Nations High Commissioner for Human Rights to commemorate throughout 2023 the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, which is aimed at, inter alia, rejuvenating a worldwide consensus on human rights, including through regional dialogue,

1. *Welcomes* the progress made by Governments in the establishment of regional and subregional organizations working in the field of human rights, and their achievements in all regions of the world;

2. *Notes with appreciation* the critical role played by the Office of the United Nations High Commissioner for Human Rights in advancing cooperation between international organizations and regional organizations in all their variety and at all their levels of formalization, working in the field of human rights;

3. *Also notes with appreciation* the progress made towards the implementation of its resolution 43/17 as described in the report of the United Nations High Commissioner for Human Rights,⁴¹ and encourages regional organizations to continue to enhance their cooperation with the United Nations and among themselves;

4. *Welcomes* the report of the High Commissioner on the workshop on regional arrangements for the promotion and protection of human rights,⁴² held on 18 and 19 October 2022 in Geneva;

5. *Also welcomes* the holding of the annual meetings of focal points for cooperation between United Nations and regional human rights organizations, and takes note with appreciation of their outcomes;

6. *Further welcomes* the dedicated fellowship programme for the staff members of regional human rights organizations to gain experience in the United Nations human rights system and to enhance capacity-building and cooperation among them;

7. *Requests* the Secretary-General and the High Commissioner to provide the resources necessary to enable the Office of the High Commissioner to support the above-mentioned activities appropriately, in particular the annual meetings of the regional organizations' focal points for cooperation and the dedicated fellowship programme;

⁴¹ [A/HRC/52/42](#).

⁴² *Ibid.*

8. *Requests* the High Commissioner to hold in 2025 a workshop on regional human rights organizations to take stock of developments since the workshop held in 2022, including a thematic discussion on the role of regional organizations in relation to the right to a clean, healthy and sustainable environment, based on concrete and practical experience of regional organizations working in the field of human rights, in order to share information on best practices, lessons learned and possible new forms of cooperation, with the participation of relevant experts from international, regional, subregional and interregional human rights organizations, as well as Member States, observers, national human rights institutions and non-governmental organizations;

9. *Also requests* the High Commissioner to present to the Human Rights Council, at its sixty-first session, a report containing a summary of the discussions held at the above-mentioned workshop and the progress made towards the implementation of the present resolution.

55th meeting
3 April 2023

[Adopted without a vote.]

52/16. 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 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, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development, in particular the Sustainable Development Goals on ending hunger and all forms of malnutrition, achieving food security and improved nutrition, promoting sustainable agriculture and ending poverty in all its forms everywhere,

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

Recalling the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, one of the strategic thrusts of which is focused on increasing funding efforts to end hunger and all forms of malnutrition, support sustainable agriculture and food systems, revitalize the agricultural sector, promote rural development and ensure food security and nutrition,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in 2004, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and reaffirming the Five Rome Principles for Sustainable Global Food Security, and the recommendations and commitments made therein,

Stressing the importance of the Rome Declaration on Nutrition and its Framework for Action, adopted at the second International Conference on Nutrition, held in Rome on 21 November 2014,

Acknowledging that the right to food has been recognized as the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and nutritious food, in conformity with, inter alia, the culture, beliefs, traditions, dietary habits and preferences of individuals, and that is produced and consumed sustainably, thereby preserving access to food for future generations,

Reaffirming that a peaceful, stable and enabling political, social and economic environment at both the national and international levels is the essential foundation that will enable States to give adequate priority to food security, nutrition and poverty eradication,

Recognizing the urgent need to realize the right to food through a coordinated and sustained effort, using the advantages and synergies offered by international cooperation and solidarity to find comprehensive solutions to the common present and future problems facing humanity,

Reiterating that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the absolute necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger the food security and nutrition of affected countries,

Reaffirming that food security and nutrition are a national responsibility, and that any plan for addressing food security and nutrition challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders,

Recognizing the urgency of strengthening the multilateral system in the channelling of material, financial and human resources and in the promotion of policies dedicated to fighting hunger and all forms of malnutrition,

Recognizing the complex character of food insecurity and its likely recurrence owing to a combination of several major factors, such as the effects of the global financial and economic crisis, environmental degradation, biodiversity loss, desertification and the impact of global climate change, drought, natural disasters and the effects of the coronavirus disease (COVID-19) pandemic, as well as poverty, excessive population growth, armed conflicts, excessive volatility in commodity prices and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, in particular in developing countries, including landlocked developing countries, least developed countries and small island developing States, and the need for coherence and collaboration between international institutions at the global level,

Expressing its deep concern at the negative effects of all armed conflicts on the enjoyment of the right to food,

Expressing its deep concern also at the number and scale of human-made and natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have, in combination with other factors, resulted in substantial loss of life and livelihood and threatened agricultural production and food security and nutrition, in particular in developing countries,

Recognizing in that regard that the crisis resulting from the COVID-19 pandemic crisis has exacerbated food insecurity, including through its devastating impact on the livelihoods of people, agriculture and food systems, value chains, food prices, food security and nutrition,

Recognizing also that urgent steps are needed to address food insecurity for the poorest people and people in the most vulnerable situations, and that measures aimed at providing immediate support to satisfy people's dietary needs should be put in place, including the provision of food and nutrition assistance, as appropriate,

Emphasizing the need to urgently assist countries that are disproportionately affected by climate change and are facing drought, plague, starvation and famine-related threats that could affect millions of people, most of whom are women and children,

Stressing the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance, and recognizing that small- and medium-scale farmers in developing countries need to receive technical,

technology transfer and capacity-building support to strengthen their economic participation and to secure their income and financial means,

Recognizing the importance of the protection, conservation and sustainable use of agrobiodiversity in guaranteeing food security, nutrition and the right to food for all,

Emphasizing the role of the Food and Agriculture Organization of the United Nations as an essential agency of the United Nations system in leading international efforts to end hunger, achieve food security for all and ensure regular and permanent access to quality food, in sufficient quantity, without compromising access to other essential needs, based on health-promoting food practices respecting cultural diversity that are environmentally, culturally, economically and socially sustainable, and in supporting the efforts of Member States to achieve the full realization of the right to food, inter alia by providing technical assistance to developing countries for the development of their national priority frameworks,

Recognizing the role of the Committee on World Food Security as an inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards eliminating hunger and ensuring food security and nutrition for all human beings,

Acknowledging the contribution of relevant inter-agency mechanisms, such as the quadripartite collaboration among the Food and Agriculture Organization of the United Nations, the World Organization for Animal Health, the World Health Organization and the United Nations Environment Programme, to promoting cooperation and guidance towards safe and sustainable food supplies and practices,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses deep concern* that, owing to the crisis resulting from the COVID-19 pandemic, between 83 and 132 million more people have fallen into moderate or severe food insecurity;

4. *Also expresses deep concern* at the existing setbacks to the achievement of Sustainable Development Goals 1 and 2, aimed at eradicating poverty and hunger respectively, and at the imminent and increasing danger that the targets outlined in the 2030 Agenda for Sustainable Development will be missed;

5. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, nearly half of all deaths of children under the age of 5 are attributable to undernutrition, which puts children at greater risk of dying from common infections, increases the frequency and severity of such infections and delays recovery;

6. *Expresses its great concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, malnutrition, food insecurity and poverty, in part as a result of gender inequality and discrimination; that, in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases; and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Encourages* all States to mainstream a gender perspective in food security and nutrition programmes and to take action to address de jure and de facto gender inequality and discrimination against women and girls, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and taking steps to ensure that women and girls have equal access to social protection and resources, including income, land and water, and their ownership, and full and equal access to health care, education,

science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

8. *Takes note* of the report of the Special Rapporteur on the right to food;⁴³

9. *Recognizes* the importance of giving due consideration to the adverse impact of climate change on the full realization of the right to food;

10. *Reiterates* that improving access to productive resources and responsible public investment in rural development, taking into consideration the Principles for Responsible Investment in Agriculture and Food Systems, as endorsed by the Committee on World Food Security, is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investment, including private investment, in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to and recover from droughts, tackle water scarcity and ensure the preservation and sustainable use of ecosystems;

11. *Recognizes* the importance of smallholder and family farmers and peasants in developing countries, including women, local and Indigenous communities, in ensuring food security and nutrition, reducing poverty and preserving ecosystems, and the need to assist their development;

12. *Reaffirms* the need to ensure that programmes delivering safe, sufficient, nutritious and culturally accepted food are inclusive and accessible to persons with disabilities;

13. *Encourages* States to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and, where appropriate, to consider establishing appropriate institutional mechanisms and adopting national policies to combat hunger;

14. *Recognizes* the advances made through South-South and triangular cooperation in developing countries and regions in connection with food security and nutrition and the development of agricultural production for the full realization of the right to food, while reaffirming the key role of North-South cooperation;

15. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, and access to locally adapted seeds, including for many Indigenous Peoples and local communities;

16. *Stresses* that the primary responsibility of States is to promote and protect the right to food, including in humanitarian emergencies, and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food, in particular through agricultural development assistance, the transfer of technology, capacity-building, technical assistance, the fulfilment of official development assistance commitments, food crop rehabilitation assistance and food aid, achieving food security, with special attention paid to the specific needs of women and girls, and promoting support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and to ensure support for the establishment of secure land tenure systems;

17. *Calls upon* States to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, in particular the right of everyone to be free from hunger, before instituting such a policy or measure;

18. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,⁴⁴ and acknowledges that many Indigenous organizations and representatives of Indigenous Peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food

⁴³ A/HRC/52/40.

⁴⁴ General Assembly resolution 69/2.

that Indigenous Peoples face, and calls upon States to take action to address those obstacles and challenges and the continuous discrimination against Indigenous Peoples;

19. *Recognizes* the contributions of peasants, smallholders, family farmers and other people working and living in rural areas in all regions of the world to development and in ensuring the right to food, food security and nutrition, which are fundamental to attaining the Sustainable Development Goals and implementing the 2030 Agenda;

20. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements and tariff and non-tariff measures, do not have a negative impact on the right to food in other countries;

21. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to avoid any actions that could have a negative impact on the realization of the right to food;

22. *Encourages* the Special Rapporteur on the right to food to continue to take into account the links between human rights and trade policy perspectives, agriculture, food systems and global governance, and to cooperate with relevant international organizations to ensure that the international trade regime and the global economic architecture are geared to fulfilling the right to food;

23. *Also encourages* the Special Rapporteur to continue to mainstream a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective in their relevant policies, programmes and activities regarding access to food;

24. *Further encourages* the Special Rapporteur to continue his collaboration with United Nations agencies, funds and programmes, and international financial institutions, and to facilitate the cooperation among them, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

25. *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;

26. *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;

27. *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;

28. *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;

29. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

*55th meeting
3 April 2023*

[Adopted without a vote.]

52/17. Mandate of Independent Expert on the 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 foreign debt and other related international financial obligations on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 49/15 of 31 March 2022, and all other relevant resolutions,

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,

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,

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 thus a serious impediment to the realization of all human rights,

1. *Expresses its appreciation* for the work and contributions of the Independent Expert on the 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;

2. *Decides* to extend the mandate of Independent Expert on the 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, for a period of three years, in accordance with the mandate established by the Human Rights Council in its resolution 7/4 of 27 March 2008;

3. *Encourages* the Independent Expert to cooperate, in accordance with the mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development;

4. *Requests* the Independent Expert 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;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the necessary assistance, in particular all the human and financial resources required for the effective fulfilment of the mandate;

6. *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;

7. *Decides* to continue its consideration of this matter under the same agenda item, in accordance with its programme of work.

*55th meeting
3 April 2023*

[Adopted by a recorded vote of 32 to 5, with 10 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Czechia, France, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Belgium, Finland, Georgia, Germany, Lithuania, Luxembourg, Mexico, Montenegro, Morocco and Romania]

52/18. 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, which was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and 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, the building of 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 contributions of the 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* of the report of the Special Rapporteur on cultural rights and migration;⁴⁵

11. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur 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
3 April 2023*

[Adopted without a vote.]

52/19. Commemoration of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action

The Human Rights Council,

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

⁴⁵ [A/HRC/52/35](#).

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, as well as the International Covenants on Human Rights and other relevant human rights instruments,

Noting that 2023 marks the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, and acknowledging the importance of these instruments for the promotion and the protection of all human rights,

Recalling its resolution 35/1 of 22 June 2017,

Recalling also that States have the primary responsibility for the promotion and protection of all human rights,

Emphasizing that these anniversaries offer a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights for all, without discrimination of any kind,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat them 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 also that the full, equal and meaningful participation, free from violence and discrimination, of women at all levels of decision-making, as well as that of girls, in accordance with their age and maturity, is essential for the realization of all human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

Recognizing that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, including the right to development,

Recognizing also that human rights education, training and public information are essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace,

Stressing the necessity for continued national efforts with a view to the full realization of all human rights and fundamental freedoms, and acknowledging the benefits of enhanced international cooperation and solidarity to that end,

Emphasizing the need to increase efforts to provide assistance to States that so request, including through strengthened capacity-building and technical cooperation,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues,

Stressing the need for the increased and sustained participation and contribution of civil society and all other relevant stakeholders in the promotion and protection of human rights,

Noting the contribution of international human rights mechanisms, including the treaty bodies, the special procedures of the Human Rights Council and the universal periodic review, to the implementation of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

1. *Welcomes* the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, and stresses the importance of the mandates of the Human Rights Council, the United Nations High Commissioner for Human Rights and all other United Nations human rights mechanisms with regard to the promotion and protection of the effective enjoyment by all of the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action;

2. *Urges* States to redouble their efforts in fulfilling their duty to promote and protect all human rights and fundamental freedoms and to implement the provisions enshrined in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action;

3. *Encourages* States to use these anniversaries to raise awareness of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action and their role in the promotion and protection of all human rights and fundamental freedoms;

4. *Calls upon* States to exercise mutual respect and understanding, to promote tolerance, inclusion, unity and respect for diversity and to pursue dialogue and cooperation in implementing the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, ensuring all human rights for all;

5. *Invites* States and all relevant stakeholders to engage constructively and further reflect on achievements, best practices and challenges and to explore possibilities for regional, cross-regional and international dialogue, cooperation and solidarity with regard to the full realization of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action while participating in and contributing to the work of the Human Rights Council, including in the context of the universal periodic review;

6. *Encourages* States, international organizations and all relevant stakeholders to commemorate these anniversaries, and in this regard welcomes the various commemorative initiatives, and calls upon States and all relevant stakeholders to take part meaningfully in those processes, where appropriate;

7. *Requests* the High Commissioner to implement a programme of activities that includes the organization of regional dialogues and a high-level event in December 2023 in commemoration of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, and also requests the High Commissioner to ensure that the high-level event is accessible to persons with disabilities;

8. *Also requests* the High Commissioner to submit a report on the above-mentioned year-long activities to the Human Rights Council at its fifty-sixth session, and to make the report accessible to persons with disabilities.

*55th meeting
3 April 2023*

[Adopted without a vote.]

52/20. Human rights of migrants: mandate of Special Rapporteur on the human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without discrimination of any kind, including as to race, colour, sex, religion or national origin,

Recalling all international norms and standards relevant to the human rights of migrants,

Recalling also Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolutions 8/10 of 18 June 2008, 17/12 of 17 June 2011, 26/19 of 26 June 2014, 34/21 of 24 March 2017 and 43/6 of 19 June 2020, entitled “Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants”, as well as Assembly resolution 73/195 of 19 December 2018,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

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 the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend, for a period of three years, effective from the end of its fifty-third session, the mandate of Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing their disproportionate impact on migrants in situations of vulnerability, including women, children and those who are undocumented or in an irregular situation;

(b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(d) To promote the effective application of relevant international norms and standards on the issue, including the principle of non-discrimination;

(e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(f) To take into account gender, age and disability perspectives when requesting and analysing information and give special attention to the occurrence of multiple and intersecting forms of discrimination and violence against migrant women and girls, children, older migrant persons, migrants with disabilities and Indigenous migrants;

(g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(h) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out the mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out the mandate, to request, receive and exchange information on violations of the human rights of migrants from States, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of the mandate;

5. *Requests* the Special Rapporteur, in carrying out the mandate, to take into account bilateral, regional and international initiatives that address issues relating to the effective protection of the human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* States to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of the mandate.

55th meeting
3 April 2023

[Adopted without a vote.]

52/21. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

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 International Covenant on Economic, Social and Cultural Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action, the United Nations Convention against Corruption and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 73/190 of 17 December 2018, 74/276 of 1 June 2020, 75/206 of 21 December 2020, 76/196 of 17 December 2021 and 77/154 of 14 December 2022 on the importance of preventing and combating corrupt practices, and the promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development and the full realization of human rights,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012, 22/12 of 21 March 2013, 25/9 of 27 March 2014, 28/5 of 26 March 2015, 31/22 of 24 March 2016, 34/11 of 23 March 2017, 40/4 of 21 March 2019 and 46/11 of 23 March 2021,

Recalling that human rights are universal, indivisible, interrelated and interdependent, and reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the primary responsibility of States to promote, protect and respect all human rights and fundamental freedoms,

Concerned that flows of funds of illicit origin deprive countries of resources required to progressively realize human rights, including economic, social and cultural rights, and in particular the right to development, in such a way that threatens the stability and sustainable development of States, undermines the values of democracy, the rule of law and morality and jeopardizes social, economic and political development,

Recognizing that good governance and the fight against corruption have a central role in the promotion and protection of human rights and in the elimination of obstacles to development, as well as in creating sustainable, effective, accountable and transparent institutions,

Recognizing also that fighting corruption at all levels is a priority, that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and full involvement of other stakeholders,

Noting the particular concern of developing countries and countries with economies in transition regarding the urgent need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

Concerned about the fact that funds of illicit origin, which are urgently needed for development and the realization of all human rights, are stalled in banks of requested States, which continue to accrue gains from them,

Concerned also that developing countries lose billions of dollars every year through illicit financial flows, and that, in Africa, it is estimated that, over the past 50 years, the continent has lost \$1 trillion in illicit financial flows, an amount equivalent to all the official development assistance received in the same time frame,

Recognizing the importance of studying the potential relationship between combating illicit financial flows and attaining debt sustainability, the availability of valuable resources for financing for development and the fulfilment of human rights obligations,

Acknowledging that the coronavirus disease (COVID-19) pandemic has put a spotlight on the limitations of Governments of developing countries to marshal their budgetary resources in times of crisis, reiterating the need to enhance and strengthen effective domestic resource mobilization, including accountable and transparent public expenditure systems, and that the harm done by illicit financial flows in overextending the limited resources of developing countries evidently affects their ability to address the Sustainable Development Goal financing gap and to mobilize domestic resources for longer-term development goals,

Reaffirming the commitment of States parties to the United Nations Convention against Corruption thereunder, and that the return of assets is one of the main purposes and a fundamental principle of the Convention, and underlining its central role in fostering international cooperation to combat corruption and to facilitate the return of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, and the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly the relevant decisions adopted at its fourth, fifth, sixth, seventh and eighth sessions,

Recognizing that strong and efficient domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities and central authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Affirming the responsibilities of requesting and requested States in the return of the proceeds of crime, cognizant that requesting States must seek return as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that requested States, on the other hand, have a duty to assist and facilitate the return of the proceeds of crime, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Concerned at the challenges and difficulties that both requested and requesting States face in the return of the proceeds of crime owing to, inter alia, lack of political will in the requested States due to the benefits gained from the illicit financial flows, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles, and noting also the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, and of applying conditionalities by requested States,

Recognizing that numerous technical, legal and practical challenges are to be addressed in order to facilitate the repatriation of funds of illicit origin to countries from where they were originally stolen,

Reaffirming the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal targets 16.4, 16.5, 16.6 and 16.10, which underline the commitment of States to significantly reduce by 2030 illicit financial and arms flows, and the Addis Ababa Action Agenda, adopted at the Third International Conference on Financing for Development, held in Addis Ababa in July 2015, which underlined, in particular, that measures to curb illicit financial flows were integral to achieving sustainable development,

Recognizing the need for a reform of the global taxation system as part of genuine efforts to combat illicit financial flows, in line with human rights law, and the need for better international cooperation and assistance in the regulation, repatriation and taxation of flows from developing countries for the promotion and realization of human rights,

Noting the corrosive effect that tax avoidance and tax evasion have on trust, the social compact, financial integrity, the rule of law and sustainable development, affecting the poorest and most vulnerable,

Welcoming General Assembly resolution 77/244 of 30 December 2022 on beginning intergovernmental discussions on ways to strengthen the inclusiveness and effectiveness of international tax cooperation through the evaluation of additional options, including the possibility of developing an international tax cooperation framework or instrument that is developed and agreed upon through a United Nations intergovernmental process, taking into full consideration existing international and multilateral arrangements,

Acknowledging that illicit financial flows and their interlinkages with the growing debt crises, particularly in developing countries, have underscored the need for an international tax cooperation framework that takes into full consideration existing international and multilateral arrangements, including international human rights law,

Noting the calls to create a public global asset registry containing beneficial ownership information in order to curb illicit financial flows and transfers of untaxed wealth of corporations and individuals, as an important tool to avoid the diversion of crucial resources necessary for States to fulfil their human rights commitments and fight against inequality, as a key component of global tax reform,

Welcoming the work carried out by different United Nations bodies and mechanisms, including the United Nations Conference on Trade and Development, the United Nations Office on Drugs and Crime, and by international and regional organizations in preventing and combating all forms of corruption, and encouraging them to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon, and to coordinate their efforts in this regard,

Noting with appreciation the Lausanne process initiative on practical guidelines for efficient asset recovery, the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and the outcome of the fourteenth session of the United Nations Conference on Trade and Development, held in Nairobi in 2016, and encouraging coordination among existing initiatives,

1. *Welcomes* the study of the Human Rights Council Advisory Committee on utilizing non-repatriated illicit funds with a view to supporting the achievement of the Sustainable Development Goals,⁴⁶ and takes note of the proposed courses of action in the study;
2. *Also welcomes* the work undertaken by the Independent Expert on the 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,⁴⁷ and requests her to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;
3. *Further welcomes* the intersessional seminar on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, held on 8 February 2022;⁴⁸
4. *Takes note with appreciation* of the report of the Independent Expert on the 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, on a non-binding set of practical guidelines for efficient asset recovery;⁴⁹
5. *Welcomes* the high-level meeting on international cooperation to combat illicit financial flows and strengthen good practices on assets return, convened by the President of the General Assembly on 16 May 2019;
6. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;
7. *Underscores* that the repatriation return of funds of illicit origin is key for States that are undergoing a reform process and for improving the realization of economic, social and cultural rights, including the right to development, and for fulfilling their obligation to meet the legitimate aspirations of their peoples;
8. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, in particular embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin;
9. *Urges* requested States to ensure the prompt and unconditional repatriation of funds of illicit origin to the countries of origin, and to actively participate in adopting a renewed, decisive and proactive commitment to tackle the phenomenon of illicit financial flows and their ensuing negative impact on human rights and the right to development, and to take urgent action to push forward the procedures aimed at the recovery of stolen assets;
10. *Encourages* requested States parties to the United Nations Convention against Corruption to respond to requests for assistance and to adopt such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the said Convention, in the absence of dual criminality;
11. *Asserts* the urgent need to return the proceeds of crime to requesting countries without conditionalities, in accordance with the United Nations Convention against Corruption and with due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, and to strengthen regulatory frameworks at all levels;
12. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas, in compliance with their international obligations, including international human rights law;

⁴⁶ [A/HRC/43/66](#).

⁴⁷ See [A/HRC/46/29](#).

⁴⁸ See [A/HRC/51/12](#).

⁴⁹ [A/HRC/52/45](#).

13. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of and remedy for business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;

14. *Calls upon* all States to seek to reduce opportunities for tax avoidance, to consider inserting anti-abuse clauses in all tax treaties and to enhance disclosure practices and transparency in both source and destination countries, including by seeking to ensure transparency in all financial transactions between Governments and companies to relevant tax authorities;

15. *Also calls upon* all States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contributes to the achievement of the Sustainable Development Goals;

16. *Reiterates* the importance of full compliance with international human rights law in relation to the return of proceeds of crime, in particular due process rights in criminal or civil law matters against persons presumed to be responsible for corruption, tax evasion or other related criminal conduct and with respect to freezing and forfeiture;

17. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of implementing the Convention that take human rights into full consideration, including when dealing with the return of the proceeds of crime, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of the proceeds of crime and to strengthen international cooperation in asset recovery;

18. *Calls upon* States to continue to consider the establishment of an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to explore further policy responses to the phenomenon;

19. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and 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;

20. *Welcomes* national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the return of the proceeds of crime, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of the proceeds of crime, and ensuring their return and the provision of technical assistance to developing countries;

21. *Encourages* all States to share best practices in the freezing and recovery of funds of illicit origin;

22. *Calls for* further international cooperation through, inter alia, the United Nations system in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels among anti-corruption agencies, law enforcement agencies and financial intelligence units;

23. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to

requesting States in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

24. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

25. *Reaffirms* that it is the obligation of the State to investigate and then prosecute corruption on the basis of evidence, and calls upon all States to strengthen criminal and/or civil proceedings directed at freezing or restraining funds of illicit origin, and in this context encourages requested States to provide information on legal frameworks and procedures to requesting States and to remove barriers to asset recovery, including by simplifying their legal procedures and responding to requests for mutual legal assistance;

26. *Requests* the United Nations High Commissioner for Human Rights to organize, before the fifty-fifth session of the Human Rights Council, a one-day intersessional expert meeting, in a hybrid format and fully accessible to persons with disabilities, on the obstacles to the repatriation of funds of illicit origin to the countries of origin and their impact on the enjoyment of human rights, to discuss challenges and best practices in this regard and to make recommendations, with the participation of States, the Advisory Committee and other stakeholders, and to present a report on the meeting, including in an accessible and easy-to-read format, to the Council at its fifty-sixth session;

27. *Requests* the Office of the United Nations High Commissioner for Human Rights, when preparing the above-mentioned expert meeting and report thereon, to seek input from experts from diverse geographic regions, including from States, relevant intergovernmental organizations, United Nations agencies, funds and programmes, relevant special procedures of the Human Rights Council, the Advisory Committee, the treaty bodies, national human rights institutions and civil society representatives, including relevant local government networks and non-governmental organizations;

28. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

29. *Requests* the Secretary-General to bring the present resolution to the attention of all States Members of the United Nations and forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption and the United Nations Conference on Trade and Development;

30. *Decides* to continue its consideration of this matter under the same agenda item.

*55th meeting
3 April 2023*

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

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Mexico and Paraguay]

52/22. Human rights, democracy and the rule of law

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 taking note with appreciation of the commemoration of their respective anniversaries in 2023,

Reaffirming also the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling that the United Nations Framework Convention on Climate Change and the Paris 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,

Recognizing that climate change and its impact are among the greatest challenges of the day, directly and indirectly affecting the full enjoyment of human rights, that States should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, to ensure more sustainable and effective climate action, and that the impact of climate change affects individuals and communities around the world, especially in developing countries, in particular small island developing States, least developed countries and landlocked developing countries, and in different ways, owing to factors such as geographical location, economic condition, poverty, gender, age, Indigenous or minority status, where applicable, national or social origin, birth or other status and disability,

Acknowledging that, by adopting the 2030 Agenda for Sustainable Development, States Members of the United Nations pledged to leave no one behind in the implementation of the Sustainable Development Goals, including, inter alia, Goal 16, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and looking forward to the Summit of the Future, to be held in 2024,

Recalling the Secretary-General's Call to Action for Human Rights, and recognizing that taking a human rights-based approach into consideration contributes to the achievement of the objectives therein,

Recalling also all previous resolutions on democracy and the rule of law adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolutions 19/36 of 23 March 2012, 28/14 of 26 March 2015, 34/41 of 24 March 2017, 40/9 of 21 March 2019 and 46/4 of 23 March 2021, in which the Council inter alia established the Forum on Human Rights, Democracy and the Rule of Law and decided on the themes of its first four sessions,

Acknowledging that innovation, technological change and education in the digital age is essential for achieving gender equality and the empowerment of all women and girls, and emphasizing that the full, equal and meaningful participation of women in decision-making is critical to democracy,

Inviting States and all stakeholders to advance technology for democracy and to work to ensure that technology is designed, developed and deployed with respect for human rights and fundamental freedoms, and recalling the Guiding Principles on Business and Human Rights,

Acknowledging that human rights, democracy and the rule of law create an environment in which countries can promote sustainable development, protect individuals from discrimination and ensure equal access to justice for all by involving Governments, parliaments, the United Nations system and other international organizations, local authorities, national human rights institutions, Indigenous Peoples, local communities, persons belonging to national or ethnic, religious and linguistic minorities, human rights defenders, civil society, women's and girls' rights organizations, the business and private sectors, the scientific and academic communities and all other interested stakeholders,

Stressing that human rights, democracy and the rule of law are interdependent and mutually reinforcing, and in this regard recalling the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,⁵⁰ in which the Secretary-General addressed the ways and means of developing further the linkages between the rule of law and the three main pillars of the United Nations, namely, peace and security, human rights, and development,

Recognizing the link between human rights, democracy, the rule of law and good governance, and recalling the Human Rights Council resolutions and all other resolutions relevant to the role of good governance in the promotion of human rights,

Convinced that the independence and impartiality of the judiciary, the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Recalling the right of every citizen to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free-voting procedures, guaranteeing the free expression of the will of the electors,

Reaffirming that democracy is based on the freely expressed will of people, including through free and fair elections that are transparent and inclusive, to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty, territorial integrity and the right to self-determination,

Bearing in mind that challenges to democracy arise in all democratic societies and that determined and coordinated actions and engagement are required to prevent and combat the trend of democratic backsliding, the deterioration of the respect for human rights and fundamental freedoms, as well as for the rule of law,

Acknowledging that climate change has both direct and indirect implications for humanity, nature and well-being, but also for democratic governance and the effective enjoyment of all human rights, and the need for States to respect, protect and fulfil human rights and to take action consistent with international commitments and obligations when taking urgent and necessary action in this respect,

⁵⁰ [A/72/268](#).

Recognizing the need for States to formulate and implement effective and sustainable measures, guided by the best available science and technology, to address the challenges and needs of current and future generations, in particular by fostering more environmentally responsible behaviour, including through education and public awareness-raising, training, public participation, public access to information and international cooperation on these issues,

Acknowledging that responsible, sustainable and ambitious global responses to planetary challenges require the full implementation of respective obligations under relevant multilateral agreements, sustainable policies, democratic mechanisms, decision-making processes that are inclusive of women, girls and groups in vulnerable situations, innovative participatory practices, accountable processes and fully transparent approaches based on the respect for human rights, the rule of law and democratic principles,

Recognizing the need for all stakeholders to be a part of the responses to global crises, to have access to timely and accurate information online and offline and to be involved in decisions that affect them, and acknowledging the importance of an active, inclusive and safe engagement of civil society in policymaking, free from reprisals and acts of intimidation, and of facilitating the private sector's contributions to these responses,

Recalling Human Rights Council resolution 40/11 of 21 March 2019, in which the Council recognized the contribution of human rights defenders, including women and Indigenous human rights defenders, working in environmental matters, referred to as environmental human rights defenders, to the enjoyment of human rights, environmental protection and sustainable development, urging all States to take all measures necessary to ensure the protection of the rights and the safety of all persons, including environmental human rights defenders, and underscoring the responsibility of all business enterprises, transnational and others, consistent 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,

Urging States to acknowledge the important contribution of civil society, human rights defenders, journalists and media workers, to the promotion of human rights, democracy and the rule of law, and to ensure an open, safe and enabling environment for their work, both online and offline,

Calling upon States to promote access to the Internet for all and to encourage digital platforms to secure access to free, independent, reliable and plural information,

Acknowledging the fundamental importance of education and training for human rights in consolidating democracy and contributing to the promotion, protection and effective realization of all human rights and the essential role of youth education and youth engagement with environment-related issues and associated decision-making processes in building inclusive and peaceful societies, while reaffirming the need for States to develop and implement strategies that give young people real opportunities to enable their full, effective and meaningful participation in designing and implementing policies, programmes and initiatives,

Recalling that the exercise of human rights, including the rights to seek, receive and impart information, to participate in the conduct of government and public affairs, including when participating in environmental decision-making, is vital to the realization of a clean, healthy and sustainable environment, as recognized by the General Assembly in its resolution 76/300 of 28 July 2022 and the Human Rights Council in its resolution 48/13 of 8 October 2021, and the importance of providing science-based and evidence-based data and information to the public, while welcoming the Secretary-General's intention to establish a code of conduct for greater integrity of public information,

Underlining that, while States have the primary responsibility for safeguarding and strengthening democracy and the rule of law, the United Nations has a critical role in providing assistance and coordinating international efforts to support States, at their request, in their democratization processes,

Recognizing the value of the Forum on Human Rights, Democracy and the Rule of Law for exchange, dialogue, mutual understanding and cooperation on the interrelationship

between human rights, democracy and the rule of law, in accordance with the principles and purposes of the Charter, while acknowledging the importance of existing regional formats in the field of human rights, and underlining the relevance of continuing the debates in this framework,

1. *Notes* the holding, in November 2022, of the fourth session of the Forum on Human Rights, Democracy and the Rule of Law, under the theme, “Strengthening democracies to build back better: challenges and opportunities”;

2. *Welcomes* the report of the Chair on the fourth session of the Forum on Human Rights, Democracy and the Rule of Law,⁵¹ and invites States and other stakeholders to consider and implement the relevant recommendations contained therein meant to contribute to the strengthening of the resilience of democratic institutions and processes in view of future global crises;

3. *Encourages* States, with the cooperation of all stakeholders, to promote good governance at all levels and to develop effective, accountable and transparent democratic practices, processes and institutions and participatory and representative decision-making processes inclusive of women, girls and groups in vulnerable situations, while also reaffirming their full commitment to the 2030 Agenda for Sustainable Development;

4. *Decides* that the theme of the fifth session of the Forum, to be held in 2024, will be “Democracy and climate change: focusing on solutions”;

5. *Encourages* in this respect an increased exchange of good practices on education, enhanced communication, training, public awareness-raising, public participation, public access to information and international cooperation;

6. *Decides* that participation in the fifth session of the Forum will be in accordance with the modalities set out by the Human Rights Council in its resolutions 28/14, 34/41, 40/9 and 46/4, so that it also includes youth, environmental human rights defenders, Indigenous Peoples and relevant business enterprises and private sector actors;

7. *Encourages* States and all stakeholders to pay particular attention to promoting the broadest possible and most equitable participation in the Forum, with due regard for geographical and gender balance;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Forum, at its fifth session, with all the necessary services and facilities, including interpretation in all official languages of the United Nations.

*55th meeting
3 April 2023*

[Adopted without a vote.]

52/23. The human right to a clean, healthy and sustainable environment

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 the Declaration of the United Nations Conference on the Human Environment, the Declaration on the Right to Development, the Rio Declaration on Environment and Development, the United Nations Framework Convention on Climate Change, relevant international human rights treaties and other relevant regional human rights instruments,

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

⁵¹ [A/HRC/52/72](#).

Recalling all its resolutions on human rights and the environment, the most recent of which are resolutions 45/17 of 6 October 2020, 45/30 of 7 October 2020 and 46/7 of 23 March 2021, and relevant resolutions of the General Assembly,

Welcoming the adoption of Human Rights Council resolution 48/13 on 8 October 2021 and General Assembly resolution 76/300 on 28 July 2022, recognizing the human right to a clean, healthy and sustainable environment,

Reaffirming 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 and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling States’ obligations and commitments under multilateral environmental instruments and agreements and the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document entitled “The future we want”,⁵² which reaffirmed the principles of the Rio Declaration on Environment and Development,

Reaffirming the importance of international cooperation on the basis of mutual respect, in full compliance with the principles and purposes of the Charter, with full respect for the sovereignty of States, while taking into account national priorities,

Reaffirming also that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of multilateral environmental agreements under the principles of international environmental law,

Recalling the outcomes of the fifth session of the United Nations Environment Assembly, held online on 22 and 23 February 2021, and subsequently in Nairobi and online from 28 February to 2 March 2022, and noting its reaffirmation that a clean, healthy and sustainable environment is important for the enjoyment of human rights and for sustainable development in all its dimensions, and that the well-being of humanity depends on nature,

Welcoming the outcomes of the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the fourth Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, held in Sharm El-Sheikh, Egypt, from 6 to 20 November 2022, including the Sharm el-Sheikh Implementation Plan, which acknowledge 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, the right to a clean, healthy and sustainable environment, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, older persons, persons with disabilities and persons in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and girls and intergenerational equity,

Welcoming also the outcomes of the fifteenth session of the Conference of the Parties to the Convention on Biological Diversity, held in Montreal, Canada, from 7 to 19 December 2022, and welcoming further that the implementation of the Kunming-Montreal Global Biodiversity Framework, adopted at that session, should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights, and that the framework acknowledges the human right to a clean, healthy and sustainable environment,

Taking note of the information note entitled “What is the Right to a Healthy Environment?” of the Office of the United Nations High Commissioner for Human Rights, the United Nations Environment Programme and the United Nations Development Programme,

Recalling all of the reports of the Special Rapporteur (formerly the Independent Expert) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,⁵³

⁵² General Assembly resolution 66/288, annex.

⁵³ [A/73/188](#), [A/74/161](#), [A/75/161](#), [A/76/179](#), [A/77/284](#), [A/HRC/22/43](#), [A/HRC/25/53](#), [A/HRC/28/61](#), [A/HRC/31/52](#), [A/HRC/31/53](#), [A/HRC/34/49](#), [A/HRC/37/58](#), [A/HRC/37/59](#), [A/HRC/40/55](#),

Welcoming the latest report of the Special Rapporteur, on the issue of women, girls and the right to a clean, healthy and sustainable environment,⁵⁴ and recognizing the intersectional forms of discrimination that women and girls face, the importance of gender equality, gender-responsive action to address climate change and environmental degradation, and the empowerment, leadership, decision-making and meaningful participation of women and girls and their role as managers, leaders, environmental human rights defenders and agents of change in conserving, protecting and restoring the environment,

Recognizing that environmental degradation and loss of biodiversity often result from and reinforce existing patterns of discrimination, and that environmental harm can have disastrous and at times geographically dispersed consequences for the quality of life of Indigenous Peoples, local communities, peasants and others who rely directly on the products of forests, rivers, lakes, wetlands and oceans for their food, fuel and medicine, resulting in further inequality and marginalization,

Recognizing also that, conversely, the impacts of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in ecosystem services may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations, such as people facing desertification, land degradation, sea level rise, drought and water scarcity, as well as women and girls,

Recalling that all people on Earth depend directly or indirectly on the ocean and cryosphere, and that communities living in close connection with polar, mountain or coastal environments are particularly exposed to the current and future hazards of ocean and cryosphere change, including sea level rise, ocean warming, acidification and deoxygenation, ice sheet and glacier mass loss, and permafrost degradation,

Recognizing the benefits of seeking to mitigate and minimize the negative effects of pollution and other forms of environmental degradation and the importance of the environmentally sound management and disposal of chemicals and waste, including in situations of armed conflict and post-conflict contexts, and expressing its deep concern at the threats posed to the effective enjoyment of human rights, particularly to those of children, women and girls, youth, persons with disabilities, older persons, Indigenous Peoples, local communities, refugees, internally displaced persons, migrants and persons in vulnerable situations,

Recognizing also that the exercise of human rights, including the freedom to seek, receive and impart information, to participate safely and effectively in the conduct of government and public affairs, to have access to justice and the right to an effective remedy, is vital to the respect, protection and promotion of the right to a clean, healthy and sustainable environment,

Reaffirming Human Rights Council resolution 40/11 of 21 March 2019, in which the Council recognized the contribution of human rights defenders working in environmental matters, referred to as environmental human rights defenders, to the enjoyment of human rights, environmental protection and sustainable development,

Recalling the Guiding Principles on Business and Human Rights, which underscore the responsibility of all business enterprises to respect human rights, including the rights to life, liberty and security of environmental human rights defenders,

Mindful that the growing risk of emerging infectious diseases of zoonotic origin may be caused by human actions that damage ecosystems and biodiversity, stressing that biodiversity is important for the enjoyment of a wide range of human rights, including the

[A/HRC/43/53](#), [A/HRC/43/54](#), [A/HRC/46/28](#), [A/HRC/49/53](#), [A/HRC/52/33](#) and [A/HRC/52/44](#).

⁵⁴ [A/HRC/52/33](#).

right to a clean, healthy and sustainable environment, expressing concern that the loss of biodiversity caused by human activities can be threatening to the enjoyment of those rights and have a major impact on health and livelihoods, and stressing that human rights-based environmental action is essential to reduce the risk of future pandemics,

Recognizing the positive, important and legitimate role played by children and by child- and youth-led movements that defend human rights relating to a clean, healthy and sustainable environment, and welcoming the work of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in engaging and consulting with children,

Recognizing also the particular vulnerability of children to the effects of environmental harm, including to air pollution, water pollution, climate change, exposure to chemicals, toxic substances and waste, and loss of biodiversity, and that environmental harm may interfere with the full enjoyment of a vast range of the rights of the child, and noting that the Committee on the Rights of the Child is drafting a general comment on children's rights and the environment, with a special focus on climate change,

Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment,⁵⁵ and that additional measures for those who are particularly vulnerable to environmental harm should be taken,

1. *Welcomes* the work undertaken by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, his thematic reports, and the undertaking of country visits;

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment, including its collaboration with the Secretary-General, the United Nations Environment Programme and other key partners, and its engagement with multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification and the Convention on Biological Diversity;

3. *Further welcomes* the work undertaken by the United Nations Environment Programme, the United Nations Development Programme, the United Nations International Children's Emergency Fund and the United Nations Entity for Gender Equality and the Empowerment of Women in support of the mandate of the Special Rapporteur, and in helping to clarify the relationship between human rights and the environment;

4. *Calls upon* States:

(a) To respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges;

(b) To adopt and implement strong laws ensuring, among other things, the rights to participation, to access to information and to justice, including to an effective remedy, in environmental matters;

(c) To facilitate public awareness and participation in environmental decision-making, including of civil society, women, children, youth, Indigenous Peoples, local communities, peasants, older persons, persons with disabilities and others who depend directly on biodiversity and ecosystem services, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association;

⁵⁵ [A/HRC/37/59](#), annex.

(d) To implement fully their obligations to respect, protect and fulfil human rights without discrimination of any kind, including in the application of environmental laws and policies;

(e) To promote a safe and enabling environment in which individuals, civil society organizations, including environmental human right defenders and those working on human rights and environmental issues can operate free from threats, hindrance and insecurity;

(f) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of the human right to a clean, healthy and sustainable environment, in accordance with their international obligations;

(g) To establish, maintain and strengthen effective legal and institutional frameworks to regulate the activities of public and private actors in order to prevent, reduce and remedy harm to biodiversity and ecosystems, taking into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment;

(h) To take into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

(i) To increase funding and support for, and collaboration with, grass-roots women's organizations working on environmental and human rights issues, and for the implementation of gender action plans under multilateral environmental agreements;

5. *Encourages* States:

(a) To adopt integrated, intersecting and holistic national and local policies and an effective legal framework for the enjoyment of the human right to a clean, healthy and sustainable environment;

(b) To address compliance with human rights obligations relating to the enjoyment of the human right to a clean, healthy and sustainable environment in the framework of human rights mechanisms, including the universal periodic review, and the submission of State party reports to relevant United Nations human rights treaty bodies;

(c) To build capacities for efforts to protect the environment in order to fulfil their human rights obligations and commitments, and to enhance cooperation with other States, the Office of the United Nations High Commissioner for Human Rights, the rest of the United Nations system and other relevant international and regional organizations, agencies, convention secretariats and programmes, and relevant non-State stakeholders, including civil society, national human rights institutions and business, on the further development and implementation of the human right to a clean, healthy and sustainable environment, in accordance with their respective mandates;

(d) To explore ways to incorporate information on human rights and the environment in school curricula, in order to teach current and future generations to act as agents of change, including by taking into account the traditional knowledge of Indigenous Peoples;

(e) To seek to ensure that projects supported by environmental finance mechanisms respect all human rights;

(f) To collect disaggregated data on the effects of environmental harm, including the loss of biodiversity and the decline of ecosystem services, on persons in vulnerable situations;

(g) To promote and accelerate human rights-based environmental action that is gender-responsive and includes gender equality and the empowerment of women and girls, and takes into consideration the vulnerability of ecosystems and the needs of persons and communities in vulnerable situations;

(h) To continue to share good practices in fulfilling human rights obligations relating to the human right to a clean, healthy and sustainable environment through the good practices database maintained by the Special Rapporteur;

(i) To facilitate expert exchange of knowledge and ideas, building synergies between the protection of human rights and the protection of the environment, and to promote coherence among different policy areas, bearing in mind an integrated and multisectoral approach and considering that efforts to protect the environment must fully respect other human rights obligations, including those relating to gender equality;

(j) To strengthen their efforts to protect biodiversity, including by updating and implementing their national biodiversity strategies and action plans, thereby contributing to the achievement of the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity;

(k) To build capacity within the judicial sector to understand the relationship between human rights and the environment;

(l) To foster a responsible private business sector and to encourage corporate sustainability reporting while respecting the Guiding Principles on Business and Human Rights and environmental standards, in accordance with relevant international agreements;

6. *Recognizes* the important role played by individuals and civil society organizations, including human rights defenders and environmental human right defenders, in the promotion and protection of human rights as they relate to the enjoyment of the human right to a clean, healthy and sustainable environment, including biodiversity and ecosystems;

7. *Also recognizes* the important role of national human rights institutions to support and promote the enjoyment of the human right to a clean, healthy and sustainable environment;

8. *Encourages* relevant United Nations agencies, funds and programmes, other international organizations, treaty bodies, academia and civil society organizations to promote the implementation of the human right to a clean, healthy and sustainable environment;

9. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(a) To convene, before the end of 2023, a one-day expert seminar on the responsibility of business enterprises to respect the human right to a clean, healthy and sustainable environment, informed by the findings of the mandate holder;

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations, business and finance representatives, to participate actively in the seminar;

(c) To invite relevant experts of United Nations agencies, funds and programmes, treaty bodies, other international organizations and conventions to participate in the seminar;

(d) To submit to the Human Rights Council, at its fifty-fifth session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

10. *Stresses* the need for enhanced cooperation among States, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner, the World Health Organization, the International Organization for Migration, the International Labour Organization and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies for the respect, promotion and protection of the human right to a clean healthy and sustainable environment, bearing in mind an integrated and multisectoral approach;

11. *Calls upon* all States to conserve, protect and restore healthy ecosystems and biodiversity and to ensure their sustainable management and use by applying a human rights-based approach that emphasizes participation, inclusion, transparency and accountability in the management of natural resources;

12. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

56th meeting
4 April 2023

[Adopted without a vote.]

52/24. Contribution of the Human Rights Council with regard to the human rights implications of drug policy

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 Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Underscoring that the three main international drug control conventions, of 1961, 1971 and 1988, and other relevant international instruments constitute the cornerstone of the international drug control system,

Reaffirming the targets and goals of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, reaffirming also the Joint Ministerial Statement of the 2014 high-level review by the Commission on Narcotic Drugs of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem and the Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem, reaffirming further the outcome document of the thirtieth special session of the General Assembly, held in 2016, entitled “Our joint commitment to effectively addressing and countering the world drug problem”, in its entirety, and reiterating that the operational recommendations contained therein are integrated, indivisible, multidisciplinary and mutually reinforcing and are aimed at a comprehensive, integrated and balanced approach to addressing and countering the world drug problem,

Reaffirming also its commitment to the goals and objectives of the three international drug control conventions, which concern the health and welfare of humankind, recognizing that human rights are an indispensable part of the international legal framework for the design and implementation of drug policies, and reiterating the need to enhance national efforts and international cooperation at all levels to promote measures that ensure the availability, affordability and accessibility of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes, including for the relief of pain and suffering, within the framework of national legislation,

Reaffirming further its unwavering commitment to ensuring that all aspects of demand reduction and related measures, supply reduction and related measures, and international cooperation are addressed in full conformity with the purposes and principles of the Charter, international law and the Universal Declaration of Human Rights, with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States,

Reaffirming the principal role of the Commission on Narcotic Drugs as the policymaking body of the United Nations with prime responsibility for drug control and other drug-related matters,

Welcoming the contributions of other relevant United Nations entities, in particular those of the United Nations Office on Drugs and Crime as the leading entity in the United Nations system for addressing and countering the world drug problem, and reaffirming the treaty-mandated roles of the International Narcotics Control Board and the World Health Organization,

Recognizing the continued efforts to enhance coherence within the United Nations system at all levels, and reaffirming the need to continue and strengthen cooperation between the United Nations Office on Drugs and Crime and other United Nations entities, within their respective mandates, in their efforts to support States in the implementation of international drug control treaties and their political commitments in accordance with applicable human rights obligations and to promote protection of and respect for human rights, fundamental freedoms and the dignity of all individuals in the context of drug programmes, strategies and policies,

Reaffirming the determination of States to address and counter the world drug problem and to actively promote a society free of drug abuse in order to help to ensure that all people can live in health, dignity and peace, with security and prosperity, and reaffirming also their determination to address public health, safety and social problems resulting from drug abuse,

Recalling that efforts to achieve the Sustainable Development Goals and to effectively address all aspects of the world drug problem are complementary and mutually reinforcing, and recalling also that public health programmes should be available to all,

Recalling also the General Assembly resolutions on addressing and countering the world drug problem and other relevant Assembly resolutions,

Recognizing that the world drug problem remains a common and shared responsibility that should be addressed in a multilateral setting through effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing, balanced, scientific evidence-based and comprehensive approach, and recalling the commitment of the General Assembly to promoting the health, welfare and well-being of all individuals, families, communities and society as a whole, and facilitating healthy lifestyles through effective, comprehensive, scientific evidence-based demand reduction initiatives at all levels, covering, in accordance with national legislation and the three international drug control conventions, prevention, early intervention, treatment, care, recovery, rehabilitation and social reintegration measures, as well as initiatives and measures aimed at minimizing the adverse public health and social consequences of drug abuse,

Recalling its resolution 28/28 of 27 March 2015 on the contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016, and its resolution 37/42 of 23 March 2018 on its contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights,

Noting the contributions of international human rights bodies and mechanisms, including human rights treaty bodies, the Human Rights Council and its mechanisms, such as the universal periodic review and the special procedures, in promoting the implementation of States' human rights obligations and commitments with regard to international commitments to effectively addressing and countering all aspects of the world drug problem,

Taking note of the *International Guidelines on Human Rights and Drug Policy*, and the exchange of information, lessons learned and best practices on the promotion of human rights when addressing and countering all aspects of the world drug problem among States, relevant United Nations bodies, intergovernmental organizations and civil society in this regard,

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and recalling that article 2 (1) and (2) of the International Covenant on Economic, Social and Cultural Rights includes provisions on progressively

realizing the rights recognized in the Covenant, while noting that they need to be implemented without discrimination, including for individuals with drug use disorders, as well as in prisons and other custodial settings,

Recalling the operational recommendation contained in the outcome document of the thirtieth special session of the General Assembly on ensuring, inter alia, non-discriminatory access to health, care and social services in prevention, primary care and treatment programmes, including those offered to persons in prison or pretrial detention,⁵⁶

Recognizing the need for States, in cooperation with international organizations, civil society and the private sector, to create favourable conditions at the local, national, regional and international levels to progressively realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to take steps to ensure access to health-related information, evidence-based prevention, harm reduction and treatment and to address the underlying social and economic determinants of health, in the context of the world drug problem,

Guided by the outcome document of the thirtieth special session of the General Assembly with regard to preventing social marginalization, promoting non-stigmatizing attitudes and encouraging the voluntary participation of individuals with drug use disorders in treatment programmes, with informed consent, and where consistent with national legislation, as well as developing and implementing outreach programmes and campaigns, involving drug users in long-term recovery, where appropriate, to prevent social marginalization and promote non-stigmatizing attitudes, as well as to encourage drug users to seek treatment and care and take measures to facilitate access to treatment and expand capacity,

Stressing that law enforcement officials, in the performance of their duties, should respect and protect human dignity and maintain and uphold the human rights of all persons, including the right to life, the right to security of person, the prohibition of torture and cruel, inhuman and degrading treatment or punishment, the right to the enjoyment of the highest attainable standard of physical and mental health and the prohibition of arbitrary arrest and detention,

Underlining that the unlawful discriminatory application of criminal law violates international human rights law and must be tackled at every stage, including by reforming drug-related policies, laws and practices with discriminatory outcomes, as appropriate, in line with international human rights standards, and encouraging States to take measures to prohibit discriminatory practices in the arrest and detention of members of vulnerable and marginalized groups in their drug-control efforts,

Affirming that access to internationally controlled substances for medical and scientific purposes, including for palliative care and emergency medical care, contributes to the right to the enjoyment of the highest attainable standard of physical and mental health for all, in particular older persons,

Calling for the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance in the elaboration, adoption and implementation of international and national drug policies,

Recognizing the particular importance for States to take measures to prevent the transmission of HIV/AIDS, viral hepatitis and other blood-borne diseases and to ensure access to prevention, diagnosis, treatment, care and support services, including for individuals with drug use disorders, as well as those offered to persons in prisons and other custodial settings, and recalling the Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030,

Recalling the obligations of States parties under article 33 of the Convention on the Rights of the Child, namely that States parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant

⁵⁶ See General Assembly resolution S-30/1, annex.

international treaties, and to prevent the use of children in the illicit production of and trafficking in such substances, and in this regard recognizing the need to increase the availability, coverage and quality of scientific evidence-based prevention measures and tools that target relevant age and risk groups in multiple settings, reaching youth at school as well as out of school, among others, through drug use prevention programmes and public awareness-raising campaigns, develop and implement prevention and early intervention programmes for use in the education system at all levels and enhance the capacity of teachers and other relevant professionals to provide counselling, prevention and care services,

1. *Reaffirms* the commitment made by the General Assembly to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies, to taking the steps necessary to implement the operational recommendations contained in the outcome document of the thirtieth special session of the General Assembly, entitled “Our joint commitment to effectively addressing and countering the world drug problem”, in close partnership with the United Nations and other intergovernmental organizations and civil society, and to sharing with the Commission on Narcotic Drugs timely information on progress made in the implementation of those recommendations, and also reaffirms the Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem;

2. *Takes note* of the report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights,⁵⁷ and encourages States to consider the conclusions and recommendations contained therein;

3. *Also takes note* of the study of the Working Group on Arbitrary Detention relating to drug policies;⁵⁸

4. *Calls upon* all States Members of the United Nations to consider alternatives to incarceration, conviction and punishment, where appropriate and in accordance with the three international drug control conventions, noting that, in appropriate cases of a minor nature, States may provide, as alternatives to conviction and punishment, measures such as education, rehabilitation and social integration, as well as, when the offender has a drug use disorder, treatment and aftercare, as well as support for recovery;

5. *Calls upon* States to mainstream a gender perspective into and ensure the involvement of women in all stages of the development, implementation, monitoring and evaluation of drug policies and programmes, and to develop and disseminate gender-sensitive and age-appropriate measures that take into account the specific needs and circumstances faced by women and girls with regard to all aspects of the world drug problem, bearing in mind that targeted interventions that are based on the collection and analysis of data, including data disaggregated by age, gender and disability, can be particularly effective in meeting the specific needs of persons in vulnerable situations;

6. *Also calls upon* States to adapt their drug policies to address the specific needs of women, including pregnant and postpartum women, children, young persons, older persons and members of groups in a situation of vulnerability, such as national or ethnic, religious or linguistic minorities, Indigenous Peoples, persons with disabilities and members of other affected communities;

7. *Recalls* article 24 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous Peoples have the right to their traditional medicines and to maintain their health practices, and that Indigenous individuals have the right to access, without discrimination, to all social and health services, and an equal right to the enjoyment of the highest attainable standard of physical and mental health, as well as article 18 of the said Declaration, which states that Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights;

⁵⁷ A/HRC/39/39.

⁵⁸ A/HRC/47/40.

8. *Emphasizes* the important contribution that civil society and affected communities make to the development, implementation and evaluation of drug policies, including through advocacy and awareness-raising and the sharing of expertise and knowledge, and encourages States, United Nations agencies, funds and programmes, international and regional organizations, national human rights institutions and other relevant stakeholders in that regard to involve and engage meaningfully with civil society and affected communities in their efforts to address all aspects of the world drug problem;

9. *Urges* States to adopt a systemic approach to preventing and eliminating racial discrimination at all stages of the development, implementation, monitoring and evaluation of drug policies and programmes;

10. *Requests* the Office of the High Commissioner to prepare a report, in consultation with States, the United Nations Office on Drugs and Crime and other relevant United Nations agencies, civil society and other relevant stakeholders, on human rights challenges in addressing and countering all aspects of the world drug problem, and to present it to the Human Rights Council at its fifty-fourth session, also in an accessible format, and also requests the Office of the High Commissioner to share the report with the Commission on Narcotic Drugs, the policymaking body of the United Nations with prime responsibility for drug control and other drug-related matters, through the appropriate channels;

11. *Decides* to convene an intersessional panel discussion before its fifty-fifth session, in an accessible format, on human rights challenges in addressing and countering all aspects of the world drug problem, informed by the findings contained in the report prepared by the Office of the High Commissioner, to have a constructive and inclusive dialogue on this issue with relevant stakeholders, including the United Nations Office on Drugs and Crime and specialized United Nations agencies and civil society and affected populations, and with the participation of the Commission on Narcotic Drugs, and requests the Office of the High Commissioner to prepare a report, in consultation with the United Nations Office on Drugs and Crime, on the panel discussion in the form of a summary;

12. *Encourages* the Office of the High Commissioner and relevant international human rights mechanisms to continue, within their respective mandates and through the appropriate channels with the Commission on Narcotic Drugs, their contribution to addressing the human rights implications of drug policies.

56th meeting
4 April 2023

[Adopted without a vote.]

52/25. Birth registration and the right of everyone to recognition everywhere as a person before the law

The Human Rights Council,

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

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and recalling the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Reduction of Statelessness and other relevant international instruments,

Recalling the obligation of States to register all children, without discrimination of any kind, immediately after birth, which is an important element of the protection and realization of all human rights, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on

the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international and regional instruments to which they are party,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, and survival and development, provide the framework for all actions concerning children, including birth registration, as well as the right of children to preserve their identity, as enshrined in articles 7 and 8 of the Convention,

Recalling the resolutions adopted by the General Assembly and the Human Rights Council in which they called upon States to ensure the registration of all children immediately after birth and without discrimination of any kind, the most recent being Assembly resolution 76/147 of 16 December 2021 and Council resolution 43/5 of 19 June 2020, and recalling also relevant reports of the United Nations High Commissioner for Human Rights⁵⁹ and the Office of the United Nations High Commissioner for Human Rights,⁶⁰

Recognizing that birth registration and the right to recognition everywhere as a person before the law are closely linked to the realization of all other human rights, and therefore underlining the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed at respecting, promoting, protecting and fulfilling human rights and at preventing human rights violations and abuses,

Welcoming the commitment of States to leave no one behind, recalling that the provision of legal identity for all, including birth registration, is included as the standalone target 16.9 in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 16, supplemented by target 17.19 in the 2030 Agenda under Goal 17 and objective 4 of the Global Compact for Safe, Orderly and Regular Migration, and taking note with interest of the report entitled “Birth registration for every child by 2030: are we on track?”, published by the United Nations Children’s Fund in 2019,

Recognizing that the full implementation of target 16.9 will have both a direct and an indirect impact on the achievement of other Sustainable Development Goals, targets and priorities, inter alia, social protection, protection in emergencies, access to financial and economic resources, the elimination of all forms of discrimination and violence against women and children everywhere, gender equality and access to inclusive and equitable quality education,

Noting the continuing efforts of the Committee on the Rights of the Child and other treaty bodies towards universal birth registration, such as through recommendations widely addressed to States in this regard,

Noting also the continuing efforts of States to accept and implement recommendations towards ensuring universal birth registration received in the context of the universal periodic review,

Recognizing the importance of birth registration, including late and delayed birth registration and the provision of documents of proof of birth, as a means of providing an official record of the existence of a person and the recognition of that individual as a person before the law, and as a critical means of preventing statelessness,

Expressing concern at the gap between the number of children whose births are reported as registered and those who actually have a birth certificate, and the numerous social, cultural, economic, political and structural obstacles to overcoming this situation,

Expressing concern also that unregistered children and registered children who do not have a birth certificate may have limited or no access to services and the enjoyment of all the rights to which they are entitled, including the right of children to preserve their identity, including nationality, name and family relations, and rights relating to health, education, property and inheritance, social welfare, work and political participation, and taking into consideration that registering a child’s birth is a vital step towards respect for and the

⁵⁹ [A/HRC/33/22](#) and [A/HRC/39/30](#).

⁶⁰ [A/HRC/27/22](#).

protection and fulfilment of all human rights and that persons, especially children, without birth registration are more vulnerable to poverty, marginalization, exclusion, discrimination, violence, statelessness, illegal adoption, abduction, sale, exploitation and abuse, including when they take the form of child labour, child recruitment and use, sexual and gender-based violence, human trafficking, child, early and forced marriage and other harmful practices,

Bearing in mind that persons, especially children in vulnerable situations, including, inter alia, children living in conflict and post-conflict situations, poverty or emergency situations, children belonging to minorities, children with disabilities, in particular girls with disabilities, Indigenous children, migrant children, in particular separated or unaccompanied children, and children of migrants, asylum-seekers, refugees and stateless persons, may face additional barriers to accessing birth registration or obtaining related documents, thereby increasing their risk of statelessness and hindering the full realization of human rights, including a risk of being deprived of some or all of the elements of their identity and of not knowing their origins,

Recognizing that armed conflict and emergencies may put civil registration records at risk of loss, destruction or falsification, which may heighten the risk of statelessness,

Expressing concern that gender-based discrimination with respect to nationality laws and civil registration requirements is a major obstacle to birth registration and may lead to statelessness, in particular in situations of emergency and armed conflict and when laws, inter alia, require women to change nationality upon marriage or its dissolution, deny women the ability to pass on their nationality or prevent single mothers from registering the birth of their children,

Being fully aware of the fact that the non-registration of children at birth may represent a major impediment to the enjoyment of all human rights,

Recognizing that free birth registration and the free or low-fee issuance of birth certificates are part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve the internationally agreed Sustainable Development Goals,

Recognizing also that non-governmental organizations, professional associations, the media, the private sector and other members of civil society, including those involved in public-private partnerships, can also contribute to the improvement and promotion of community awareness of birth registration in a manner that reflects national priorities and strategies and is in line with international human rights law,

1. *Expresses deep concern* at the fact that, according to the United Nations Children's Fund, the births of 166 million children under the age of 5 worldwide have never been officially registered, despite ongoing efforts to increase the global rate of birth registration;

2. *Also expresses deep concern* at the fact that, according to the United Nations Children's Fund, about 70 million children under the age of 5 who are registered worldwide do not have proof of registration in the form of a birth certificate;

3. *Reminds* States of their obligation to register all births without discrimination of any kind, and also reminds States that birth registration should take place immediately after birth, in the country where children are born, including the children of single mothers, migrants, non-nationals, asylum-seekers, refugees and stateless persons, in accordance with international human rights law and national law, and that late birth registration should be limited to those cases that would otherwise result in a lack of registration, and that all efforts should be made to register all children as early as possible, but not later than one year after their birth to include them in vital statistics;

4. *Reaffirms* that the provision of legal identity for all, including birth registration by 2030, can contribute to preventing, inter alia, poverty, marginalization, exclusion, discrimination, violence, statelessness, illegal adoption, abduction, sale, exploitation and abuse, including when they take the form of child labour, child recruitment and use, sexual and gender-based violence, human trafficking, child, early and forced marriage and other

harmful practices, and can also assist in the reunification of families separated by conflict, disaster or humanitarian crisis;

5. *Calls upon States:*

(a) To identify and reform laws and policies in order to enable immediate birth registration for all and to prevent all forms of discrimination against women and children in access to birth registration and the realization of their right to recognition everywhere as a person before the law, and identify and reform laws and policies that prevent women from passing on their nationality to their children;

(b) To identify and remove physical, administrative, procedural, financial, practical and any other barriers that discriminate or impede access to birth registration and the issuance of birth certificates, in order to ensure that birth registration procedures are universal, accessible, simple, expeditious, effective and provided at minimal or no cost, and to remove documentation requirements that are difficult or impossible to fulfil, in particular for persons in vulnerable situations;

(c) To establish or strengthen existing institutions at all levels responsible for birth registration, including through the development of comprehensive civil registration systems and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase the accessibility of birth registration facilities within their territory and, in accordance with relevant international and national laws, abroad, either by increasing the number of service delivery points, including by leveraging opportunities provided by the health sector, or by other means, such as mobile birth registration officials in rural and remote areas, promoting community awareness and working to address the barriers faced by persons, especially children in vulnerable situations, in their access to birth registration;

(d) To strengthen interoperability and linkages with other sectors, in particular the health, educational and social protection sectors, while respecting the right to privacy, in order to ensure prompt birth registration in health facilities and to facilitate catch-up mechanisms for older children or adults, so that all persons may have access to a legal identity;

(e) To implement targeted programmes to reach children living in the most remote and excluded circumstances, including by integrating the provision of birth registration with the delivery of other essential services, in particular health services, and utilizing mobile registration units, technology and other innovative solutions to advance decentralized registration procedures;

(f) To take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to, inter alia, emergency or armed conflict situations, including through the use of digital and new technologies as a means to facilitate and universalize access to birth registration, to prevent the loss of personal data and to ensure continuity of birth registration during and after situations of conflict and humanitarian crisis, and also to strengthen civil registration and vital statistics, which are key for the collection of disaggregated data for monitoring the Sustainable Development Goals;

(g) To ensure that the birth registration process is aimed at collecting the necessary information available on an individual, including family relations, and to provide persons, including adoptees, with as much information as possible regarding their origins, when requested by them, according to national laws and while respecting the right to privacy;

(h) To ensure that the minimum information necessary to uphold an individual's rights is recorded on birth certificates, including the basic characteristics that comprise an individual's legal identity, as defined according to the United Nations operational definition of legal identity, and, whenever possible, the child's family relations such as the parents' names, and to take all measures necessary to protect persons from discrimination, violence and harm when determining additional information to be included in a birth certificate by, inter alia, excluding those elements that may be used to discriminate against any individual

on any ground, and protecting personal information obtained through birth registration or other civil registration processes;

(i) To raise awareness of birth registration continuously at the national, regional and local levels, including by engaging in collaboration with all relevant actors, such as national human rights institutions, the public and private sectors and civil society organizations, in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of all human rights;

(j) To ensure that lack of birth registration or documents of proof of birth does not constitute an obstacle to access to and the enjoyment of relevant national services and programmes, in accordance with national and international human rights law;

(k) To ensure individual documentation, including in post-conflict and other migration flows, of internally displaced women, refugee and asylum-seeking women, stateless women, separated or unaccompanied girls, and other women and girls in vulnerable situations, and also to ensure the timely and equal registration of all births and other vital events;

(l) To strengthen global partnerships and to provide the cooperation and assistance necessary to enhance technical capacity-building with a view to attaining target 16.9 of the Sustainable Development Goals by 2030;

6. *Encourages* States to ensure that registration documents are accessible, comprehensible and available for persons with disabilities and in minority and Indigenous languages, whenever possible;

7. *Invites* States and other relevant stakeholders to work towards ensuring universal birth registration through, inter alia, cooperation, innovation, the exchange of good practices and technical assistance, including through the universal periodic review and other relevant mechanisms of the Human Rights Council;

8. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes, in particular the United Nations Legal Identity Agenda, and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means of respecting the right of everyone to be recognized everywhere as a person before the law;

9. *Invites* relevant United Nations agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

10. *Invites* the United Nations High Commissioner for Human Rights to identify and actively pursue opportunities to collaborate with the United Nations Statistics Division and other relevant United Nations agencies, funds and programmes, as well as other relevant stakeholders, in order to strengthen existing policies and programmes aimed at universal birth registration and vital statistics development, and to ensure that they are based on international standards, taking into account best practices, and are implemented in accordance with relevant international human rights obligations;

11. *Requests* the High Commissioner to prepare, in consultation with States, United Nations agencies, funds and programmes, civil society and other relevant stakeholders, a comprehensive study on the use of digital technologies to achieve universal birth registration, its best practices, challenges and opportunities, and potential mechanisms to close the gap between the number of children whose births are reported as registered and those who actually have a birth certificate, and to submit the report thereon to the Human Rights Council at its fifty-eighth session;

12. *Decides* to consider this issue, in accordance with its programme of work, at its sixty-first session.

56th meeting
4 April 2023

[Adopted without a vote.]

52/26. Mandate of Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

The Human Rights Council,

Recalling Human Rights Council resolutions 7/13 of 27 March 2008, 34/16 of 24 March 2017 and 43/22 of 22 June 2020, and all relevant resolutions of the Commission on Human Rights, in particular Commission resolution 1990/68 of 7 March 1990, and Economic and Social Council decision 2004/285 of 22 July 2004,

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,

Deeply concerned about the persistence of the sale and the sexual exploitation and abuse of children, in particular of girls, both online and offline, including through child prostitution, child pornography and other child sexual abuse material, while stressing the urgent need for the effective implementation of prevention, protection, rehabilitation, recovery and reintegration measures for children who are victims and survivors, in a gender- and trauma-responsive manner, including through cross-border cooperation, as well as the importance of ensuring access to justice, accountability and legal remedies,

Recognizing the scale, complexity and enormous individual and societal harm of all forms of sale and sexual exploitation and abuse of children, both online and offline,

Expressing concern that conflicts, the coronavirus disease (COVID-19) pandemic, climate change, biodiversity loss, pollution crises and the large-scale movements of migrants and refugees have increased the risk, in various manifestations, of the sale and sexual exploitation of children, in particular of girls, while stressing that States should put in place robust, rights-based child protection systems to prevent or mitigate the impact of these crises on the full realization of the rights of the child, including with regard to family life, while taking into consideration the importance of family reunification in the case of children on the move,

Stressing that the realization of all rights of the child is a crucial means to achieving the goals outlined in the 2030 Agenda for Sustainable Development, especially targets 5.3, 8.7 and 16.2 of the Sustainable Development Goals,

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 shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work and contributions of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material;⁶¹

2. *Decides* to extend the mandate of Special Rapporteur, for a period of three years, under the title of Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, on the same terms provided by the Human Rights Council in its resolutions 7/13, 34/16 and 43/22;

3. *Requests* the Special Rapporteur to support States in developing legal and policy frameworks and child protection strategies through a child- and gender-responsive, disability-inclusive, victim-centred and trauma-informed approach and in a child-friendly manner to effectively prevent and eradicate new and emerging forms of the online and offline sale and sexual exploitation and abuse of children, in accordance with international human rights law;

4. *Also requests* the Special Rapporteur to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly, in

⁶¹ See [A/HRC/52/31](#) and [A/HRC/52/31/Add.1](#).

accordance with their respective programmes of work, making suggestions and recommendations on the prevention and elimination of all forms of sale and sexual exploitation and abuse of children and on the protection, rehabilitation, recovery, reintegration and access to justice of children who are victims and survivors, in a gender-responsive, disability-inclusive, victim-centred, trauma-informed, child-friendly and child rights-based manner, including on how to advance the protection capacities of communities and families, with the best interests of the child as a primary consideration;

5. *Requests* all States to cooperate fully with and to assist the Special Rapporteur in the performance of her tasks, providing all requested information and considering favourably her requests for visits and for implementing her recommendations;

6. *Encourages* the Special Rapporteur to continue to cooperate with the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on trafficking in persons, especially women and children and other relevant mandate holders;

7. *Also encourages* the Special Rapporteur to continue to seek views and contributions from States and other relevant stakeholders, including international organizations, national human rights institutions, civil society and children;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the assistance necessary to the Special Rapporteur to fulfil the mandate, in particular by placing adequate human and material resources at her disposal;

9. *Decides* to continue its consideration of this question in accordance with its programme of work.

56th meeting
4 April 2023

[Adopted without a vote.]

52/27. 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 all relevant resolutions adopted by the Human Rights Council and the General Assembly, particularly the most recent ones, including Council resolutions 49/24 of 1 April 2022 and S-35/1 of 24 November 2022, and Assembly resolution 77/228 of 15 December 2022 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,⁶² and emphasizing that those recommendations should be given due consideration,

Deeply regretting the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Expressing deep concern at the continued violations of a wide range of civil, political, economic, social and cultural rights, as highlighted by the Special Rapporteur and in his reports, and that sustained and systematic impunity for gross violations of human rights and an absence of accountability in the Islamic Republic of Iran create an enabling environment

⁶² [A/HRC/52/67](#).

for perpetrators, violate victims' right to an effective remedy and perpetuate cycles of violence,

Expressing deep concern also at the widespread violence and discrimination in law and in practice affecting in particular women and girls, children, persons belonging to ethnic, linguistic and recognized or unrecognized religious or belief minorities, human rights defenders, lawyers, journalists and media workers, and persons exercising their right to freedom of expression and opinion, online and offline, and their right to freedom of peaceful assembly and association,

Alarmed at the continued reports, including in the latest report of the Special Rapporteur, of peaceful protests being violently repressed, of a large number of protesters being arbitrarily arrested and detained, tortured, ill-treated and killed, and of individuals being sentenced to death and executed in relation to their involvement in the protest movements,

Alarmed also at the recent surge in executions, including of individuals charged with offences that do not meet the threshold of the most serious crimes, and at the executions of individuals sentenced for alleged offences committed before the age of 18 years, and following trials that fail to respect fair trial guarantees,

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. *Strongly deplores* the widespread, repeated and persistent violations of human rights in the Islamic Republic of Iran, and calls upon the Islamic Republic of Iran to address systematic impunity by establishing a system of accountability in line with international law, including constitutional, legislative and administrative reforms, and to ensure the complete independence of the judiciary and effective remedies for victims;

2. *Calls upon* the Islamic Republic of Iran to address widespread and systematic discrimination and violence based on gender, ethnicity, religion or belief or political opinion, among other status, enshrined in laws, State policies and practices, and to create a safe and enabling environment for civil society, including by guaranteeing and upholding the right to freedom of expression and opinion, both online and offline, and the right to freedom of peaceful assembly and association;

3. *Expresses deep concern* at the reported surge in the number of executions, including of individuals sentenced to death in relation to their alleged involvement in the recent protests, and urges the Islamic Republic of Iran to take all necessary legislative, administrative and other measures, in accordance with its international human rights obligations, to ensure that no one is sentenced to death or executed for offences that do not meet the threshold of the most serious crimes or for alleged offences committed before the age of 18 years, and to ensure that all criminal convictions and sentences are handed down by courts that are competent, independent and impartial, following proceedings that strictly respect fair trial guarantees;

4. *Decides* to extend the mandate of 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-fifth session and to the General Assembly at its seventy-eighth session;

5. *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, in line with its standing invitation;

6. *Encourages* the Special Rapporteur to cooperate with the international independent fact-finding mission on the Islamic Republic of Iran with a view to promoting synergy;

7. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*56th meeting
4 April 2023*

[Adopted by a recorded vote of 23 to 8, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Czechia, Finland, France, Germany, Honduras, Lithuania, Luxembourg, Malawi, Maldives, Mexico, Montenegro, Morocco, Paraguay, Romania, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bangladesh, Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan, Pakistan and Viet Nam

Abstaining:

Algeria, Cameroon, Côte d'Ivoire, Gabon, Gambia, Georgia, India, Kyrgyzstan, Malaysia, Nepal, Qatar, Senegal, South Africa, Sudan, United Arab Emirates and Uzbekistan]

52/28. 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 49/22 of 1 April 2021 and Assembly resolution 77/226 of 15 December 2022, 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,⁶³ 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 77/226, 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,

⁶³ [A/HRC/25/63](#).

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 about the exacerbation of the humanitarian situation and the adverse impact on the situation of human rights in the Democratic People's Republic of Korea of disproportionate and unnecessary measures taken following the global outbreak of the coronavirus disease (COVID-19) pandemic and the national outbreak announced in May 2022, 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 persons in vulnerable situations, 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,

Condemning the Democratic People's Republic of Korea for national policies that increasingly divert 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 all 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 Korea⁶⁴ 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,⁶⁵

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,⁶⁶ 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,⁶⁷ in December 2018, and urging the Government of the Democratic People's Republic of Korea to respond to the list of issues on the initial report of the Democratic People's Republic of Korea sent by the Committee on the Rights of Persons with Disabilities⁶⁸ within the deadline,

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

⁶⁴ CEDAW/C/PRK/CO/2-4.

⁶⁵ CRC/C/PRK/CO/5.

⁶⁶ A/HRC/37/56/Add.1.

⁶⁷ CRPD/C/PRK/1.

⁶⁸ CRPD/C/PRK/Q/1.

outcome of the review⁶⁹ 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, and encouraging the Government of the Democratic People's Republic of Korea to allow submissions from stakeholders in the context of the fourth cycle of the universal periodic review,

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 sincerely listen to the victims and their families to address all allegations of enforced disappearances, clarify the fate and whereabouts of disappeared persons and faithfully provide accurate, detailed and full information promptly 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, and the issue of nationals of other States Members of the United Nations detained in the Democratic People's Republic of Korea, with no information available regarding their health or the conditions of their detention,

Welcoming the readiness of the international community to engage in constructive diplomacy with the Democratic People's Republic of Korea and stressing the importance of dialogue, including inter-Korean dialogue, engagement and cooperation aimed at improving 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 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,

⁶⁹ A/HRC/42/10.

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, in the ongoing monitoring and documentation work of the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, 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, including the freedom to seek, receive and impart information and ideas of any kind, regardless of frontiers, both online and offline, which is enforced through all-pervasive and severe restrictions, including an absolute monopoly on information and total control over organized social life, and arbitrary State surveillance that permeates the private lives of all citizens, and which has been exacerbated by a further tightening of restrictions ostensibly justified as measures to prevent COVID-19;

(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 and girls, including unequal access to employment, discriminatory laws and regulations, and violence against women and girls, including sexual and gender-based violence;

(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 all 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 77/226, 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 and reviewing laws, including the Law on Rejecting Reactionary Thought and Culture, and practices suppressing the aforementioned rights;

(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 all forms of violence, including 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 persons in vulnerable situations, 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 (ACT) initiative and its COVID-19 Vaccine Global Access (COVAX) Facility and relevant bodies to respond constructively to all offers of assistance to ensure the timely delivery and equitable distribution of sufficient vaccine doses, and recognizing the right to the enjoyment of the highest attainable standard of physical and mental health and that access to vaccines is essential, 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, including public executions, 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 by clarifying their fate and whereabouts, in good faith and with transparency, including by ensuring the realization of their immediate return, and engaging in constructive dialogue with the parties concerned;

(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;

(m) Ensuring that citizens of the Democratic People's Republic of Korea who have been expelled or repatriated to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of human rights

violation, including enforced disappearance, arbitrary execution, torture and ill-treatment, and providing information on their status and treatment;

3. *Recalls* General Assembly resolution 77/226, 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 77/226, 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, and urged the Democratic People's Republic of Korea to disclose all relevant information about such persons, including their fate and whereabouts, to bereaved families and relevant entities;

6. *Reiterates its deep concern* at the findings of the commission of inquiry and subsequent investigations of the Office of the United Nations High Commissioner for Human Rights 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, inhuman 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, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 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

forms of 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 continue to fail to hold accountable 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 77/226, 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 her continued efforts in the conduct of her mandate despite the lack of access to the country;

11. *Welcomes* the report of the Special Rapporteur;⁷⁰

12. *Recalls* the recommendations of the commission of inquiry and those contained in General Assembly resolution 77/226, and reiterates the importance of maintaining the grave situation of human rights 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 report of the High Commissioner, submitted to the Human Rights Council pursuant to its resolution 46/22, on promoting accountability in the Democratic People's Republic of Korea,⁷¹ 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 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, compiling 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. *Decides* to continue to strengthen, for a period of two years, 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, compiling a central information and evidence repository and having experts in legal

⁷⁰ A/HRC/52/65.

⁷¹ A/HRC/52/64.

accountability assess all information and testimonies, with a view to developing possible strategies to be used in any future accountability process;

16. *Requests* the High Commissioner to provide an oral update on the progress made in this regard to the Human Rights Council at its fifty-fifth session, and to submit a full report on the implementation of the recommendations to the Council at its fifty-eighth session;

17. *Decides* to extend the mandate of 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;

18. *Requests* the High Commissioner to continue to explore 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-eighth session;

19. *Requests* the Office of the High Commissioner to continue to organize a series of consultations and outreach activities with victims, affected communities and other relevant stakeholders with a view to ensuring a victim-centred approach to accountability and to including their views in avenues for accountability;

20. *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;

21. *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;

22. *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;

23. *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;

24. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of her mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

25. *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;

26. *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;

27. *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;

28. *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;

29. *Encourages* all States, the United Nations system, 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;

30. *Encourages* all States, the United Nations system, 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, and inter-Korean dialogue;

31. *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 persons experiencing vulnerability in detention centres, and a monitoring capacity, consistent with international standards and humanitarian principles and in accordance with relevant Security Council resolutions;

32. *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;

33. *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;

34. *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;

35. *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
4 April 2023*

[Adopted without a vote.]

52/29. 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 49/26 of 1 April 2022 and 50/20 of 8 July 2022, 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 credible reports of 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 promote, respect, protect and fulfil human rights in accordance with its obligations under international human rights law,

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, and also to the recommendations made in the report under the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to its Vienna Mechanism,

1. *Welcomes* the interim oral update on the situation of human rights in Belarus presented by the United Nations Acting High Commissioner for Human Rights to the Human Rights Council at its fifty-first session and the comprehensive report presented by the United Nations High Commissioner for Human Rights to the Council at its current session;⁷²

2. *Expresses deep concern* at the further deterioration in the situation of human rights in Belarus in the aftermath of the presidential election held on 9 August 2020 and the 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 with regard to the holding of more than 1,462 political prisoners and the arbitrary detention and arrest of opposition members, journalists and other media workers, environmental and human rights defenders, including women 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, both online and offline, including those peacefully expressing protest or speaking out against both the war of aggression by the Russian Federation against Ukraine and the support of the Belarusian authorities for the aggressor, and condemns the unjust, long prison sentences and the continued holding of persons in prolonged detention without any opportunity for them to challenge the lawfulness of their detention and the lack of information about the charges brought against them, as well as harsh sentences increasingly handed down to political prisoners without any respect for fair trial guarantees, including their right to a fair and public hearing;

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, by 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, the Convention on the Elimination of All Forms of Discrimination against Women 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 or forced self-closure of more than 1,231 civil society organizations, politically motivated prosecution and harassment, arbitrary decisions to cancel professional licences, including of lawyers, notably those defending political prisoners in politically motivated criminal cases, the revocation of foreign media workers' accreditations,

⁷² [A/HRC/52/68](#).

the banning of independent media outlets, the blocking of independent media websites and Internet shutdowns, the reported numerous raids on private houses and offices, the crackdown against the relatives of those who have left the country, the serious violations of fair trial guarantees and other procedural rights of accused persons, including confidential access to lawyers and court documents, as well as the reports of State-sponsored disinformation in Belarus, and the increasing legislative restrictions of the rights to freedom of peaceful assembly, association and expression, both online and offline, in particular the recent 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, and the amendments to the Criminal Code expanding the use of the death penalty with the intent of further repressing the exercise of human rights and fundamental freedoms, and also expresses great concern about the recent decisions of Belarus to withdraw from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) and from the first Optional Protocol to the International Covenant on Civil and Political Rights, thereby further limiting access to judicial oversight by independent human rights mechanisms;

6. *Expresses once again its regret* that the Belarusian authorities have not fulfilled their 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;

7. *Condemns* the actions of Belarusian authorities in committing an act of unlawful interference that deliberately endangered the safety and security of a civilian flight in Belarusian airspace in May 2021 and the lives of all those on board, and welcomes the determination of the Council of the International Civil Aviation Organization that the said actions were a flagrant and serious violation of the Convention on International Civil Aviation, as further confirmed by the Organization in its Assembly resolution A41-1;

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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities 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, as well as immediately cease the arbitrary criminal or administrative prosecution, trials that lack respect for minimum fair trial guarantees, including the right to a fair trial, the harassment, intimidation and repression of persons, including women and children, for exercising their human rights and fundamental freedoms, and other forms of ongoing abuses and violations, and urges the Belarusian authorities to immediately and unconditionally release all political prisoners, and those arbitrarily detained, charged or sentenced on politically motivated grounds;

10. *Calls upon* the Belarusian authorities to allow adequate medical assistance and proper treatment for all detained persons who are in urgent need of medical attention and those with severe health conditions, and to ensure the access of all detainees to lawyers, food parcels, visits by family members, information on medical procedures and information about their "criminal" cases, and also that information about the status of detainees to their family members is safeguarded during a medical emergency, and also calls upon the Belarusian authorities to release for humanitarian reasons those subjected to politically motivated criminal prosecution since 2020, including children, older persons, persons who need urgent release owing to a severe health condition and persons who should otherwise be released in the best interests of their family members;

11. *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 compliance with human rights law, and to that end to engage meaningfully with the Organization for Security and Cooperation in Europe;

12. *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 and abuses 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 and acts of harassment and intimidation against Belarusian exiles fleeing repression, including gender-based violence and harassment, both online and offline;

13. *Stresses* the need for accountability for human rights violations and abuses, which is critical for the prevention of further violations and abuses and for the recognition of victims, and urges the Belarusian authorities to ensure prompt, effective, independent, transparent and impartial investigations into all reported human rights violations and abuses 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;

14. *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;

15. *Decides* to extend, for a period of one year, the mandate of the United Nations High Commissioner for Human Rights, with the assistance of the three appointed independent experts and special procedure mandate holders, until the fifty-fifth session of the Human Rights Council;

16. *Requests* the High Commissioner to present an interim oral update to the Human Rights Council at its fifty-fourth session, and a comprehensive report at its fifty-fifth session, both to be followed by an interactive dialogue;

17. *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.

*56th meeting
4 April 2023*

[Adopted by a recorded vote of 21 to 5, with 21 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Czechia, Finland, France, Gambia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea and Viet Nam

Abstaining:

Algeria, Bangladesh, Cameroon, Côte d'Ivoire, Gabon, Georgia, India, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates and Uzbekistan]

52/30. Situation of human rights in the Syrian Arab Republic

For the text of the resolution, see chapter II.

52/31. Situation of human rights in Myanmar

For the text of the resolution, see chapter II.

52/32. 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 Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights),

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

Recalling further General Assembly resolution ES-11/1 of 2 March 2022 on the aggression against Ukraine, and all other resolutions adopted at the eleventh emergency special session of the General Assembly,

Recalling Human Rights Council resolutions 49/1 of 4 March 2022 on the situation of human rights in Ukraine stemming from the Russian aggression, and S-34/1 of 12 May 2022 on the deteriorating human rights situation in Ukraine stemming from the Russian aggression,

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 respect, protect and fulfil 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,

Expressing grave concern 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 recalling the strong expressions of concern made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Independent International Commission of Inquiry on Ukraine, the special procedures of the Human Rights Council and the treaty bodies,

Reaffirming the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, and recalling that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

Recalling 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, and the relevant reports of the Organization for Security and Cooperation Moscow Mechanism missions of experts,

Expressing grave concern at the conclusions of the Commission of Inquiry, reflected in its report,⁷³ that a wide range of violations of international human rights law and violations of international humanitarian law, many of which amount to war crimes, have been committed in Ukraine since 24 February 2022,

Noting with concern that the Commission of Inquiry also found that the waves of attacks by Russian armed forces on Ukrainian energy-related infrastructure and the use of torture by Russian authorities may amount to crimes against humanity,

Expressing grave concern at the growing number of civilian casualties caused by the Russian aggression against Ukraine and the large-scale forced displacement of civilians in Ukraine, resulting in more than 8 million refugees and more than 5 million internally displaced persons, of whom the majority are women and children who are at heightened risk of sexual and gender-based violence, trafficking in persons, exploitation and abuse,

Strongly condemning the attacks against civilians, including children, the indiscriminate use of explosive weapons in populated areas, which has been one of the main causes of civilian casualties, wilful killings, unlawful confinement, the use of torture and other cruel, inhuman or degrading treatment, arbitrary and extrajudicial executions, enforced disappearances, and rape and other forms of sexual and gender-based violence,

Expressing grave concern at the conclusions of the Commission of Inquiry that the Russian authorities have been responsible for the unlawful transfer and deportation of civilians and of other protected persons, in particular children, within Ukraine or to the Russian Federation, respectively, which are war crimes,

Strongly condemning the damage to and destruction of residential areas and critical civilian infrastructure, including educational institutions, medical facilities, water and sanitation and fuel supplies, caused by indiscriminate bombing and shelling by the Russian Federation in populated areas, attacks on Ukrainian energy-related infrastructure, including on and in the vicinity of nuclear facilities, in particular the Zaporizhzhia nuclear power plant, and noting that these attacks have deprived much of the civilian population of electricity, water and sanitation, heating, including during the cold winter months, and telecommunications, and have hampered access to health care and education, as reported by the Commission of Inquiry,

Condemning all acts of unlawful destruction of, damage to and targeting of cultural heritage, such as sites, institutions and objects of cultural, historical and religious significance in Ukraine, by military attacks by the Russian Federation,

Expressing deep concern at the situation of persons with disabilities and of older persons, recognizing the urgent need to measure the effects of the conflict on their situations and to take enhanced measures to ensure their protection during conflict, and noting the importance of ensuring the full, equal and meaningful participation of persons with disabilities and older persons and their representative organizations in all stages of the peace continuum,

⁷³ A/HRC/52/62.

Stressing the urgent need for the Russian Federation to immediately stop its aggression against Ukraine, to withdraw its troops from Ukraine and to 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 all victims with proper support and assistance, and effective remedy and redress,

Expressing concern 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 and leadership of women, including women with disabilities, in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and reconstruction, 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 sexual and gender-based violence, including conflict-related sexual violence,

Reaffirming also 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,

Stressing that the 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,

Underscoring the obligation on all parties to the Geneva Conventions of 12 August 1949 and to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 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 Protocol I Additional thereto, as applicable,

Welcoming the investigation by the Office of the Prosecutor of the International Criminal Court into the situation in Ukraine, and noting the issuance by its Pre-Trial Chamber of arrest warrants for two individuals on 17 March 2023 for the alleged war crimes of “unlawful deportation of population (children)” and “unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation”,

Noting the role of the International Court of Justice in settling, in accordance with international law, legal disputes submitted to it by States, and recalling the order issued by the Court on 16 March 2022 for the Russian Federation to immediately suspend the military operations that it had commenced on 24 February 2022 in the territory of Ukraine,

Acknowledging the importance of the investigation conducted by the Commission of Inquiry, and emphasizing the role played by the Office of the High Commissioner and its monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

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. *Demands* that all parties to the armed conflict treat all prisoners of war in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), and calls for the complete exchange of prisoners of war, the release of all unlawfully detained persons and the return of all internees and of civilians forcibly transferred and deported, including children;

6. *Urges* full, timely, immediate, unhindered and safe humanitarian access, including across conflict lines, ensuring that humanitarian actors and assistance reach all those in need, particularly those in vulnerable situations, and that the independence, neutrality and impartiality of humanitarian organizations are respected, and ensuring also the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;

7. *Urges* the Russian Federation to cease the unlawful forced transfer and deportation of civilians and other protected persons within Ukraine or to the Russian Federation, respectively, in particular of children, including those from institutional care, unaccompanied children and separated children, and demands that the Russian Federation grant representatives and staff of established international human rights and humanitarian mechanisms unhindered, immediate, sustained and safe access, provide reliable and comprehensive information about the number and the whereabouts of these civilians, and ensure their dignified treatment and their safe return;

8. *Notes* the recent exchanges of prisoners of war between parties to the armed conflict, and urges the Russian Federation to grant representatives and staff of established international human rights and humanitarian mechanisms unhindered, immediate and sustained access to all prisoners of war, unlawfully detained persons, and civilians who have been forcibly transferred and deported, and to ensure their humane and dignified treatment in line with international humanitarian law;

9. *Welcomes* the reports of the Independent International Commission of Inquiry on Ukraine pursuant to Human Rights Council resolutions 49/1 and S-34/1;⁷⁴

10. *Strongly condemns* any attacks directed against civilians as such and other protected persons and civilian objects, including civilian evacuation convoys, and indiscriminate and disproportionate attacks, including indiscriminate shelling and the indiscriminate use of explosive weapons, and expresses concern at the long-term risks posed by damage to civilian infrastructure and by unexploded ordnance to the civilian population;

11. *Expresses concern* at the impact of the conflict on increased food insecurity globally, in particular in the least developed countries, as Ukraine and the region are one of the world's most important areas for grain and agricultural exports, when millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, as well as on energy security, and underlines the importance of a stable and strengthened Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports and other relevant initiatives;

⁷⁴ [A/77/533](#) and [A/HRC/52/62](#).

12. *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;

13. *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;

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

15. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of continuing prompt, independent and impartial investigations into all alleged abuses and violations to end impunity and ensure accountability for those responsible through the appropriate justice mechanisms, including for the most serious crimes under international law;

16. *Emphasizes* the need to ensure justice for all victims of violations and abuses of human rights and violations of international humanitarian law, and also emphasizes that bringing those responsible to justice is critical for the prevention of further human rights violations and abuses and violations of international humanitarian law;

17. *Stresses* the importance of respecting, protecting and fulfilling the human rights of children and protecting children from all forms of violence, including sexual and gender-based violence, and emphasizes the importance of investigating and documenting violations and abuses of the rights of the child and violations of international humanitarian law, including forcible transfers and deportation, by relevant mechanisms, including the Commission of Inquiry;

18. *Decides* to extend the mandate of the Independent International Commission of Inquiry on Ukraine, defined by the Human Rights Council in its resolution 49/1, for a further period 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;

19. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council at its fifty-fourth session, to be followed by an interactive dialogue, to submit a comprehensive report to the Council at its fifty-fifth session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-eighth session, also to be followed by an interactive dialogue;

20. *Requests* the Secretary-General to provide all the resources necessary to enable the Commission of Inquiry to carry out its mandate, including additional legal and investigative expertise, and the resources and expertise 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, in particular in the areas of fact-finding, legal analysis and evidence-collection;

21. *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;

22. *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;

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

57th meeting
4 April 2023

[Adopted by a recorded vote of 28 to 2, with 17 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gambia, Georgia, Germany, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mexico, Montenegro, Nepal, Paraguay, Qatar, Romania, Somalia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

China and Eritrea

Abstaining:

Algeria, Bangladesh, Bolivia (Plurinational State of), Cameroon, Cuba, Gabon, Honduras, India, Kazakhstan, Kyrgyzstan, Morocco, Pakistan, Senegal, South Africa, Sudan, Uzbekistan and Viet Nam]

52/33. 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, 76/81 of 9 December 2021 and 77/125 of 12 December 2022, 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, 76/82 of 9 December 2021 and 77/126 of 12 December 2022,

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,⁷⁵ and in this connection deploring the Israeli settlements in the 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,

⁷⁵ A/77/501.

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, 46/24 of 24 March 2021 and 49/30 of 1 April 2022,

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 plans announced at the end of 2021 to establish and expand illegal settlements and to double the numbers of the settlers in the occupied Syrian Golan within the coming 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;⁷⁶

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 Fourth Geneva Convention 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 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,⁷⁷ 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

⁷⁶ Ibid.

⁷⁷ See [A/HRC/52/76](#) and [A/HRC/52/77](#).

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-fifth session;

12. *Decides* to continue its consideration of the human rights violations in the occupied Syrian Golan at its fifty-fifth session.

57th meeting
4 April 2023

[Adopted by a recorded vote of 31 to 14, with 2 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, India, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Mexico, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Malawi, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Cameroon and Honduras]

52/34. 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,

Deploring 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 law 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 56 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 76 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 the continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall by Israel, 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 the illegal policies and practices of Israel;

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.

57th meeting
4 April 2023

[Adopted by a recorded vote of 41 to 3, with 3 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Georgia, Germany, Honduras, India, Kazakhstan, Kyrgyzstan, Luxembourg, Malawi, Malaysia, Maldives, Mexico, Montenegro, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, Ukraine, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Czechia, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Cameroon, Lithuania and Romania]

52/35. 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 settlements and 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 the viability of a Palestinian State, 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, and constitute an attempted acquisition of sovereignty over territory through the denial of the right of the Palestinian people to self-determination,

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 the prolonged and belligerent occupation by Israel 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, forcible transfer and “relocation” plans, the obstruction and destruction of humanitarian assistance, including projects funded by the international community, and the creation by Israel of a coercive environment and unbearable living conditions 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 the obligations of Israel 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 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-fifth session;

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

57th meeting
4 April 2023

[Adopted by a recorded vote of 38 to 4, with 5 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Honduras, India, Kazakhstan, Kyrgyzstan, Luxembourg, Malaysia, Maldives, Mexico, Montenegro, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Czechia, Malawi, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Cameroon, Georgia, Lithuania, Romania and Ukraine]

52/36. Mandate of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling its resolution 7/34 of 28 March 2008 and all its resolutions on the mandate of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and also those of the Commission on Human Rights,

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 his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming the International Convention on the Elimination of Racial Discrimination, and recalling the importance of the Durban Declaration and Programme of Action and the 2030 Agenda for Sustainable Development, including Sustainable Development Goals 10 and 16, to advancing racial equality, ensuring equal opportunities for all, guaranteeing equality before the law and promoting social, economic and political inclusion without distinction based on race, age, sex, disability, descent, national or ethnic origin, religion or economic or other status,

Noting the opportunity presented by the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action to stress the important role played by the struggle against racial discrimination in the development of United Nations human rights norms and practices,

1. *Decides* to renew the mandate of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34;

2. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly on all activities relating to the mandate with a view to maximizing the benefits of the reporting process;

3. *Also requests* the Special Rapporteur to continue to participate in relevant international dialogues and policy forums relating to the fight against racism, racial discrimination, xenophobia and related forms of intolerance, and the implementation of the 2030 Agenda for Sustainable Development, and to undertake thematic research with a view to advise States and relevant State institutions on the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance in the implementation of the 2030 Agenda, including with reference to Sustainable Development Goal targets 10.2 and 10.3;

4. *Further requests* all States to cooperate with the Special Rapporteur in the discharge of his or her mandate;

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

6. *Decides* to remain seized of this priority matter.

57th meeting

4 April 2023

[Adopted without a vote.]

52/37. Mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Recalling also Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Recalling further Human Rights Council resolutions 1/5 of 30 June 2006, 11/12 of 18 June 2009, 22/30 of 22 March 2013, 34/34 of 23 March 2017 and 43/35 of 22 June 2020, in which the Council renewed and extended the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

Recalling General Assembly resolution 76/226 of 24 December 2021,

Encouraging the Working Group to enhance its efforts towards the effective realization of its mandate, and to report regularly in this regard to the Human Rights Council and the General Assembly,

1. *Decides* to renew the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for a further period of three years;

2. *Also decides* that the Chair of the Working Group may request that the annual session of the Working Group be split into two full one-week sessions;

3. *Further decides* that the Chair of Working Group may call full-day informal intersessional consultations if needed to further enhance the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent;

4. *Requests* the Chair of the Working Group to submit an annual report on its sessions to the Human Rights Council;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the human resources, technical and financial assistance necessary for the effective implementation of its mandate;

6. *Requests* the Chair of the Working Group to orally update and engage in an interactive dialogue with the General Assembly under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” annually;

7. *Decides* to remain seized of this priority matter.

57th meeting
4 April 2023

[Adopted by a recorded vote of 45 to 2, with no abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d’Ivoire, Cuba, Czechia, Eritrea, Finland, France, Gabon, Gambia, Georgia, Germany, Honduras, India, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mexico, Montenegro, Morocco, Nepal, Pakistan, Paraguay, Qatar, Romania, Senegal, Somalia, South Africa, Sudan, Ukraine, United Arab Emirates, Uzbekistan and Viet Nam

Against:

United Kingdom of Great Britain and Northern Ireland and United States of America]

52/38. 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, 46/27 of 24 March 2021 and 49/31 of 1 April 2022 and General Assembly 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, 76/157 of 16 December 2021 and 77/225 of 15 December 2022,

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, Saudi Arabia, Singapore and The Hague, and hosted online by Pakistan, in the framework of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, 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 49/31, summarizing the contributions received from States,⁷⁸ and also takes note of the conclusions of the report based on those contributions;

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-fifth 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.

*57th meeting
4 April 2023*

[Adopted without a vote.]

⁷⁸ A/HRC/52/79.

52/39. Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international action

The Human Rights Council,

Guided by the principles and purposes 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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and its Optional Protocols, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international human rights conventions and instruments,

Stressing that the prime responsibility for promoting and protecting human rights lies with States,

Expressing grave concern that the resurgence of the violence perpetrated by the armed gangs that control most of the capital, Port-au-Prince, and several other cities is resulting in a shortage of basic necessities and medical care, is undermining the human rights efforts of the Government of Haiti and is impeding the realization of the human rights of the Haitian people, including the right to life, the right to education, the right to work, the right to enjoyment of the highest attainable standard of physical and mental health, the rights to adequate food, housing and security, clean water and sanitation that derive from the right to an adequate standard of living, and the right to participate in the management of public affairs,

Expressing grave concern also about the correlation that exists in Haiti between the power of the armed gangs and the systematic use of sexual and gender-based violence, which has a disproportionate impact on women and girls, leading to an increased risk of non-communicable diseases, in particular anxiety disorders and post-traumatic stress disorder, and communicable diseases, in particular sexually transmitted diseases, which impedes the full realization and enjoyment of the human rights of the Haitian people,

Expressing further grave concern about the physical attacks on individuals, the kidnappings, torture, mutilation and massacres that are leading to significant levels of forced displacement among the Haitian population, through the disproportionate impact of the violence on women, children, particularly those recruited by the gangs, persons with disabilities and older persons, as well as the repeated attacks on law enforcement officers,

Noting that, despite the efforts of its security forces, Haiti has neither the technical capacity nor the necessary resources to fight effectively against the criminal actions of armed gangs on its territory and consolidate the progress made in human rights,

Deeply concerned about the human rights violations and abuses and the humanitarian crisis in Haiti, which are exacerbated by the violence of the armed gangs and lead to continual forced displacements, very restricted access for most of the population to basic services, and the blocking of humanitarian aid,

Noting the repeated requests by the Government of Haiti for coordinated and targeted international action to put an end to the multiple human rights violations and abuses that can be attributed to armed gangs and to respond to the humanitarian crisis in Haiti,

Recalling the activities in Haiti of the Office of the United Nations High Commissioner for Human Rights, through the Human Rights Component of the United Nations Integrated Office in Haiti, and the visit of the United Nations High Commissioner for Human Rights to Haiti from 8 to 10 February 2023,

Recognizing the vital role of civil society in promoting and protecting human rights in Haiti and the importance of creating and maintaining a safe and enabling environment, in which civil society can operate independently, protected from insecurity,

1. *Affirms* the importance of fighting effectively against the violence of the armed gangs in Haiti and their adverse impact on the realization and enjoyment of human rights by the people of Haiti;
2. *Also affirms* the need for security to be restored in order to ensure the effectiveness of the humanitarian response, the organization of democratic elections and the restoration of democratic institutions in Haiti;
3. *Notes* the efforts made by the Government of Haiti to restore security in the country and its renewed requests for coordinated and targeted international action to support its efforts;
4. *Calls on* the Government of Haiti to step up its efforts to promote and protect human rights and to strengthen the rule of law, including the judicial and prison systems, and the fight against gender-based violence and discrimination, corruption and impunity, by supporting the national human rights institutions and continuing to implement the recommendations made and accepted during the last Universal Periodic Review cycle⁷⁹ and the recommendations of other United Nations bodies, in particular those related to the action of armed gangs;
5. *Invites* the Haitian authorities to continue an inclusive dialogue among all the Haitian stakeholders concerned, with the aim of finding a lasting solution to the multidimensional crisis that Haiti is experiencing, specifically by organizing free and transparent elections towards the restoration of the democratic institutions;
6. *Urges* Member States of the United Nations, the Office of the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to continue to support the measures taken and efforts made by the Government of Haiti to combat the violence of the armed gangs and the illicit sale, importation and circulation of firearms and to ensure respect for human rights in Haiti, reflecting, in particular, the repeated requests of the Haitian Government for coordinated and targeted international action, including through the provision of technical assistance and capacity-building;
7. *Requests* the Office of the High Commissioner to cooperate with the Government of Haiti by providing technical assistance and support for capacity-building in the promotion and protection of human rights for the Haitian judiciary, security forces and prison administration, to enable it to pursue its strategy for combating the action of the armed gangs and restoring the rule of law and to promote the implementation of the recommendations made and accepted during the last universal periodic review cycle;
8. *Requests* the United Nations High Commissioner for Human Rights to appoint, without delay, for a renewable period of one year, an independent human rights expert tasked with monitoring, with the assistance of the Office of the High Commissioner and in collaboration with the United Nations Integrated Office in Haiti, the development of the human rights situation in Haiti, ensuring, in particular, the inclusion of a gender-based perspective and paying special attention to the situation of children and of human trafficking in all its work, and providing advice and technical assistance to the Haitian Government, national human rights institutions and civil society organizations, to assist in their efforts to ensure respect for and the promotion and protection of human rights;
9. *Also requests* the High Commissioner to provide it, within the framework of an interactive dialogue with the participation of the independent human rights expert, with an interim report on the situation of human rights in Haiti for its consideration at its fifty-fourth session and a comprehensive report on the subject for its consideration at its fifty-fifth session;
10. *Encourages* the Haitian authorities and the Office of the High Commissioner to make progress on the issue of establishing a country office of the Office of the High Commissioner for Human Rights in Haiti, as suggested by the Government of Haiti during the High Commissioner's visit to Haiti from 8 to 10 February 2023;

⁷⁹ See [A/HRC/50/15](#) and [A/HRC/50/15/Add.1](#).

11. *Requests* the Secretary-General to make available to the Office of the High Commissioner the financial, technical and logistic support required for the creation of a country office in Haiti;

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

57th meeting
4 April 2023

[Adopted without a vote.]

52/40. Cooperation with Georgia

The Human Rights Council,

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

Welcoming the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, and reaffirming 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,

Taking note also of the judgment of 7 March 2023 of the European Court of Human Rights in the case *Mamasakhlisi and Others v. Georgia and Russia*, which once again confirmed the effective control of the Russian Federation over Abkhazia, Georgia before the war between the Russian Federation and Georgia in August 2008, and its full responsibility for human rights violations in the region,

Acknowledging the conclusion of the investigation phase into the situation in Georgia by the International Criminal Court in 2022, which resulted in the issuance of arrest warrants for war crimes committed against civilians perceived to be ethnically Georgian from 1 July to 10 October 2008, including during the war between the Russian Federation and Georgia in August 2008, and noting the alleged role of the Russian military official uncovered by the investigation,

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, 46/30 of 24 March 2021 and 49/33 of 1 April 2022,

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, and stressing the need for the immediate resumption of the work of the Incident Prevention and Response Mechanism in Gali without preconditions, and the

functioning of both mechanisms in accordance with their ground rules and founding principles,

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,⁸⁰ and noting the recommendations made by the High Commissioner therein,

Condemning the ongoing illegal military presence of the Russian Federation in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, without the consent of Georgia, and the attempts to legitimize its military presence, including through the organization of illegal so-called elections by the de facto authorities exercising effective control therein, signing so-called treaties, creating so-called joint socioeconomic spaces between the Russian Federation and Abkhazia, Georgia, land seizures, such as in the Gagra district in Abkhazia, Georgia, and statements about intent to hold a so-called referendum in the Tskhinvali region/South-Ossetia, Georgia on the matter of joining the Russian Federation,

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 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 along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia and adjacent areas, which continue to have a negative impact on the already poor socioeconomic conditions of the conflict-affected population, their freedom of movement and sense of security, while also preventing their access to property, grazing and farming lands, religious sites and cemeteries,

Noting with concern the grave situation of human rights 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 enjoyment of the highest attainable standard of health and property rights, kidnappings, restrictions on education in one's native language in both Georgian regions, the continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia, and the 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 restrictions on freedom of movement, particularly at cases of denial and obstacles to swift 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, particularly with regard to the full enjoyment of all human rights by all women, girls and older persons,

Expressing serious concern further over the arbitrary detentions and kidnappings, including of women, children and older persons, which in some cases involve shooting, torture and other forms of ill-treatment, and continue to have a negative impact on human

⁸⁰ [A/HRC/36/65](#), [A/HRC/39/44](#), [A/HRC/42/34](#), [A/HRC/45/54](#), [A/HRC/48/45](#) and [A/HRC/51/64](#).

security and 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 fifty-third session, and to present a report on developments relating to and the implementation of the present resolution at its fifty-fourth session.

57th meeting
4 April 2023

[Adopted by a recorded vote of 22 to 4, with 21 abstentions. The voting was as follows:

In favour:

Belgium, Chile, Costa Rica, Czechia, Finland, France, Gambia, Georgia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Maldives, Mexico, Montenegro, Paraguay, Romania, Senegal, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba and Eritrea

Abstaining:

Algeria, Argentina, Bangladesh, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Kazakhstan, Kyrgyzstan, Malaysia, Morocco, Nepal, Pakistan, Qatar, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam]

52/41. 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,

Commending the continued positive cooperation and constructive engagement of the Libyan authorities with the Independent Fact-Finding Mission on Libya, which 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 also 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, and taking note of its final report and recommendations,⁸¹

1. *Requests* the Office of the United Nations High Commissioner for Human Rights, in close consultation with the Libyan authorities, to provide technical assistance and capacity-building to Libya, with a view to improving further the situation of human rights in Libya, to assist the country in the implementation of its international human rights obligations and commitments, taking into account the work done by the Fact-Finding Mission on Libya, its reports and recommendations, where applicable, and to support Libya in promoting and protecting human rights, preventing violations thereof and ensuring accountability for violations and abuses of human rights, in accordance with a national plan, mainly in the areas of:

(a) Determining the short- and long-term capacity-building needs of Libyan national institutions, so that they may pursue transitional justice and address human rights violations, including the possible ways to strengthen the role of civil society and local communities in achieving reconciliation and transitional justice, and promoting human rights;

(b) Strengthening the national transitional justice institutions and further enhancing the capacity of the Libyan judiciary to investigate and prosecute human rights violations and improve accountability;

(c) Further enhancing the capacity and skills of Libyan institutions to monitor, investigate and collect evidence on human rights violations;

2. *Also requests* the Office of the High Commissioner to present to the Human Rights Council at its fifty-sixth session a report on the implementation of the present resolution, to be followed by an interactive dialogue;

3. *Invites* the Office of the High Commissioner to work closely with the Libyan authorities, the United Nations Support Mission in Libya, the African Union and all other relevant regional and international organizations;

4. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

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

*57th meeting
4 April 2023*

[Adopted without a vote.]

⁸¹ [A/HRC/52/83](#).

52/42. 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, 46/28 of 24 March 2021 and 49/34 of 1 April 2022, 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 of the report of the Independent Expert on the situation of human rights in Mali,⁸²

Noting the establishment by the transitional authorities, in collaboration with the Economic Community of West African States, the African Union and the United Nations, of a consensual timetable for a return to constitutional order in Mali, 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 in some places despite an 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, which are having a severe impact on the civilian population,

Remaining concerned further about the food crisis and situation of need for humanitarian assistance of the population groups affected by the conflict, including refugees and 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,

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 authorities, the Prosecutor of the International Criminal Court opened an investigation into the alleged crimes committed in Mali since January 2012,

Noting the commitment repeatedly expressed by the transitional authorities and the signatory groups to the Agreement on Peace and Reconciliation in Mali, notwithstanding the delays in the peace process, and encouraging all parties to continue the dialogue within the

⁸² A/HRC/52/81.

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 increase in 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, and calling on the parties to remove all obstacles to this process to allow for the implementation of the agreements reached on the integration of former fighters into the Malian Defence and Security Forces and the public administration and for the creation of an ad hoc commission to conduct discussions and make proposals for the management on a case-by-case basis of senior civilian and military officials of the movements that signed the Agreement for Peace and Reconciliation in Mali and the modalities for their integration into the army's chain of command,

Recalling 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 Security Council resolution 2649 (2022) of 30 August 2022, by which those measures were renewed until 31 August 2023, 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, and recalling its forthcoming participation in the fourth cycle of the universal periodic review in May 2023, and the invitations issued to special procedure mandate holders of the Council,

Taking note of the latest report of the Secretary-General on the situation in Mali,⁸³ in which he expresses concern about the persistence of security problems in certain parts of the territory, and of the humanitarian situation and the human rights violations committed, especially against children and women, calling on the Malian transitional authorities to take all measures in this regard, 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, and welcoming in this regard the establishment of the National Human Rights Directorate,

Recalling the conclusions of the Working Group on Children and Armed Conflict on the situation in Mali,⁸⁴

Taking note of the withdrawal from Mali of the Joint Force of the Group of Five for the Sahel,

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

⁸³ S/2023/21.

⁸⁴ S/AC.51/2020/11.

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 adoption of the National Programme to End Gender-based Violence and the establishment of a framework for reflection on gender-based violence in May 2022;

3. *Calls upon* all parties to respect the civilian character of schools as such in accordance with international humanitarian law, urges all parties to put an end to violations and abuses committed against schools and to 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 and the United Nations Multidimensional Integrated Stabilization Mission in Mali, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Transitional Government of Mali to intensify its efforts 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. *Invites* the international community to fully support the efforts of the Transitional Government of Mali in the implementation of the National Strategy for the Stabilization of the Central Regions of Mali and the related action plan for the period 2022–2024, which were launched in Mopti on 17 March 2023, in particular the establishment of secure development and governance centres;

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 the applicable provisions of 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 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 increase in the number of women participating in the work of the Agreement Monitoring Committee, which constitutes an important step;

13. *Encourages* the Malian transitional authorities to continue to take the necessary actions 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;

16. *Calls upon* the Malian transitional authorities to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before the competent 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 welcomes in this regard the adoption of Act No. 2022-041 of 15 November 2022 setting out the general rules on reparation for harm caused by serious human rights violations;

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 2022 of 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,⁸⁵ 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 accelerate the establishment of the bodies that will succeed the Truth, Justice and Reconciliation Commission, in particular the body responsible for compensating victims and the body responsible for preserving the memory of the crises, and the implementation of Act No. 2022-041 of 15 November 2022 setting out the general rules on reparation for harm caused by serious human rights violations;

21. *Also encourages* the Malian transitional authorities and all regional and international actors to continue their efforts to establish peace and security in Mali;

⁸⁵ S/2020/1332, annex.

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 deplores the loss of life that the Mission is experiencing;

23. *Calls upon* all parties to respect human rights and to ensure strict compliance with international human rights law and international humanitarian law;

24. *Welcomes* the efforts made by the transitional authorities for the gradual return of the administration, particularly the judiciary, and basic social services in the centre and north of the country, and urges the transitional authorities to continue the efforts to achieve their definitive return and to work to restore the conditions required to ensure an acceptable level of security;

25. *Also welcomes* the adoption in June 2022 of the timetable for the transition, which will allow for the organization of fair, free, transparent, inclusive and credible elections with a view to the return of constitutional order;

26. *Notes with satisfaction* the 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;

27. *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 continue 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;

28. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to help him carry out his mandate;

29. *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, neighbouring States and all other international organizations concerned, and with Malian civil society;

30. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its fifty-fifth session;

31. *Decides* to hold a dialogue at its fifty-fifth 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 persons who are victims of descent-based slavery;

32. *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;

33. *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;

34. *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;

35. *Decides* to remain seized of this matter.

57th meeting
4 April 2023

[Adopted without a vote.]

52/43. 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 the cooperation of the Government of South Sudan with United Nations bodies, including the Office of the United Nations High Commissioner for Human Rights, and with other relevant international and regional human rights mechanisms, and underscoring the importance of continuing such cooperation and further constructive engagement,

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,

Recognizing the public consultations held in May 2022 on the design of legislation for the commission for truth, reconciliation and healing in 10 States and in two of the three administrative areas of South Sudan, welcoming the inclusion of a broad range of sectors and views during this process, and encouraging the Government of South Sudan to apply the lessons learned from the process to other public consultation processes in the run-up to a constitutional drafting process,

Welcoming the recent signing by the Government of South Sudan of the core regional and international human rights treaties, inter alia the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and encouraging the ratification of other relevant human rights treaties,

Noting the decision to extend the transitional period through 2025 and to hold the general elections by 2024, in line with the road map endorsed by political parties,

Applauding the passing of essential bills, including the Constitution Making Process Bill, and the ratification of the road map by the Transitional National Legislature, providing an enabling environment for the implementation of the peace agreement, including political processes,

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,

Recognizing the establishment of a government-led coordination working group that will be a platform for the holistic, comprehensive, transparent and efficient coordination of the delivery of technical assistance and capacity-building support to the Government of South Sudan,

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 step up technical assistance provided to the Government of South Sudan to urgently assist South Sudan in addressing 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 alleged violations of human rights and international humanitarian law;

(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 alleged

violations of human rights, with a view to improving accountability and promoting reconciliation and healing in South Sudan;

(c) Providing the Government of South Sudan 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, and 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;

(f) Supporting the Government of South Sudan in the implementation of the recommendations accepted by the Government in the context of the universal periodic review;

(g) Building the capacity of national institutions, including the South Sudan Human Rights Commission, and in consultation with civil society organizations and other national stakeholders, to promote national ownership of transitional justice;

(h) Providing advice and technical assistance to the Government of South Sudan in planning and preparing for the elections, in line with its commitment under the Revitalized Agreement and the associated road map;

9. *Also requests* the Office of the High Commissioner to present to the Human Rights Council, at its fifty-fourth 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-fifth 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.

*57th meeting
4 April 2023*

[Adopted without a vote.]

B. Decisions

52/101. Outcome of the universal periodic review: Bahrain

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 Bahrain on 7 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Bahrain, 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, 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
24 March 2023*

[Adopted without a vote.]

52/102. Outcome of the universal periodic review: Ecuador

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 Ecuador on 7 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Ecuador, 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, 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

*42nd meeting
24 March 2023*

[Adopted without a vote.]

52/103. Outcome of the universal periodic review: Tunisia

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 Tunisia on 8 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Tunisia, 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, 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

*42nd meeting
24 March 2023*

[Adopted without a vote.]

⁸⁶ [A/HRC/52/4](#).

⁸⁷ [A/HRC/52/4/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

⁸⁸ [A/HRC/52/5](#).

⁸⁹ [A/HRC/52/5/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

⁹⁰ [A/HRC/52/6](#).

⁹¹ [A/HRC/52/6/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

52/104. Outcome of the universal periodic review: Morocco

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 Morocco on 8 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Morocco, 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, 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.⁹³

*42nd meeting
24 March 2023*

[Adopted without a vote.]

52/105. Outcome of the universal periodic review: Indonesia

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 Indonesia on 9 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Indonesia, 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, 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

*43rd meeting
27 March 2023*

[Adopted without a vote.]

52/106. Outcome of the universal periodic review: Algeria

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 Algeria on 11 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

⁹² [A/HRC/52/7](#).

⁹³ [A/HRC/52/7/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

⁹⁴ [A/HRC/52/8](#).

⁹⁵ [A/HRC/52/8/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

Adopts the outcome of the review of Algeria, 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

*43rd meeting
27 March 2023*

[Adopted without a vote.]

52/107. Outcome of the universal periodic review: United Kingdom of Great Britain and Northern 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 the United Kingdom of Great Britain and Northern Ireland on 10 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the United Kingdom of Great Britain and Northern Ireland, 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, 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
27 March 2023*

[Adopted without a vote.]

52/108. Outcome of the universal periodic review: India

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 India on 10 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of India, 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, 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

*44th meeting
27 March 2023*

[Adopted without a vote.]

⁹⁶ [A/HRC/52/12](#).

⁹⁷ [A/HRC/52/12/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

⁹⁸ [A/HRC/52/10](#).

⁹⁹ [A/HRC/52/10/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

¹⁰⁰ [A/HRC/52/11](#).

¹⁰¹ [A/HRC/52/11/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

52/109. Outcome of the universal periodic review: Finland

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 Finland on 9 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Finland, 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, 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

*44th meeting
27 March 2023*

[Adopted without a vote.]

52/110. Outcome of the universal periodic review: Philippines

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 Philippines on 14 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Philippines, 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, 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

*44th meeting
27 March 2023*

[Adopted without a vote.]

52/111. Outcome of the universal periodic review: Brazil

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 Brazil on 14 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹⁰² [A/HRC/52/9](#).

¹⁰³ [A/HRC/52/9/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

¹⁰⁴ [A/HRC/52/13](#).

¹⁰⁵ [A/HRC/52/13/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

Adopts the outcome of the review of Brazil, 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, 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

*45th meeting
28 March 2023*

[Adopted without a vote.]

52/112. Outcome of the universal periodic review: Poland

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 Poland on 15 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Poland, 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, 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

*45th meeting
28 March 2023*

[Adopted without a vote.]

52/113. Outcome of the universal periodic review: Kingdom of the Netherlands

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 Kingdom of the Netherlands on 15 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Kingdom of the Netherlands, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁰ the views of the State concerning the recommendations and/or conclusions made, 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.¹¹¹

*45th meeting
28 March 2023*

[Adopted without a vote.]

¹⁰⁶ [A/HRC/52/14](#).

¹⁰⁷ [A/HRC/52/14/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

¹⁰⁸ [A/HRC/52/15](#).

¹⁰⁹ [A/HRC/52/15/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

¹¹⁰ [A/HRC/52/16](#).

¹¹¹ [A/HRC/52/16/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

52/114. Outcome of the universal periodic review: South Africa

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 Africa on 16 November 2022 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of South Africa, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹² the views of the State concerning the recommendations and/or conclusions made, 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.¹¹³

*46th meeting
28 March 2023*

[Adopted without a vote.]

¹¹² [A/HRC/52/17](#).

¹¹³ [A/HRC/52/17/Add.1](#); see also [A/HRC/52/2](#), part two, sect. VI.

VI. Resolution adopted at the thirty-sixth special session

S-36/1. The human rights impact of the ongoing conflict 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,

Emphasizing that States have the primary responsibility for ensuring respect for, and for the promotion of and protection of, all human rights and fundamental freedoms,

Recalling the obligations of all parties to the conflict under international humanitarian law, and the obligations of the Sudan under the International Covenants on Human Rights and other treaties to which it is a State party, and recalling also the commitment of the Sudan, reflected in the Constitutional Declaration of 2019 and the Juba Peace Agreement of 2020, to respect and protect human rights,

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,

Recalling all relevant resolutions adopted and statements made by the Human Rights Council, the General Assembly and the Security Council on the Sudan, and relevant statements on the Sudan by the High Commissioner,

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

Noting all relevant communiqués of the African Union, the Intergovernmental Authority on Development and the League of Arab States, issued since the start of the conflict on 15 April, and noting in particular the communiqué issued by the African Union following its urgent special ministerial meeting on 20 April 2023, the communiqué of the eleventh high-level meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, held in Bujumbura, Burundi, on 6 May 2023, and the resolution adopted by the Council of the League of Arab States on 7 May 2023,

Acknowledging the important contribution of civil society active in the Sudan, including that of human rights defenders, lawyers, journalists and media workers, and their ongoing efforts to document human rights violations and abuses and violations of international humanitarian law, despite the grave risks,

Reaffirming its condemnation in the strongest possible terms of the military takeover on 25 October 2021 by the Sudanese military against the transitional Government, the suspension of transitional institutions and the unilateral imposition of measures that remain contrary to the Constitutional Declaration of 2019 and the terms of the Juba Peace Agreement of 2020,

Reiterating its deep concern at the situation of human rights in the Sudan in response to the reports of ongoing human rights violations and abuses perpetrated since 25 October 2021, while acknowledging that, prior to the outbreak of hostilities on 15 April 2023, the

situation of human rights in the Sudan had shown some signs of improvement, including the lifting of the state of emergency and the opening of intra-Sudanese talks facilitated by the Tripartite Mechanism of the United Nations, the African Union and the Intergovernmental Authority on Development,

Noting with appreciation the long-standing cooperation between the Sudan and the mechanisms of the Human Rights Council, the country office of the Office of the United Nations High Commissioner for Human Rights in the Sudan and the designated Expert since the thirty-second special session of the Human Rights Council with the mandates given to the High Commissioner, including the facilitation of two successful visits to the Sudan by the Expert, and stressing the importance of the continuation of that cooperation,

Expressing alarm at the outbreak of hostilities and significant escalation of violence across the country since 15 April, which has led to the death of hundreds of civilians, injuries to thousands, including children, increased levels of sexual and gender-based violence, mass internal and cross-border displacement and destruction of property and vital installations across the country, particularly to education, health and vital life infrastructure, which has aggravated the already precarious human rights and humanitarian situation,

Stressing the urgent need for the prioritization of the protection of civilians, including those displaced, and civilian objects, and for full, safe and unhindered humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law,

Expressing deep concern at the deteriorating human rights and humanitarian situation and the increase in the number of refugees and internally displaced persons and those in need of humanitarian assistance, putting the Sudanese people and the 1.1 million refugees who were in the Sudan when the violence began at continued and severe risk of being subjected to human rights violations and abuses, and violations of international humanitarian law,

Expressing similar concern at the further deteriorating humanitarian situation in the Sudan and the effect of the conflict on food security and access of the population to essential goods and services, and recalling the link between armed conflict and violence and conflict-induced food insecurity and the threat of famine, as well as the related obligations under applicable international law,

Expressing its deep appreciation for the efforts made by neighbouring countries, many of which are experiencing their own humanitarian challenges, that have kept their borders open and accommodated and provided assistance to refugees, without any discrimination, as well as efforts made by all other States to facilitate the evacuation process,

Welcoming the appointment by the United Nations High Commissioner for Human Rights of Radhouane Nouicer as his designated Expert on human rights in the Sudan on 16 December 2022, following the resignation of Adama Dieng, and expressing its gratitude to Mr. Dieng for his work,

Echoing the common call for all parties to the conflict to immediately cease hostilities, adhere to a lasting ceasefire and return to the transition process, made by all relevant actors of the international community and international forums, including the Security Council, the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations Integrated Transition Assistance Mission in the Sudan, the African Union, the Intergovernmental Authority on Development and the League of Arab States,

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,

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,

Commending the swift response from and statements made by the African Union, the Intergovernmental Authority on Development, the League of Arab States, and other international, regional and State actors in response to the outbreak of conflict on 15 April,

Reiterating its firm support for the ongoing efforts by national, regional and international actors, including the United Nations, the African Union, and the Inter-governmental Authority on Development with a view to implementing a ceasefire and ending the fighting,

Welcoming the ongoing pre-negotiation talks in Jeddah, Saudi Arabia, between representatives of the Sudanese Armed Forces and the Rapid Support Forces to achieve an effective short-term ceasefire, facilitate the delivery of emergency humanitarian assistance and restoration of essential services, and schedule subsequent expanded negotiations to achieve a permanent cessation of hostilities,

Stressing the importance of the continued and coordinated involvement of the United Nations, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and the League of Arab States in reaching a durable and sustainable peace in the Sudan and supporting a return to civilian-led government,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,

Urging all relevant national, regional and international actors and forums able to do so to leverage their influence on the parties to de-escalate the situation and end hostilities, and to remain engaged with the Sudan along political, humanitarian, human rights and development tracks over the longer term,

1. *Expresses its grave concern* at the serious outbreak of conflict and escalation of violence in the Sudan between the Sudanese Armed Forces and the Rapid Support Forces, which could undermine the progress made towards a peaceful transition to democracy and stability in the Sudan;

2. *Calls for* an immediate cessation of violence by all parties, without pre-conditions, the rapid establishment of full, safe and unhindered humanitarian access, the rehabilitation of critical basic infrastructure, a negotiated and peaceful resolution to the conflict on the basis of inclusive dialogue, and the recommitment of all parties with the people of the Sudan to return to its transition towards civilian-led government;

3. *Encourages* the Tripartite Mechanism of the United Nations, the African Union and the Intergovernmental Authority on Development on the political transition of the Sudan to continue its efforts to avoid further escalation of violence, and calls upon the international community to coordinate, collaborate and harmonize its respective initiatives to resolve the conflict and stabilize the situation in the Sudan;

4. *Condemns* all reported violations and abuses of human rights and violations of international humanitarian law, including reported acts of sexual and gender-based violence, committed since the start of hostilities by all parties to the conflict across the country;

5. *Calls upon* the parties to the conflict in the Sudan to demonstrate the utmost restraint and to refrain from further violations and abuses of human rights and violations of international humanitarian law, and to agree and fully adhere to and enforce local and national ceasefires, including those intended to allow full, safe and unhindered humanitarian access to and the evacuation of civilians, without preconditions;

6. *Calls upon* all parties to the conflict to cease any measure that exacerbates the humanitarian crisis, and to rapidly allow and facilitate the full, safe and unhindered passage of humanitarian relief for civilians in need, and recalls the obligation under international humanitarian law to refrain from attacking, destroying, removing or rendering useless objects critical to the delivery of essential services to the civilian population and for producing food and drinking water;

7. *Underscores* that the promotion and protection of human rights, and justice and accountability for all violations and abuses committed, should remain central to any solution to the crisis in the Sudan;

8. *Urges* the international community to work to address the immediate priorities arising from the dire humanitarian crisis in the Sudan and its impact on the country's neighbours, including through the 2023 Sudan Humanitarian Response Plan and humanitarian partners working to scale up response measures;

9. *Strongly urges* all States to respect the fundamental principle of non-refoulement, and to comply with their obligations under international human rights law and international refugee law, as applicable, in relation to persons fleeing events in the Sudan, and commends the steps taken by States in the region to receive those seeking safety in line with their respective obligations under international law;

10. *Calls upon* the Sudan to cooperate fully with the international community and relevant international organizations to urgently address the pressing humanitarian crisis, with a focus on the plight of populations already in vulnerable situations;

11. *Also calls upon* the international community to ensure effective coordination of the human rights and humanitarian response to address the needs of local humanitarian efforts and strengthen their capacities to continue to respond;

12. *Condemns* any attacks on humanitarian and health workers, and on the premises and members of international organizations, civil society organizations and the diplomatic community in the Sudan, which in combination with the ongoing situation has led directly to the flight of crucial frontline workers and removal of on-the-ground capacity aimed at improving the human rights and humanitarian situation in the Sudan;

13. *Emphasizes* the importance of full respect for human rights and fundamental freedoms, and urges the Sudan and the parties to the conflict in this regard to protect, inter alia, 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;

14. *Condemns* all acts of intimidation or reprisal against human rights defenders, community, health and humanitarian workers, and other civil society actors, for their work in responding to the humanitarian crisis and to advance respect for and promote human rights;

15. *Urges* all parties to the conflict in the Sudan to respect and protect civilians, including those who are humanitarian workers and health workers, and civilian infrastructure, and to allow and facilitate the return to full, safe and unimpeded access for humanitarian aid into and throughout the Sudan;

16. *Calls upon* all parties to the conflict to respect and protect civilians, including foreign nationals, international aid workers, staff members of the United Nations and related organizations, as well as members of the diplomatic community, still in the Sudan, and to create the conditions necessary to allow the swift return of those staff members and organizations forced to evacuate as a result of the conflict;

17. *Calls upon* the United Nations High Commissioner for Human Rights to prioritize further engagement with all parties to the conflict in the Sudan, with the aim of promoting both full respect for all human rights in the Sudan and the prevention of further violations and abuses from occurring during the current conflict, which should be complementary to and coherent with the engagement of other relevant regional and international stakeholders;

18. *Also calls upon* the High Commissioner to ensure the complementarity and coordination of his efforts with those of other actors, in particular the Secretary-General and his Special Representative for the Sudan, as well as the African Union and other appropriate regional and international entities, drawing on the expertise of, inter alia, the United Nations, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and the League of Arab States, to the extent practicable;

19. *Decides* that the mandate of the designated Expert of the High Commissioner on human rights in the Sudan should, with immediate effect, also include detailed monitoring and documentation of, and reporting to the Human Rights Council on, all allegations of human rights violations and abuses since 25 October 2021, including those arising directly

from the current conflict, as well as a specific focus on prevention of further such violations and abuses from occurring, and encourages the designated Expert to coordinate these efforts with the United Nations Integrated Transition Assistance Mission in the Sudan;

20. *Also decides* to enhance the interactive dialogue on the situation of human rights in the Sudan, as called for by the Human Rights Council in its resolution 50/1 of 7 July 2022, at its fifty-third session so as to include the participation of other stakeholders;

21. *Requests* the High Commissioner, with the assistance of his designated Expert, to present to the Human Rights Council, at its fifty-fourth and fifty-seventh sessions, 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 his designated Expert, and to submit a comprehensive report on the situation of human rights in the Sudan and on violations and abuses committed by all parties in the Sudan to the Council at its fifty-fifth and fifty-eighth sessions, to be followed by an enhanced interactive dialogue, unless the mandate of the designated Expert concludes during that time;

22. *Requests* the High Commissioner and his designated Expert to engage with all actors in the Sudan and to work collaboratively with the African Union, the Intergovernmental Authority on Development, the African Commission on Human and Peoples' Rights, the League of Arab States, and relevant organs and subsidiary bodies of the United Nations, and all other relevant international and regional organizations and mechanisms, on the issue of human rights in the Sudan, including by sharing reports and recommendations and exchanging other information, as appropriate;

23. *Stresses* the importance of the ongoing engagement of the Office of the High Commissioner for the promotion and protection of human rights in the Sudan;

24. *Requests* the Secretary-General to urgently provide the Office of the High Commissioner with all the resources necessary to enable the Office to afford all the administrative, technical and logistical support required to implement urgently the provisions of the present resolution;

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

*2nd meeting
11 May 2023*

[Adopted by a recorded vote of 18 to 15, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Eritrea, Gambia, Malaysia, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Viet Nam

Abstaining:

Bangladesh, Benin, Cameroon, Côte d'Ivoire, Gabon, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Maldives, Nepal, South Africa and Uzbekistan]

VII. Fifty-third session

A. Resolutions

53/1. Countering religious hatred constituting incitement to discrimination, hostility or violence

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 International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the Vienna Declaration and Programme of Action and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief,

Acknowledging that the exercise of the right to freedom of expression carries with it special duties and responsibilities and that restrictions on this right shall only be such as are provided by law, and in this context ensuring respect for the rights or reputations of others, as stipulated in article 19 of the International Covenant on Civil and Political Rights, and acknowledging also its article 20, which states that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Noting with deep concern the rising incidents of desecration of sacred books and places of worship as well as religious symbols, which could constitute incitement to discrimination, hostility or violence,

Affirming that it is offensive, disrespectful, a clear act of provocation and a manifestation of religious hatred to deliberately and publicly burn the Holy Qur'an or any other holy book with the intent to incite discrimination, hostility or violence, and affirming also that this act shall be prohibited by law, in line with the obligations of States arising from international human rights law,

Noting the strong rejection and condemnation of recurring acts of public burning of the Holy Qur'an in some European and other countries, as voiced by States, the Secretary-General, the High Representative for the United Nations Alliance of Civilizations, and many others,

Taking note in this regard of the report presented by the Special Rapporteur on freedom of religion or belief to the Human Rights Council in 2021 on countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief,¹¹⁴ in which the Special Rapporteur documented, inter alia, the human rights impacts and drivers of this growing phenomenon,

Welcoming the unanimous decision made by the General Assembly to proclaim 15 March the International Day to Combat Islamophobia,¹¹⁵ and noting its first commemoration in 2023,

Emphasizing that all human rights, including freedom of religion or belief, freedom of opinion and expression, the right to peaceful assembly and the right to freedom of association are interdependent, interrelated and mutually reinforcing, and stressing the positive role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief,

Recalling that racism, racial discrimination, xenophobia and related intolerance are manifested on the grounds of race, colour, descent or national or ethnic origin, and that victims can suffer from multiple or aggravated forms of discrimination based on other related

¹¹⁴ [A/HRC/46/30](#).

¹¹⁵ General Assembly resolution 76/254.

grounds, such as sex, language, religion, disability, political or other opinion, social origin, property, birth or other status,

Recalling Human Rights Council resolution 52/38 of 4 April 2023 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, and its resolution 52/6 of 3 April 2023 on freedom of religion or belief,

Taking note of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

Condemning 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,

Recognizing that gaps may exist in national legal, policy and law enforcement frameworks, impeding prevention and prosecution of and redressal for acts and advocacy of religious hatred that constitute an incitement to discrimination, hostility or violence committed against persons based on religion or belief,

Acknowledging that tolerance, pluralistic tradition, mutual respect and the diversity of religions and beliefs promote human fraternity, and in this regard recalling all United Nations resolutions on human fraternity,

1. *Condemns and strongly rejects* any advocacy or manifestation of religious hatred, including the recent public and premeditated acts of desecration of the Holy Qur'an, and underscores the need for holding those responsible to account in a manner consistent with the obligations of States arising from international human rights law;

2. *Calls upon* States to adopt national laws, policies and law enforcement frameworks that address, prevent and prosecute acts and advocacy of religious hatred that constitute incitement to discrimination, hostility or violence, and to take immediate steps to ensure accountability;

3. *Urges* the United Nations High Commissioner for Human Rights and all relevant special procedures of the Human Rights Council and treaty bodies, within their respective mandates, to speak out against advocacy of religious hatred, including acts of desecration of sacred books that could constitute incitement to discrimination, hostility or violence, and to make recommendations on addressing this phenomenon;

4. *Requests* the High Commissioner to present at its fifty-fourth session an oral update on the various drivers, root causes and human rights impacts of religious hatred constituting incitement to discrimination, hostility or violence, highlighting gaps in existing national, legal, policy and law enforcement frameworks, in particular in the context of the urgent debate, held at the fifty-third session of the Human Rights Council, to be followed by an interactive dialogue;

5. *Decides* to organize an interactive panel discussion of experts at its fifty-fifth session to identify drivers, root causes and human rights impacts of the desecration of sacred books and places of worship, as well as religious symbols, as a manifestation of religious hatred that could constitute incitement to discrimination, hostility or violence, and to outline gaps that may exist in laws, policies, practices and law enforcement that impede the prevention and prosecution of such public and premeditated acts, and to propose normative, legal, policy and administrative deterrence measures, both offline and online, to counter such acts of religious hatred that constitute incitement to discrimination, hostility or violence against individuals based on their religion or belief, and also hinders full enjoyment of their fundamental rights and freedoms, and invites the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, relevant special procedures, civil society and other stakeholders with a view to ensuring their participation in the panel discussion and that the panel discussion is made accessible to persons with disabilities;

6. *Requests* the Office of the High Commissioner to present a report on the deliberations of the panel discussion to the Human Rights Council at its fifty-sixth session;

7. *Decides* to remain seized of this matter.

33rd meeting
12 July 2023

[Adopted by a recorded vote of 28 to 12, with 7 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, Ukraine, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Costa Rica, Czechia, Finland, France, Germany, Lithuania, Luxembourg, Montenegro, Romania, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Benin, Chile, Georgia, Honduras, Nepal, Mexico and Paraguay]

53/2. 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 grave 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,¹¹⁶ including those involving arbitrary arrest and incommunicado detention, enforced disappearance and torture, violation of the rights to freedom of expression, freedom of thought, conscience and religion or belief, and freedom of peaceful assembly and association,

Expressing grave concern also at the policy of forced and indefinite conscription into national/military service and at the grave human rights violations committed in the context of national service,

Expressing grave concern further at the lack of transparency and accountability to date of the Government of Eritrea regarding reported violations and abuses committed by Eritrean military forces,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Eritrea¹¹⁷ and his conclusions therein, and urges the Government of Eritrea to take immediate and concrete steps to implement all recommendations made by the Special Rapporteur;

2. *Reiterates* that all those responsible for human rights violations and abuses must be held accountable;

3. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Eritrea for a further period of one year;

¹¹⁶ A/HRC/53/20.

¹¹⁷ Ibid.

4. *Requests* the Special Rapporteur to submit and present a report to the Human Rights Council at its fifty-sixth session and to the General Assembly at its seventy-eighth session;

5. *Decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea at its fifty-fifth 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;

6. *Calls upon* the Government of Eritrea to cooperate fully with the Human Rights Council and its mechanisms, including 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 2019,¹¹⁸ namely:

(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;

7. *Encourages* the Government of Eritrea to implement the recommendations accepted by the State during the third cycle of the universal periodic review;

8. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil the mandate;

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

34th meeting
12 July 2023

[Adopted by a recorded vote of 18 to 7, with 21 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

China, Cuba, Eritrea, India, Pakistan, Somalia and Sudan

Abstaining:

Algeria, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Côte d'Ivoire, Gabon, Georgia, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Qatar, Senegal, South Africa, United Arab Emirates, Uzbekistan and Viet Nam]

¹¹⁸ See [A/HRC/41/53](#), paras. 78–82.

53/3. Business and human rights

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling Human Rights Council resolutions 8/7 of 18 June 2008, 17/4 of 16 June 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014, 32/10 of 30 June 2016, 35/7 of 22 June 2017, 38/13 of 6 July 2018 and 44/15 of 17 July 2020, and Commission on Human Rights resolution 2005/69 of 20 April 2005, and noting Council resolution 26/9 of 26 June 2014, all concerning the issue of human rights and transnational corporations and other business enterprises,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to work in the area of business and human rights, including accountability and remedy, and to convene a yearly consultation, involving representatives of States and other stakeholders, regarding challenges, good practices and the implementation of the Guiding Principles on Business and Human Rights, and to submit a report thereon to the Human Rights Council at its sixty-second session;

2. *Decides* that the Working Group shall continue to guide the work of the Forum on Business and Human Rights and to prepare its annual meetings, and invites the Working Group to chair the Forum on Business and Human Rights and to submit a report on the proceedings and thematic recommendations of the Forum to the Human Rights Council for its consideration;

3. *Also decides* to extend the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, as set out by the Human Rights Council in its resolution 17/4, and with due consideration of its resolution 44/15, for a period of three years;

4. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the resources and assistance necessary to fulfil its mandate effectively, including its role in guiding the work of the Forum on Business and Human Rights;

5. *Also requests* the Secretary-General and the High Commissioner to provide the Forum, in a transparent manner, with all the services and facilities necessary, bearing in mind the need for a hybrid format and the growing participation in the Forum, and paying particular attention to regional balance and ensuring participation of affected individuals and communities.

*34th meeting
12 July 2023*

[Adopted without a vote.]

53/4. Mandate of Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights and other relevant human rights conventions,

Having regard to the legal framework of the mandate of Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in

Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

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 Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall act in accordance with those resolutions and the annexes thereto,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18 June 2008, 17/5 of 16 June 2011, 26/12 of 26 June 2014 and 35/15 of 22 June 2017, and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010, 67/168 of 20 December 2012, 69/182 of 18 December 2014, 71/198 of 19 December 2016 and 73/172 of 17 December 2018, 75/189 of 16 December 2020 and 77/218 of 15 December 2022,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for both effective action and remedies for victims and their families in order to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct prompt, effective, thorough, independent, impartial and transparent investigations into all suspected cases of extrajudicial, summary or arbitrary executions, exercising due diligence, in line with international standards and forensic best practices, and in this regard takes note of the Revised United Nations Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions,¹¹⁹ to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate, effective and prompt remedies, including reparation to victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and takes note with appreciation of the thematic reports presented by

¹¹⁹ *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (United Nations publication, Sales No. E.17.XIV.3).

the mandate holder to the Human Rights Council on medico-legal death investigations¹²⁰ and deaths in prisons,¹²¹ and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the mandate holder's reports, and to identify, exchange and promote best practices and offer advice on measures to prevent and investigate extrajudicial, summary and arbitrary executions;

7. *Requests* the Special Rapporteur, in carrying out the mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit the findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further the dialogue with Governments, and to follow up on recommendations made in reports after visits to particular countries;

(e) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, and the Second Optional Protocol thereto;

(f) To apply a gender perspective;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

¹²⁰ A/HRC/50/34.

¹²¹ A/HRC/53/29.

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

34th meeting
12 July 2023

[Adopted without a vote.]

53/5. Mandate of Independent Expert on human rights and international solidarity

The Human Rights Council,

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,

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 Human Rights Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

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,

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,

Emphasizing the importance of international solidarity and cooperation for effectively addressing the challenges of the current international situation,

1. *Expresses its appreciation* for the work and contributions of the Independent Expert on human rights and international solidarity;

2. *Takes note with appreciation* of the report of the Independent Expert,¹²² in particular the revised draft declaration on human rights and international solidarity;

3. *Decides* to extend the mandate of Independent Expert on human rights and international solidarity for a period of three years in accordance with the mandate established by the Human Rights Commission in its resolution 2005/55 of 20 April 2005 and ratified by the Human Rights Council in its resolution 17/6 of 6 July 2011;

4. *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;

5. *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 2030 Agenda for Sustainable Development,

¹²² [A/HRC/53/32](#) and [A/HRC/53/32/Add.1](#).

especially the Sustainable Development Goals relating to economic, social and climate issues, and invites States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these forums and events;

6. *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;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human and financial resources necessary for the effective fulfilment of the mandate;

8. *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 the mandate;

9. *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;

10. *Decides* to continue its consideration of this matter under the same agenda item.

*34th meeting
12 July 2023*

[Adopted by a recorded vote of 31 to 13, with 3 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Nepal, Pakistan, Paraguay, Qatar, Senegal, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Mexico, Morocco and Somalia]

53/6. 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,¹²³ 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 persons 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, end hunger and malnutrition and promote livelihood resilience, 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,

Noting with serious concern the findings contained in the synthesis report of the Intergovernmental Panel on Climate Change Sixth Assessment Report and the findings from the contribution of Working Group III to the Assessment Report, which set out that limiting warming to around 1.5°C requires global greenhouse gas emissions to peak before 2025 at the latest, and to be reduced by 43 per cent by 2030 relative to 2019 levels, to achieve net zero by 2050,

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,

Recalling General Assembly resolution 77/276 of 29 March 2023, in which the Assembly requested an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, and Assembly resolution 76/300 of 28 July 2022, on the human right to a clean, healthy and sustainable environment,

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,

¹²³ 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, 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, end hunger and malnutrition, and achieve livelihood resilience in the face of loss and damage brought about by extreme weather and slow-onset events,

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 and malnutrition 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 an adequate standard of living, and maintaining resilient livelihoods, particularly of people living in developing countries, including small island developing States and 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 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,

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, race, ethnicity, indigenous or minority status where applicable, national or social origin, birth or other status, and disability, among others,

Expressing extreme concern that climate change poses an existential threat to some countries, 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 and other international human rights instruments,

Noting with serious concern the findings contained in the synthesis report of the Intergovernmental Panel on Climate Change Sixth Assessment Report and the findings from the contribution of Working Group II to the Assessment Report, entitled *Climate Change 2022: Impacts, Adaptation and Vulnerability*, in which the Intergovernmental Panel on Climate Change stated that human-induced climate change had caused widespread adverse impacts and related losses and damages to nature and people affecting livelihoods through, inter alia, destruction of homes and infrastructure, loss of property and income, human health and food security, which has a negative impact on the full and effective enjoyment of human rights of persons living in affected areas,

Noting with grave concern that soft adaptation limits have been reached in some ecosystems and that without deep, rapid and sustained mitigation and accelerated adaptation actions, losses and damages will continue to increase, including projected adverse impacts in Africa, least developed countries, small island developing States, Central and South America, Asia and the Arctic, disproportionately affecting the human rights of persons in the most vulnerable situations,

Expressing concern that loss and damage to livelihoods caused by sudden- and slow-onset events directly and disproportionately affect women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, migrants, persons living in poverty and others in vulnerable situations, undermining their well-being and their enjoyment of a whole of range of human rights,

Recognizing that the erosion of livelihoods through, inter alia, the destruction of homes and infrastructure, loss of property and income, human health and food security, partly caused by the adverse effects of climate change, is a push factor for displacement and migration, especially from rural to urban areas, and may contribute to increased risk of exploitation, including trafficking in persons on the move, in particular women and girls,

Emphasizing that social security is a human right and a potent tool in the promotion of social inclusion and human dignity, especially the most marginalized, and underscoring that efforts to realize the right to social security should be inclusive and accessible to all,

Expressing concern at the inadequate social protection schemes for workers in the informal economy and low coverage and penetration of crop insurance schemes in vulnerable farming populations, which would provide income security in the event of contingency,

Recognizing that women and girls are 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, Indigenous women and girls, in the context of climate change, environmental and disaster risk reduction policy and decision-making processes,

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, livelihood protection 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 regarding 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 help to ensure the greatest possible adaptation and mitigation efforts in order to avert, minimize and address loss and damage from the adverse impact of climate change on present and future generations,

Recalling the outcomes adopted at the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the fourth session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement, held in Sharm el-Sheikh, Egypt in November 2022, and noting the commitments made at both conferences,

Welcoming the decision adopted at the twenty-seventh session of the Conference of the Parties to establish new funding arrangements to assist developing countries, including those that are particularly vulnerable to the adverse effects of climate change, in responding to economic and non-economic loss and damage, by providing and assisting in mobilizing new and additional resources, and that these new arrangements complement and include sources, funds, processes and initiatives both under and outside the Convention and the Paris Agreement,

Looking forward to the adoption of more ambitious commitments at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the eighteenth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement, to be held in Dubai, United Arab Emirates, from 30 November to 12 December 2023,

Looking forward also to the convening of the Climate Ambition Summit and the Sustainable Development Goals Summit by the Secretary-General in September 2023, ahead of the completion of the global stocktake,

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,

Welcoming the convening of a panel discussion, held pursuant to Human Rights Council resolution 50/9 of 7 July 2022, 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,

Taking note of the report of the Secretary-General on the adverse impact of climate change on the full realization of the right to food, submitted pursuant to Human Rights Council resolution 50/9,¹²⁴

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States as duty bearers and responsibility bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, when taking action to address climate change and the adverse effects thereof,

Noting with appreciation the work of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, and taking note of the mandate holder's most recent reports,¹²⁵ and recalling the reports of the Special Rapporteur on trafficking in persons, especially women and children, focusing on addressing the gender dimensions of trafficking in persons in the context of climate change, displacement and disaster reduction,¹²⁶ the Special Rapporteur on the right to food, focusing on the right to food in the context of natural disasters¹²⁷ and on the impact of climate change on the right to food,¹²⁸ 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 rights¹²⁹ and on air pollution and human rights,¹³⁰ and the report of the Special Rapporteur on extreme poverty and human rights, on climate change and poverty,¹³¹

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 taking note of its Traffic Light Assessment of nationally determined contributions,¹³²

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,

Noting further the importance for some of the concept of "climate justice" when taking action to address climate change,

¹²⁴ A/HRC/53/45.

¹²⁵ A/HRC/53/34 and A/HRC/53/34/Add.1 and A/77/226.

¹²⁶ A/77/170.

¹²⁷ A/HRC/37/61.

¹²⁸ A/70/287.

¹²⁹ A/HRC/43/53 and A/74/161.

¹³⁰ A/HRC/40/55.

¹³¹ A/HRC/41/39.

¹³² https://thecvf.org/wp-content/uploads/2022/11/CVF_PTLAReport_2022.pdf.

Affirming that prioritizing equity, climate justice, social justice, inclusion and just transition processes can enable adaptation and ambitious mitigation actions and climate-resilient development,

1. *Expresses grave 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 importance of continuing to address urgently, as they relate to States' human rights obligations, climate change and its adverse consequences 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 or acceded to the Paris Agreement to do so;

5. *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 damage associated with the adverse effects of climate change, and encourages the Parties to constructively engage in the Glasgow Dialogue and to support the work of the Transitional Committee to operationalize expeditiously the new funding arrangements, including a fund for assisting developing countries, including those that are particularly vulnerable to the adverse effects of climate change, in responding to 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 of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement;

6. *Calls for* deep and rapid cuts in global emissions to avert, minimize and address loss and damage from sudden and slow-onset climate events that have an adverse impact on the enjoyment of human rights;

7. *Calls upon* States to enhance international cooperation and reiterates the urgency of scaling up action, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures and to assist developing countries in averting, minimizing and addressing loss and damage, especially those that are particularly vulnerable to the adverse effects of climate change;

8. *Calls upon* all States to adopt a country-driven, 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;

9. *Calls upon* States to better promote the human rights of persons in vulnerable situations, their inclusion in risk reduction decision-making 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 and low-emission energy, science and technology, including digital technology and early warning systems, and ensure that services can be adapted to emergency and humanitarian contexts;

10. *Urges* States to develop and effectively implement policies that promote sustainable agriculture, forest management, fisheries, aquaculture practices and marine environment management in order to enhance the adaptive capacities and livelihood resilience of communities for the full and effective enjoyment of human rights;

11. *Recognizes* the link between the adverse impacts of climate change, including on livelihoods, and displacement and migration, and the need for adaptation measures that benefit the most vulnerable, facilitate safe and voluntary movement, minimize forced

movement and address human rights protection gaps in order to, inter alia, reduce the risk of trafficking and exploitation of people on the move, especially women and girls;

12. *Urges* States, consistent with the Guiding Principles on Business and Human Rights, to uphold the principle of corporate responsibility to respect human rights, including the responsibility to avoid causing or contributing to adverse human rights impacts through business activities that may harm the environment and the climate system;

13. *Calls upon* business enterprises, both transnational and others, to meet their responsibility to respect human rights, including in the context of climate change and the environment;

14. *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 the safe and meaningful participation of civil society in climate action and the work of the Human Rights Council and its mechanisms in the context of climate change, conducted in a regular, systematic and transparent manner;

15. *Recalls* the decision to incorporate into its annual programme of work, beginning in 2023, at a minimum a panel discussion, and decides that the annual panel discussion to be held at the fifty-sixth session shall focus on ensuring livelihood resilience in the context of the risk of loss and damage relating to the adverse effects of climate change for achieving progressively the full realization of all human rights and ways forward to address the challenges thereto on the basis of equity and climate justice, and also decides that the panel discussion will have International Sign interpretation and captioning;

16. *Requests* the United Nations High Commissioner for Human Rights to submit a summary report on the panel discussion held at the fifty-sixth session to the Human Rights Council at its fifty-eighth session, and to make the report available in accessible formats, including in 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 United Nations Environment Programme, the World Meteorological Organization, the International Telecommunication Union, the International Organization for Migration, the International Federation of Red Cross and Red Crescent Societies, 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 conduct an analytical study on the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights, exploring equity-based approaches and solutions to addressing the same, and to submit the study to the Human Rights Council at its fifty-seventh session, to be followed by an interactive dialogue, and also requests the Secretary-General to make the report available in accessible formats, including in easy-to-read versions;

18. *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 persons in vulnerable situations, within their respective mandates;

19. *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 dialogue;

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

34th meeting
12 July 2023

[Adopted without a vote.]

53/7. The right to education

The Human Rights Council,

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

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human 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 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also the 2030 Agenda for Sustainable Development and the Sustainable Development Goals contained therein, as well as the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the realization of all those Goals, and reaffirming further in particular Goal 4, on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, its specific and interlinked targets, and other education-related Goals and targets, and recalling the importance of education for reaching all the Sustainable Development Goals,

Noting the holding of the Transforming Education Summit, convened from 16 to 19 September 2022 in New York, and taking note of the report of the International Commission on the Futures of Education of 2021,¹³³

Reaffirming Human Rights Council resolution 8/4 of 18 June 2008, and recalling all other resolutions of the Council on the right to education, the most recent of which is resolution 47/6 of 12 July 2021, and also the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Expressing concern that, in spite of the progress achieved in the implementation of Sustainable Development Goal 4, according to the United Nations Educational, Scientific and Cultural Organization there are still 771 million young persons and adults who are not literate, two thirds of whom are women, and 250 million children, adolescents and youth who do not attend school, and that, according to the United Nations Children's Fund, nearly 50 per cent of pre-primary-age children around the world – at least 175 million – are not enrolled in pre-primary education,

Noting the Incheon Declaration: Education 2030 – towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including for women and girls, persons belonging to national or ethnic, religious and linguistic minorities, stateless and internally displaced persons, migrants, asylum seekers and refugees,

Reaffirming 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 available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, in particular the adoption of legislative measures,

¹³³ *Reimagining our futures together: a new social contract for education*, United Nations Educational, Scientific and Cultural Organization, Paris, 2021.

Expressing concern that, despite the tremendous efforts made by States and other stakeholders, the coronavirus disease (COVID-19) pandemic has disproportionately affected girls and women and those in vulnerable and marginalized situations, including persons with disabilities, persons living in poverty, migrants, asylum-seekers, refugees, stateless and internally displaced persons, students in developing countries and Indigenous Peoples, and has exposed and exacerbated the entrenched structural inequalities in the enjoyment of human rights, including the right to education, also in the post-pandemic period,

Noting that, as stated in the United Nations Educational, Scientific and Cultural Organization Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education, adopted in November 2022, “early childhood care and education is key to achieving the right to education for all and to enable the fulfilment of other social rights”,

Reiterating the importance of early childhood development as a valuable foundation of lifelong learning and the entire education system, particularly for children in vulnerable and marginalized situations, and the need to invest in public, affordable, inclusive and equitable quality early childhood care and education, which could be understood as including education and care provided prior to the beginning of primary education, and recognizing that early childhood care and education contributes to the realization of the right to education and that care and education cannot be separated,

Noting that privately funded early childhood care and education are predominant in most countries at the global level, and that the absence of sufficient State-funded free and public supply could limit the enjoyment of, inter alia, the right to education, particularly of children from low-income families or in marginalized situations,

Strongly condemning the recurring attacks on students, teachers, schools and universities and the military use of educational facilities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies, while noting in this context the efforts aimed at facilitating the continuation of education in armed conflict, including those made by States that are signatories to the Safe Schools Declaration, and recognizing that a large proportion of the world’s out-of-school population lives in conflict-affected areas,

Recognizing the negative impact of climate change and natural disasters on the full realization of the right to education, and also the role of education in promoting awareness about climate change mitigation and adaptation,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, gender-based discrimination and violence, including sexual violence and harassment; lack of a safe learning environment; child, early or forced marriage or unplanned pregnancy; the lack of safe and appropriate water and sanitation facilities that take into account women and girls’ privacy needs, and menstrual health and hygiene supplies; discriminatory laws; gender stereotypes; patriarchal social norms; lack of empowerment, including on economic grounds, especially when education is not free; and discrimination based on any other grounds, such as race, colour, age, disability, language, religion, political or other opinion, national or social origin, Indigenous origin or identity, property, birth, migration or other status,

Recognizing further the role that access to reliable and affordable information and communications technology, including the Internet, and the role of digital education and technology literacy as empowering tools play in facilitating the realization of the right to education, in supporting the adaptability of education and in promoting inclusive quality education, in particular in situations of emergencies, and recalling its important role during the COVID-19 pandemic, when on-site education had to be suspended,

Expressing concern at the inequalities in access to reliable and affordable information and communications technology, which have increased the digital divide and expanded technological gaps, including but not limited to those based on gender, age, disability and migration or refugee status, and with their negative impact on the realization of the right to education,

Stressing in this respect that the incorporation of digital technologies in education, notwithstanding its potential to expand and complement access to education, is not a long-term replacement for on-site schooling nor justifies the lack of investment in the human factor, particularly teachers, their continuous professional development and their working conditions,

Stressing also the need for a thorough debate on the role of digital technologies in education, keeping in mind not only equality of opportunities, including for conflict-affected areas and for children and young persons in marginalized situations, but also their potential misuse and unintended negative effects, such as disinformation, surveillance, censorship, harassment, bullying and violence online and offline, exposure to violent or harmful content, including life-threatening activities, exploitation and abuse, and algorithm bias, with their impact on children's and young persons' health, education and interpersonal development, and the changes it may bring about in the organization of education systems,

Stressing further that human rights in the context of access to education, such as, but not limited to, the right to freedom of opinion and expression, including the freedom to seek, receive or impart information, as well as academic freedoms, must be respected, protected and fulfilled,

Reaffirming that the human rights principles of non-discrimination and equality are central to the full realization of the right to education as enshrined in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and the International Covenant on Economic, Social and Cultural Rights, and emphasizing that everyone is entitled to the right to education without discrimination of any kind,

Noting that education systems should nurture cultural diversity with a view to protecting cultural rights and fostering mutual understanding, respect for diversity and tolerance,

Welcoming the steps taken to fully realize the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, and ensuring justiciability of this right, and aware of the role that communications procedures at the regional and international levels can play in promoting the justiciability of the right to education,

Noting the development by experts of guiding principles and tools for States, such as the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education,

1. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education and to expand quality educational opportunities for all, by all appropriate means and without discrimination of any kind, including by:

(a) Implementing targeted programmes to address inequalities and their root causes, including barriers to accessibility, in particular for persons with disabilities, and discrimination against women and girls in education;

(b) Recognizing the significant importance of investment in free public education, and doing so to the maximum of available resources;

(c) Increasing and improving financing for education, including in humanitarian emergencies and conflict situations;

(d) Ensuring that education policies and measures are consistent with human rights obligations, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments;

(e) Strengthening engagement with all relevant stakeholders, including communities, children and youth, learners, educators, school leaders, parents and/or legal guardians, local actors and civil society, to contribute to education as a public good;

2. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

3. *Also calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in accordance with human rights laws and standards, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

4. *Encourages* States to give domestic legal effect to the right to education, including by ensuring its justiciability, and urges States to strengthen their legal frameworks, to adopt adequate policies and programmes and to allocate sufficient resources, either individually or through international assistance and cooperation, to the full realization of the right to education;

5. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure to consider doing so as a matter of priority;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms for all, including in-service training, apprenticeship and internships, as well as lifelong learning and further education and training, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Also calls upon* States to take all measures necessary, including by making education a priority in their national budgets by granting sufficient budgetary allocations to education, to ensure accessible, inclusive, equitable and non-discriminatory quality education to all at all levels, and to promote lifelong learning opportunities for all, paying particular attention to women and girls, children in the most vulnerable and marginalized situations, older persons, persons with disabilities, persons belonging to national or ethnic, religious and linguistic minorities, Indigenous Peoples and all persons in vulnerable and marginalized situations, including those affected by humanitarian emergencies and conflict situations;

8. *Further calls upon* States to continue to strengthen the protection of preschools, schools, universities and other education institutions against attacks and threats of attack, making them free from all forms of violence, taking into account Security Council resolution 2601 (2021) of 29 October 2021, including by taking measures to deter the military use of schools and universities, such as by considering endorsing the Safe Schools Declaration and implementing the Guidelines for Protecting schools and universities from military use during armed conflict, and encourages efforts to provide safe, non-violent inclusive, effective and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

9. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination, harmful practices such as female genital mutilation and child, early and forced marriage, and all forms of violence, abuse and harassment, including sexual harassment, the sale and sexual exploitation and abuse of children, school-related sexual and gender-based violence, and bullying in schools and other educational settings both online and offline, in particular against those persons who are most vulnerable, discriminated against and marginalized, and to guarantee gender equality and the right to education for all;

10. *Urges* States to take all measures necessary to eliminate gender bias and gender stereotypes in education at all levels, including through human rights education, the facilitation of learning environments that take into account a gender perspective and the promotion of equal opportunities in all fields of study, and calls upon States to ensure that women and girls are able to diversify their educational and occupational choices, including in emerging fields, in science, technology, engineering, arts, mathematics and information and communications technology;

11. *Also urges* all States to regulate and monitor all education providers, public and private, including those operating independently or in partnership with States, inter alia by putting in place adequate mechanisms to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, to address the negative impact of the commercialization of education, and to strengthen access to appropriate remedies and reparation for victims of violations and abuses of the right to education;

12. *Encourages* all States to develop and strengthen emergency education preparedness within their respective education systems, grounded on human rights, and to train educational planners at all levels;

13. *Calls upon* all States to take appropriate measures to accelerate efforts to bridge the digital divide and technological gaps, including but not limited to those based on economic status, gender, age, disability and migration or refugee status, and not only to combat discrimination and bias in the development and use of new technologies, particularly in terms of access to products and services that are essential for the enjoyment of the right to education, but also to ensure accessible and quality education at all levels, in order to increase digital competencies, particularly of educators, as well as the media and information literacy and innovation skills of all, including of women, girls and persons with disabilities, while ensuring the protection of personal data in the use of technology in education;

14. *Takes note* of the four most recent reports of the Special Rapporteur on the right to education presented to the Human Rights Council, on advances and challenges in securing the right to education¹³⁴ and the impact of digitalization of education on the right to education,¹³⁵ and to the General Assembly, on early childhood care and education¹³⁶ and on the right to education of migrants;¹³⁷

15. *Calls upon* all States to adequately assess when, how and to what extent to introduce technology and digital solutions in education systems, considering positive and negative consequences and their impact on human rights and on human dignity, and, if necessary, to establish norms and standards on the use of technology in education, in collaboration with other stakeholders, including technology industries and private educational institutions, in compliance with international human rights law, prioritizing affordability and based on a learner-focused and age-appropriate approach and on the principles of availability, accessibility, acceptability and adaptability of education for all;

16. *Urges* States to consider providing free, public, inclusive, equitable and quality early childhood care and education;

17. *Encourages* States to develop, in collaboration with other relevant stakeholders, educational policies and programmes for migrants in line with the principles of availability, accessibility, acceptability and adaptability of education, as well as of non-discrimination;

18. *Notes with appreciation:*

(a) The work of the Special Rapporteur on the right to education;

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, and the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Educational, Scientific and Cultural Organization, which is the lead agency on Sustainable Development Goal 4, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and other relevant United Nations agencies and bodies towards attaining the goals of the Education 2030 Agenda and the education-related Sustainable Development Goals;

¹³⁴ A/HRC/53/27.

¹³⁵ A/HRC/50/32.

¹³⁶ A/77/324.

¹³⁷ A/76/158.

19. *Stresses* the importance of international cooperation, including policy dialogue and the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

20. *Encourages* all States to measure progress in the realization of the right to education, inter alia by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

21. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

22. *Encourages* the High Commissioner to collaborate with relevant United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, the Global Partnership for Education and civil society organizations to provide technical support to States to realize the right to education in the post-COVID-19 context;

23. *Commends* the contribution of national human rights institutions, national mechanisms for implementation, reporting and follow-up, civil society, including non-governmental organizations, children and youth and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

24. *Decides* to extend the mandate of Special Rapporteur on the right to education for a further period of three years;

25. *Encourages* the Special Rapporteur, in fulfilling the mandate, to continue to take into account and support the implementation of the education-related Sustainable Development Goals and targets, the provisions of Human Rights Council resolutions on the right to education, and gender, age and disability perspectives;

26. *Requests* all States to cooperate fully with the Special Rapporteur with a view to facilitating the performance of her or his tasks, to give due consideration to the recommendations made by the mandate holder, and to respond favourably to her or his requests for information and visits;

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

28. *Encourages* all other relevant stakeholders, including United Nations bodies and specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to cooperate fully with the Special Rapporteur to enable her or him to fulfil the mandate;

29. *Requests* the Special Rapporteur to continue to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate with a view to maximizing the benefits of the reporting process;

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

34th meeting
12 July 2023

[Adopted without a vote.]

53/8. Elimination of discrimination against persons affected by leprosy (Hansen's disease) and their family members

The Human Rights Council,

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

Guided also by the Universal Declaration of Human Rights, and recalling relevant international human rights instruments, including 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 Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Welcoming the work and taking note of the reports of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members submitted to the Human Rights Council and to the General Assembly,¹³⁸ and the recommendations made therein,

Recalling 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 Human Rights Council, of 18 June 2007, and stressing that the mandate holder's duties shall be discharged in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 8/13 of 18 June 2008, 12/7 of 1 October 2009, 15/10 of 30 September 2010, 29/5 of 2 July 2015, 35/9 of 22 June 2017 and 44/6 of 16 July 2020, and General Assembly resolution 65/215 of 21 December 2010,

Recalling further the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Recalling the global leprosy (Hansen's disease) strategy, 2021–2030, of the World Health Organization, and sharing the common aspiration to accelerate towards a world free from leprosy (Hansen's disease),

Recalling also that leprosy (Hansen's disease) is curable and that the human rights of persons with leprosy (Hansen's disease) could be better protected by treatment provided in the early stages, which can prevent disability,

Deeply concerned that, in various parts of the world, persons affected by leprosy (Hansen's disease) and their family members have faced and continue to face barriers to their participation as equal members of society, including isolation, discrimination and violations and abuses of their human rights, which put them in a situation of vulnerability, and conscious that greater attention is needed to address these challenges, especially taking into account the impact caused by the coronavirus disease (COVID-19) pandemic,

Reaffirming that persons affected by leprosy (Hansen's disease) and their family members, including women, children and older persons, should be treated with dignity and are entitled to the enjoyment of all human rights and fundamental freedoms under international law, including relevant conventions, and national constitutions and laws,

Recognizing that persons affected by leprosy (Hansen's disease) and their family members still face multiple forms of prejudice and discrimination stemming from misinformation about and misunderstandings of the disease throughout the world,

Recognizing also that specific attention is needed to address all forms of discrimination and violence against persons affected by leprosy (Hansen's disease) and their family members,

¹³⁸ [A/HRC/38/42](#), [A/HRC/41/47](#), [A/HRC/44/46](#), [A/HRC/44/46/Add.1](#), [A/HRC/44/46/Add.2](#), [A/HRC/47/29](#), [A/HRC/50/35](#), [A/76/148](#) and [A/77/139](#).

Bearing in mind the need to intensify efforts to eliminate all forms of prejudice and discrimination against persons affected by leprosy (Hansen's disease) and their family members and to promote policies facilitating their inclusion throughout the world,

Stressing the importance of implementing the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, submitted to the Human Rights Council by the Human Rights Council Advisory Committee in 2010,¹³⁹ to which Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions were encouraged to give due consideration, by the Council, in its resolution 15/10, and by the General Assembly, in its resolution 65/215,

Recalling the final report of the Advisory Committee, submitted pursuant to Human Rights Council resolution 29/5, and the recommendations contained therein,¹⁴⁰

1. *Welcomes* the work of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members;

2. *Decides* to extend the mandate of the Special Rapporteur, under the title Special Rapporteur on the elimination of discrimination against persons affected by leprosy (Hansen's disease) and their family members, for a period of three years, with the following mandate:

(a) To follow up and report on progress made and measures taken by States for the effective implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members for the realization of the enjoyment of human rights by persons affected by leprosy (Hansen's disease) and their family members in all regions of the world, and to make recommendations to the Human Rights Council in this regard;

(b) To engage in dialogue and consult with States and other relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, in particular the World Health Organization, other intergovernmental organizations, regional human rights mechanisms, national human rights institutions, non-governmental organizations, scientists and medical experts, to identify, exchange and promote good practices relating to the realization of the rights of persons affected by leprosy (Hansen's disease) and their family members, and to their participation as equal members of society with a view to achieving a world free from leprosy (Hansen's disease);

(c) To raise awareness of the rights of persons affected by leprosy (Hansen's disease) and their family members and to combat stigmas, prejudices, discrimination and harmful traditional practices and beliefs that hinder their enjoyment of human rights and fundamental freedoms and their participation in society on an equal basis with others;

(d) To continue to report annually to the Human Rights Council, and to report also to the General Assembly;

3. *Calls upon* all States to cooperate with the Special Rapporteur in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and to consider implementing the recommendations made in the reports of the mandate holder;

4. *Encourages* all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to cooperate fully with the Special Rapporteur to enable the Special Rapporteur to fulfil the mandate;

¹³⁹ A/HRC/15/30, annex.

¹⁴⁰ A/HRC/35/38.

5. *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 resources necessary for the effective fulfilment of the mandate;

6. *Encourages* the High Commissioner and the Special Rapporteur, in collaboration with States and with relevant international organizations, such as the World Health Organization, as well as concerned non-governmental organizations, to continue consultations with different stakeholders aimed at eliminating discrimination related to leprosy (Hansen's disease), including by widely disseminating the principles and guidelines and deepening the understanding of them among States and all other concerned stakeholders, with the full, inclusive and meaningful participation of persons affected by leprosy (Hansen's disease) and their family members;

7. *Encourages* States, all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, such as the World Health Organization, special procedures, treaty bodies, other international organizations, regional human rights mechanisms, national human rights institutions, organizations of persons with disabilities, non-governmental organizations, scientists and medical experts to participate in the consultations;

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

34th meeting
12 July 2023

[Adopted without a vote.]

53/9. Trafficking in persons, especially women and children

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 and the International Covenant on Civil and Political Rights,

Reiterating its strong condemnation of trafficking in persons, especially women and children, which constitutes an offence and a serious threat to human dignity and physical integrity, human rights and sustainable development,

Recalling all relevant United Nations resolutions, in particular those of the General Assembly and the Human Rights Council, relating to trafficking in persons, especially women and children,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Reaffirming also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming further the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 thereto, the Worst Forms of Child Labour Convention, 1999 (No. 182), the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), and the Declaration on Fundamental Principles and Rights at Work of the International Labour Organization,

Recalling the Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201), of the International Labour Organization,

Recalling also the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,¹⁴¹ and in particular targets 5.2, 8.7 and 16.2 of the Sustainable Development Goals, on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and trafficking in persons and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking in persons and all forms of violence against and torture of children,

Noting that supporting development, including in rural areas, and addressing social, economic, political and other factors that make people vulnerable to trafficking can contribute to minimizing the risk of trafficking for labour exploitation, and recalling the Durban Call to Action on the Elimination of Child Labour,

Recalling the decision of the General Assembly, in its resolution 68/192 of 18 December 2013, to declare 30 July World Day against Trafficking in Persons,

Recalling also the Recommended Principles and Guidelines on Human Rights and Human Trafficking¹⁴² and the commentary thereon, developed by the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of trafficking in persons are often subject to multiple and intersecting forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, including migration status, and that these forms of discrimination may themselves fuel trafficking in persons,

Recognizing also that gender inequality, poverty, forced displacement, unemployment, lack of socioeconomic opportunities, lack of access to education, gender-based violence, discrimination and marginalization are some, but not all, of the contributing factors that put persons, especially women and children, at an increased risk of trafficking,

Recalling the Global Compact for Safe, Orderly and Regular Migration, which addresses, inter alia, the issue of trafficking in persons in the context of international migration,

Recognizing the importance of exploring the link between migration and trafficking in persons, and noting that the availability of regular migration opportunities can be one way to reduce the risk of persons being trafficked,

Noting with concern that some of the demand fostering sexual exploitation, labour exploitation and the illegal removal of organs is met by trafficking in persons, and recognizing that trafficking in persons is fuelled by high profits for traffickers and demand that fosters all forms of exploitation,

Welcoming in particular the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations, as well as of regional and subregional initiatives, to address the problem of trafficking in persons, especially women and children, including the Working Group on Trafficking in Persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the United Nations Global Plan of Action to Combat Trafficking in Persons¹⁴³ and the 2021 Political Declaration on the Implementation of the United Nations Global Plan of

¹⁴¹ General Assembly resolution 70/1.

¹⁴² E/2002/68/Add.1.

¹⁴³ General Assembly resolution 64/293.

Action to Combat Trafficking in Persons,¹⁴⁴ and the Inter-Agency Coordination Group against Trafficking in Persons,

Recalling the Guiding Principles on Business and Human Rights and the duties of States and the responsibilities of businesses stipulated therein,

Bearing in mind that businesses have a responsibility to respect human rights and should act with due diligence to prevent trafficking, to establish effective procedures to identify cases of trafficking and forced labour, including forced child labour, in their operations, including their supply chains, to ensure that cases are referred to the proper services and to provide redress to workers in exploitative situations,

Bearing in mind also that all States should exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and to punish perpetrators, to support and empower victims, including survivors, and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Recognizing that the agricultural sector is a high-risk sector for trafficking in persons, including women and girls living in rural and remote areas and agricultural workers in seasonal, temporary and circular migration,

Taking into account the adverse effects of climate change on agriculture and food security, which place farming communities and persons in rural and remote areas at risk of trafficking in persons,

Welcoming the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedies for victims of business-related human rights abuse,

Convinced of the need to protect and assist all victims of trafficking, with full respect for the human rights and dignity of the victims,

1. *Urges* States to protect, respect and fulfil the human rights of victims of trafficking through enhanced protection and empowerment of and support and assistance for victims, including survivors, of trafficking in persons, especially women and children, including in high-risk sectors for trafficking in persons such as the agriculture sector, by:

(a) Providing protection and effective and adequate gender-responsive, child-sensitive, disability-responsive, victim-centred, trauma-informed and multidisciplinary assistance to victims of trafficking and considering also their direct dependants, on the basis of the specific needs of those persons, including child-appropriate measures, which must not be made conditional on their cooperation with law enforcement authorities;

(b) Considering enhancing early identification of potential victims of trafficking upon the identification of vulnerabilities, for example by establishing procedures in places of first arrival of migrants, refugees and asylum-seekers for the identification of indicators of migrants' vulnerability, including to trafficking and exploitation, and providing early support and assistance also to persons at risk of being trafficked;

(c) Fully recognizing victims' rights and implementing the non-punishment principle, in accordance with respective national legal systems, by taking all appropriate measures, including through policies and legislation, to ensure that victims of trafficking are protected from prosecution or punishment for acts that they have been compelled to commit as a direct consequence of having been trafficked, and that victims, including survivors, do not suffer from revictimization as a result of actions taken by government authorities;

(d) Considering developing, through multi-stakeholder partnerships with civil society, businesses and relevant stakeholders, long-term inclusion strategies based on innovative skill-acquisition schemes to empower victims of trafficking and facilitate their access to the labour market, in line with domestic legal frameworks;

¹⁴⁴ General Assembly resolution 76/7, annex.

(e) Combating racism, xenophobia and all forms of discrimination and related intolerance based on race, colour, descent, national or ethnic origin or religion or belief, which increases the vulnerability of persons affected by trafficking;

(f) Promoting gender-responsive measures to combat and eliminate all forms of trafficking in women and children, including for sexual exploitation and forced labour, and taking into account the specific needs of women and girls and their participation and leadership in and contribution to all phases of preventing and responding to trafficking, especially in addressing sexual exploitation;

(g) Adopting appropriate measures to address, especially in the field of education and awareness-raising, discriminatory approaches and social norms that increase women's and girls' vulnerabilities to trafficking, including by addressing all forms of violence, including sexual and gender-based violence, and discrimination in access to resources, education and job opportunities;

(h) Promoting greater synergy between anti-trafficking efforts and those made under the women, peace and security agenda, especially by addressing the issue of trafficking in persons and its link with conflict-related sexual violence, and by stressing the key role of women's agency and participation;

(i) Addressing the heightened risk of trafficking in humanitarian crisis situations, including in armed conflict, and in post-conflict environments, natural disasters and other emergency environments, and calling upon States and the United Nations to take measures to prevent and combat trafficking in persons and to end the recruitment and use of child soldiers;

(j) Addressing the specific needs and vulnerability to trafficking of children by considering the best interests of the child in all measures and decisions affecting children and by promoting education and preventing and combating child labour and trafficking in children, online and offline;

(k) Calling upon States to address the challenges, including for law enforcement, presented by new methods of recruiting victims of trafficking in persons, such as the misuse of the Internet, social media and online platform service providers by criminals, while fully recognizing the potential of the Internet and other information and communications technologies to prevent and combat trafficking in persons and to assist victims;

(l) Ensuring victims' right to privacy;

(m) Further developing ways to protect victims of trafficking in persons for the purpose of organ removal and to address their vulnerability, including by providing medical and psychosocial care and services to victims and by adopting the measures necessary to protect the rights and interests of victims in all phases of criminal prosecution and judicial proceedings, and to ensure accountability;

(n) Ensuring effective access to social protection and health care, including for agricultural workers and their families, as appropriate;

(o) Addressing the root causes of forced displacement, including human rights violations and discriminatory practices, and thus reducing vulnerability to trafficking in persons;

(p) Enhancing data collection and disaggregation on trafficking in persons, including in the agricultural sector, in line with data protection and data privacy principles;

2. *Also urges* States to prevent and to fight trafficking in persons, especially women and children, for the purpose of all forms of exploitation, and to address labour exploitation, including by:

(a) Promoting just and decent work conditions and the effective implementation of international labour standards and of comprehensive policies, programmes and other measures protecting agricultural workers and consistently aligning immigration law, social and labour protection and human rights in this area;

(b) Promoting consistent, whole-of-society action involving civil society, the private sector, employers, trade unions and other relevant stakeholders in the field of economic and social development, as well as the labour market;

(c) Ensuring that agricultural workers are provided with information on terms and conditions of work and protection services during the whole cycle of work and migration;

(d) Strengthening identification and referral procedures for agricultural workers at risk of trafficking and providing training for and capacity-building of relevant authorities;

(e) Considering obligations for employers to ensure that they practise ethical recruitment and identify, analyse and prevent or mitigate the risks of trafficking resulting from business activities and from the activities of subcontractors and suppliers, and to incentivize human rights due diligence;

(f) Enhancing the availability and flexibility of safe and regular pathways for the movement of agricultural workers, including through the conclusion of bilateral labour migration agreements, and respecting and ensuring the rights of migrant workers;

(g) Considering adopting procedures or models regarding good practices in transparency in supply chains with a view to disrupting and dismantling criminal business models;

(h) Taking concrete measures to fully understand, comprehensively address, prevent and fight against all types of trafficking in persons;

3. *Calls upon* States to further prevent and to fight trafficking in persons, to address the root causes of trafficking and to promote the social inclusion of victims of trafficking by ensuring their right to an effective remedy, by, inter alia:

(a) Ensuring access to effective remedies, including in the context of business activities and supply chains, and coordination between operational grievance mechanisms and State-based grievance and assistance mechanisms and remedies;

(b) Implementing measures to provide direct assistance to victims of trafficking in persons;

(c) Promoting and making available adequate, effective and appropriate remedies, including reparation, for victims of trafficking, as provided for under international law;

(d) Promoting the protection of victims and witnesses of trafficking in persons and the establishment of mechanisms to facilitate, where appropriate, the participation of victims in judicial proceedings;

(e) Ensuring, for victims and their family members, access to justice and safe reporting, and providing trafficked persons with appropriate, relevant and understandable information on their rights, including the right to an effective remedy, the mechanisms and procedures available to exercise these rights, and how and where to obtain legal and other necessary assistance;

4. *Also calls upon* States to intensify their efforts to address, with a view to eliminating, the demand that fosters trafficking in women and children for all forms of exploitation, and in this regard to take or to enhance preventive measures, including legislative and punitive measures, to deter exploiters of trafficked persons, and to ensure their accountability;

5. *Further calls upon* States to adopt measures to prevent trafficking in persons and to protect victims of trafficking, especially women and children, in their responses to global health crises, with a view to ensuring, inter alia, access to health care and services, adequate water and sanitation services, adequate and safe accommodation and access to information, and to ensuring the continuity and extension of existing support programmes for victims of trafficking;

6. *Strongly encourages* States to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking as a useful tool in integrating a human rights-based approach into their responses to prevent and fight trafficking in persons;

7. *Urges* States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in order to encourage Governments to adopt an integrated strategy to better address the complex and very often interrelated components of these modalities of organized crime, namely trafficking in persons and smuggling of migrants, taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

8. *Urges* States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to implement fully and effectively the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons and to carry out the activities outlined therein;

9. *Encourages* States to enhance bilateral, multilateral and/or regional forms of cooperation between States of origin, transit and reception that are effective in preventing and fighting trafficking in persons, and to devise regional communication strategies against trafficking in persons by building on existing cooperation mechanisms through which information and good practices in matters of prevention are shared;

10. *Also encourages* States to carry out information and awareness-raising campaigns to alert potential victims, both national and foreign, to the risks of falling into the hands of human trafficking criminal organizations and to inform potential or actual victims of trafficking of existing support programmes;

11. *Invites* States and other interested parties to make further voluntary contributions to the United Nations voluntary trust fund on contemporary forms of slavery and the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children;

12. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children, and recognizes the importance of this work in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking in persons;

13. *Takes note with appreciation* of the thematic reports of the Special Rapporteur;

14. *Decides* to extend the mandate of Special Rapporteur on trafficking in persons, especially women and children, for a period of three years;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to requests to visit their countries, to provide the mandate holder with all necessary information related to the mandate and to react promptly to communications and urgent appeals in order to enable the effective fulfilment of the mandate;

16. *Underlines* the importance of the Special Rapporteur continuing to consult with relevant stakeholders and participating in relevant international and regional forums and events, including on migration, with a view to combating trafficking and to upholding the human rights of victims of trafficking in persons, especially women and children;

17. *Requests* the Special Rapporteur to cooperate closely with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, including its Working Group on Trafficking in Persons, and to attend and participate in the annual and biennial sessions thereof, upon invitation;

18. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable the mandate holder to discharge the mandate fully;

19. *Decides* to continue its consideration of the issue of trafficking in persons, especially women and children.

34th meeting
12 July 2023

[Adopted without a vote.]

53/10. Extreme poverty and human rights

The Human Rights Council,

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

Recalling that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of a world in which all human beings can enjoy freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, and reaffirming in this regard the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly, including resolutions 75/175 of 16 December 2020 and 77/223 of 15 December 2022, by the Commission on Human Rights, and by the Human Rights Council, including resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008, 12/19 of 2 October 2009, 15/19 of 30 September 2010, 17/13 of 17 June 2011, 21/11 of 27 September 2012, 26/3 of 26 June 2014, 35/19 of 22 June 2017 and 44/13 of 16 July 2020, and noting the Declaration on the Right to Development,

Recalling further that, in its resolution 74/234 of 19 December 2019, the General Assembly proclaimed the Third United Nations Decade for the Eradication of Poverty (2018–2027) in order to maintain the momentum generated by the First and Second Decades and to support, in an efficient and coordinated manner, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, and the commitment therein to end poverty in all its forms, including by eradicating extreme poverty by 2030, and the objective of leaving no one behind and reaching the furthest behind first,

Recalling that, in its resolution 67/164 of 20 December 2012, the General Assembly took note with appreciation of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11, as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate,

Reaffirming in this regard the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit and at the 2005 World Summit,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Deeply concerned also that progress towards ending extreme poverty has been reversed, by three to four years at the global level and by eight to nine years in low-income countries, because of the effects of the coronavirus disease (COVID-19) pandemic in all countries of the world, with a disproportionate impact on all women's and girls' enjoyment of civil, political, social, economic and cultural rights,

Recognizing that those living in extreme poverty and in situations of vulnerability were the hardest hit by the pandemic and that the impact of the crisis has reversed hard-won development gains and hampered progress towards achieving the Sustainable Development Goals,

Reaffirming that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights, that its immediate alleviation and eventual eradication must remain a high priority for the international community and that the efforts towards the achievement of this goal should be strengthened,

Acknowledging that social protection floors facilitate the enjoyment of economic, social and cultural rights, including the rights to education, social security, work, including just and favourable conditions of work, the enjoyment of the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlining the importance of acting consistently to establish and/or further develop such floors, in compliance with the principles of non-discrimination and equality, gender equality, the inclusion of persons with disabilities, transparency, participation and accountability,

Acknowledging also the impact of the non-take-up of rights in the context of social protection on efforts to promote and protect human rights, eradicate poverty, reduce inequalities and encouraging States to take appropriate action to address this phenomenon as a priority in the fight against poverty,

Stressing that respect for all human rights – civil, political, economic, social and cultural rights – which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to effectively fight extreme poverty at the local and national levels,

Recalling its resolutions 5/1, on the institution-building of the Human Rights 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,

1. *Welcomes* the work of the Special Rapporteur on extreme poverty and human rights, including the thematic reports and country visits;¹⁴⁵

2. *Decides* to extend, for a period of three years, the mandate of Special Rapporteur on extreme poverty and human rights as set out in Human Rights Council resolution 8/11;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to the issue of extreme poverty and human rights, to pursue further work in this area in full cooperation with the Special Rapporteur in the various activities, and to continue to provide the Special Rapporteur with all the human and budgetary assistance necessary for the effective fulfilment of the mandate;

4. *Requests* the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programmes of work;

5. *Also requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, and to undertake thematic research with a view to advising States and relevant State institutions on the eradication of extreme poverty in the implementation of the 2030 Agenda, including with reference to targets 1.1, 1.3, 1.4 and 1.5 of the Sustainable Development Goals and other goals and targets relating to extreme poverty;

6. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his or her tasks, to supply all necessary information requested by the mandate holder and to respond favourably to the requests of the Special Rapporteur to visit their countries to enable the effective fulfilment of the mandate;

7. *Invites* relevant United Nations agencies, funds and programmes, the treaty bodies, other relevant mandate holders and civil society actors, including non-governmental

¹⁴⁵ [A/HRC/53/33](#) and [A/HRC/53/33/Add.1](#).

organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of the mandate;

8. *Decides* to continue its consideration of the issue of extreme poverty and human rights in accordance with its programme of work.

34th meeting
12 July 2023

[Adopted without a vote.]

53/11. 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 States Members of the United Nations 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, and recalling further the Paris Agreement,

Recalling further the United Nations Millennium Declaration, adopted on 8 September 2000, General Assembly resolution 77/213 of 15 December 2022, Human Rights Council resolution 50/4 of 7 July 2022 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,¹⁴⁶

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

¹⁴⁶ See E/CN.4/2001/2–E/CN.4/Sub.2/2000/46, chap. II, sect. A.

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 the tenth and twentieth anniversaries of the adoption of the Durban Declaration and Programme of Action,¹⁴⁷ and their role in the enhancement of international cooperation in the field of human rights,

Deeply concerned about the impact of the coronavirus disease (COVID-19) pandemic on States' implementation of their human rights obligations and commitments, including the unprecedented challenges and inequalities in access to public services in many parts of the world,

Recalling 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, in which the Council expressed deep concern about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasized the importance of human rights in shaping the response to as well as inclusive recovery from the pandemic,

Recognizing the importance of the universality and indivisibility of all human rights, of robust and efficient public policies, of adequately resourced and fully functioning services and of cooperation at the national, regional and international levels for the progressive realization of all economic, social and cultural rights to address the continuing negative impact of 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",¹⁴⁸

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,

¹⁴⁷ See General Assembly resolutions 66/3 and 76/1.

¹⁴⁸ See General Assembly resolution 74/2.

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,

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 promoting and protecting human rights 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;¹⁴⁹

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

¹⁴⁹ [A/HRC/52/80](#).

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 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;

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 address the continuing negative impact of the coronavirus disease (COVID-19) pandemic;

29. *Requests* all 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, and requests the United Nations High Commissioner for Human Rights to undertake concrete activities in this regard, including by studying, promoting and preparing a compilation of best practices;

30. *Requests* the United Nations High Commissioner for Human Rights to organize a series of regional seminars, one for each of the five geographical regions, on the contribution of North-South, South-South and triangular cooperation to the enjoyment of all human rights, including the right to development, in order to allow States, relevant United Nations agencies, funds and programmes, international and regional organizations, national human rights institutions, civil society organizations and other stakeholders to augment their activities in identifying challenges and gaps and sharing good practices and experiences in this regard;

31. *Requests* the Secretary-General to provide all resources necessary for the above-mentioned regional seminars, its services and facilities, and requests the High Commissioner to prepare a summary report on the discussions held at the seminars and to present the report to the Human Rights Council at its sixtieth session;

32. *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;¹⁵⁰

33. *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-sixth session;

34. *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;

35. *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;

36. *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

¹⁵⁰ A/HRC/53/46.

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;

37. *Decides* to continue its consideration of the matter at its fifty-third sixth session, in accordance with its annual programme of work.

*34th meeting
12 July 2023*

[Adopted by a recorded vote of 33 to 13, with 1 abstention. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Mexico]

53/12. Mandate of Special Rapporteur on the independence of judges and lawyers

The Human Rights Council,

Recalling all its previous resolutions and decisions, as well as those of the Commission on Human Rights and the General Assembly, on the independence of the judiciary and on the integrity of the judicial system,

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 essential prerequisites for the protection of human rights and fundamental freedoms and the application of the rule of law and for ensuring fair trials without any discrimination,

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 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 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,

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of the mandate;

2. *Decides* to extend the mandate of Special Rapporteur on the independence of judges and lawyers for a period of three years on the same terms as provided by the Human Rights Council in its resolution 44/8 of 16 July 2020;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond to communications transmitted to them by the Special Rapporteur without undue delay, to consider responding favourably to his or her requests for visits and to consider implementing his or her recommendations;

4. *Encourages* the United Nations, including its specialized agencies, as well as regional organizations, national human rights institutions, independent experts, bar associations, professional associations of judges and prosecutors, non-governmental organizations and other relevant stakeholders, to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;

5. *Requests* the Secretary-General and 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 his or her mandate;

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

35th meeting
13 July 2023

[Adopted without a vote.]

53/13. Civil society space

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 and the Vienna Declaration and Programme of Action, and recognizing their continued significance and relevance in the context of their anniversaries, and guided further by the International Covenants on Human Rights and all other relevant instruments,

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, in particular in the context of its twenty-fifth anniversary,

Recalling Human Rights Council resolutions 24/21 of 27 September 2013 on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment, 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, 38/12 of 6 July 2018 on civil society space: engagement with international and regional organizations, and 47/3 of 26 July 2021 on civil society space: COVID-19: the road to recovery and the essential role of civil society,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; the promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

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,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the Charter, the promotion of human rights and fundamental freedoms, as set out in the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant human rights instruments, and the implementation of the 2030 Agenda for Sustainable Development, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter and international human rights law,

Recognizing that States have the primary responsibility to respect, protect and fulfil all human rights, including the prevention of human rights violations and abuses, and welcoming the contribution of civil society in this regard,

Recognizing also the contribution of and important and legitimate role played by civil society in the promotion and protection of human rights with regard to monitoring, documenting and raising awareness about human rights violations and abuses and promoting accountability and the rule of law,

Recalling Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Welcoming the recognition, within the 2030 Agenda, of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Noting with concern that civil society participation in decision-making processes has decreased and is less safe and inclusive, including as a result of the coronavirus disease (COVID-19) pandemic and related emergency measures, and underscoring the need to ensure and strengthen inclusive, diverse and meaningful participation, including in times of crisis, in accordance with States' obligations under international human rights law, without discrimination of any kind,

Stressing the importance of meaningful, safe and inclusive participation at all levels, coupled with effective measures to create and protect a safe and enabling environment for civil society and access to information, for effective crisis response, for building trust and resilience and for promoting human rights, peace and security and sustainable development,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination, attacks and unlawful or arbitrary surveillance, both online and offline, and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, arbitrary arrests and detention, abuse of criminal or civil proceedings or deplorable acts of intimidation and reprisal intended to hinder and prevent their cooperation with the United Nations and other international and regional bodies in the field of human rights, and strongly condemning all such violations and abuses,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, and recognizing that civil society, including underrepresented and excluded groups, should be consulted to facilitate meaningful, inclusive and diverse participation in decision-making processes at the national, regional and international levels,

Recognizing that digital technologies have expanded the capacities of individuals and civil society groups to conduct their work, to advance human rights and to enable diverse and inclusive engagement, and recognizing also that the digital divide, digital surveillance and undue restrictions, such as Internet shutdowns and online censorship, are not conducive to a safe and enabling space for civil society,

Stressing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue restrictions on funding to civil society actors undermine a safe and enabling environment for civil society, the rights to freedom of association and the ability to participate effectively and meaningfully in national, regional and international organizations,

1. *Reaffirms* that creating and maintaining a safe and enabling environment, both online and offline, in which civil society can operate free from hindrance and insecurity, assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Commends* the work of the Office of the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council to promote and

protect civil society space, both online and offline, including their work on widening the democratic space, and invites them to continue their efforts in this regard;

3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights entitled “Civil society space: COVID-19: the road to recovery and the essential role of civil society”;¹⁵¹

4. *Urges* States to recognize and promote the important role of a diverse and pluralistic civil society and to acknowledge the important contribution of civil society, including grass-roots organizations, human rights defenders, journalists and media workers, to the promotion of human rights, including the principle of non-discrimination, and to ensure a safe and enabling environment for their work, both online and offline;

5. *Also urges* States to ensure that legislation, policies and practices do not undermine the capacity of civil society to operate free from hindrance and insecurity;

6. *Encourages* 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, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including Indigenous Peoples and others not associated with or organized in non-governmental organizations;

7. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, participation in conferences, the sharing of expertise and knowledge, engagement in decision-making processes, and implementation, monitoring and evaluation processes, once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms, and urges States to refrain from practices that prevent or hinder such access and communication;

8. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

9. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review, in compliance with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011;

10. *Encourages* States and regional and international organizations to put in place transparent, fair and gender-responsive accreditation processes that deliver prompt decisions and respect human rights, including by establishing grievance mechanisms for redress, and to address any erroneous accreditation decisions;

11. *Calls upon* States and encourages international and regional organizations to review, and update as appropriate, their frameworks for engagement with civil society and ensure that those frameworks reflect and respond to the challenges faced, including by taking measures to tackle barriers to participation by underrepresented parts of civil society, and also calls upon States to enable and institutionalize meaningful online participation in hybrid meetings;

¹⁵¹ [A/HRC/51/13](#).

12. *Also calls upon* States to ensure that provisions on funding to 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 underlines the importance of the ability to solicit, receive and utilize resources for their work;

13. *Urges* States to create and maintain a safe and enabling environment, online and offline, in which civil society can operate free from hindrance, insecurity and reprisals, including by putting in place and, where necessary, reviewing and amending relevant laws, policies, institutions and mechanisms, and also urges States to ensure that such measures are gender-, disability- and age-responsive, address racism, racial discrimination, xenophobia and related intolerance, and take into account the needs of different groups and the online dimension of threats and attacks;

14. *Also urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, including human rights defenders, to investigate any such alleged acts, to ensure access to justice and accountability and to end impunity where such violations and abuses have occurred;

15. *Calls upon* States to establish or enhance information-gathering and monitoring mechanisms, such as databases, including by benefiting from data collected by civil society and the media, to permit the collection, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against civil society, including human rights defenders, journalists and media workers, and to do their utmost to make data available to relevant entities, in particular the Office of the High Commissioner;

16. *Requests* the United Nations High Commissioner for Human Rights to prepare a thematic report that identifies challenges and best practices in regularly assessing civic space trends and contains recommendations with a view to enhancing information-gathering on civic space, and also requests the High Commissioner, in the preparation of the report, to draw on the views of States, civil society non-governmental organizations, national human rights institutions and other relevant stakeholders, including special procedure mandate holders, and to present the report to the Human Rights Council at its fifty-sixth session;

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

*35th meeting
13 July 2023*

[Adopted without a vote.]

53/14. Special Rapporteur on the rights of persons with disabilities

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and guided also by the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

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 rights and freedoms without discrimination of any kind,

Recalling also the 2030 Agenda for Sustainable Development and the commitment therein to leave no one behind,

Deeply concerned that, in all parts of the world, persons with disabilities continue to face barriers in their participation as equal members of society and violations and abuses of their human rights, and conscious that greater attention and commitment is needed to address these challenges,

Recalling Security Council resolution 2475 (2019) of 20 June 2019, in which the Council addressed the disproportionate impact of armed conflict and related humanitarian crises on persons with disabilities and recognized the critical contributions of persons with disabilities and their representative organizations to conflict prevention, resolution, reconciliation, reconstruction, peacebuilding and addressing the root causes of conflict,

Recalling also that the Sendai Framework for Disaster Risk Reduction 2015–2030 promotes disability-inclusive and accessible disaster risk reduction practices,

Recalling further all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons with disabilities,

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 Human Rights Council, of 18 June 2007, and stressing that mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 26/20 of 27 June 2014, 35/6 of 22 June 2017 and 44/10 of 16 July 2020,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against persons with disabilities and to respect, protect and fulfil their human rights;

2. *Welcomes* the work of the Special Rapporteur on the rights of persons with disabilities;

3. *Decides* to extend the mandate of Special Rapporteur on the rights of persons with disabilities for a further period of three years, with the following mandate:

(a) To develop a regular dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, funds and programmes, regional organizations working in the field of human rights, national human rights institutions, national independent monitoring frameworks designated under article 33 (2) of the Convention on the Rights of Persons with Disabilities, persons with disabilities and their representative organizations, other civil society organizations and academia, to identify, exchange, promote and disseminate good practices relating to the realization of the rights of persons with disabilities and their participation as equal members of society, including in humanitarian situations;

(b) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including persons with disabilities and their representative organizations and other civil society organizations, on violations and abuses of the rights of persons with disabilities;

(c) To make concrete recommendations on how to better promote and protect all human rights of persons with disabilities, including on eliminating discrimination, violence and social exclusion, how to contribute to the realization of the Sustainable Development Goals for persons with disabilities, and related data-collection efforts, how to promote development that is inclusive of and accessible to persons with disabilities, and how to promote their role as both agents for and beneficiaries of development;

(d) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of persons with disabilities;

(e) To raise awareness of the rights of persons with disabilities, to combat stigma, stereotypes, prejudices, segregation and all harmful practices that hinder their opportunity to fully enjoy their human rights to participate in society on an equal basis with others, to promote awareness of their positive contributions and to inform persons with disabilities about their rights;

(f) To contribute closely to the implementation of the United Nations Disability Inclusion Strategy and other efforts to ensure that the United Nations system is fit for purpose in relation to disability inclusion;

(g) To work closely with the special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies, in particular the Committee on the Rights of Persons with Disabilities, and other relevant United Nations agencies, funds and programmes, including the United Nations Partnership to Promote the Rights of Persons with Disabilities, and the Special Envoy of the Secretary-General on Disability and Accessibility with a view to avoiding unnecessary duplication, including in relation to communications;

(h) To cooperate closely with the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Commission for Social Development, including by participating in their annual sessions upon request;

(i) To integrate a cross-disability, age and gender perspective throughout the work of the mandate and to address the multiple, intersecting and aggravated forms of discrimination faced by persons with disabilities;

(j) To promote both the universal ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and their implementation by States parties to ensure and promote the full realization of all human rights and fundamental freedoms for persons with disabilities, without discrimination of any kind;

(k) To continue to report annually to the Human Rights Council and to the General Assembly, in accessible formats, including Braille and easy-to-read reports, and International Sign interpretation and closed captioning during the presentation of the reports, and in accordance with their respective programmes of work;

4. *Calls upon* all States to cooperate with the Special Rapporteur in the performance of his or her mandate, including by providing all necessary information requested, to give serious consideration to responding favourably to requests to visit their countries, and to consider the conclusions and appropriate follow-up, and implementing the recommendations made by the mandate holder in his or her reports;

5. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, regional organizations working in the field of human rights, national human rights institutions, national independent monitoring frameworks, academia, the private sector, donors and development agencies, to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil his or her mandate;

6. *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 and the Optional Protocol thereto as a matter of priority;

7. *Requests* the Secretary-General to bring the reports of the Special Rapporteur to the attention of the Committee on the Rights of Persons with Disabilities, the Conference of States Parties, the Commission for Social Development and the Special Envoy of the Secretary-General on Disability and Accessibility for their information and to avoid unnecessary duplication;

8. *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 resources necessary for the effective fulfilment of his or her mandate.

*35th meeting
13 July 2023*

[Adopted without a vote.]

53/15. Impact of arms transfers on human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the obligations of States to respect, promote and protect the human rights of all individuals within their jurisdictions,

Recalling also the inherent right to the individual or collective self-defence of States, as recognized in Article 51 of the Charter,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security, and recognizing that peace and security, development and human rights are interlinked and mutually reinforcing,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Protocols Additional thereto of 8 June 1977, 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 Suppression and Punishment of the Crime of Apartheid, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling also Human Rights Council resolutions 24/35 of 27 September 2013, 32/12 of 1 July 2016, 38/10 of 5 July 2018, 41/20 of 12 July 2019, 45/13 of 6 October 2020, 47/17 of 13 July 2021 and 50/12 of 7 July 2022, as well as 44/12 of 16 July 2020,

Acknowledging that millions of people around the world are affected by varied serious human rights violations and abuses resulting from or facilitated by the diversion of arms and unregulated or illicit arms transfers, and that these have a multiplier effect on human rights abuses and violations, including the right to life and security of person, the rights to education and to enjoy the highest attainable standard of physical and mental health, and other civil, political, economic, social and cultural rights,

Acknowledging also that ownership and use of arms are closely linked to specific dynamics of control, power, domination and strength, that the misuse of arms can cause and perpetuate gender-based violence and that addressing gendered root causes of violence is essential,

Recognizing with concern that the diversion of arms and unregulated or illicit arms transfers have negative humanitarian, development and socioeconomic consequences, exacerbate armed conflicts and violence and have a negative impact on the enjoyment of human rights, including through the commission and facilitation of sexual and gender-based violence against women and girls, violations of the rights of children and youth and other types of violations and abuses of international human rights law and violations of international humanitarian law,

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

Recalling States' obligations and commitments under international human rights law and obligations under international humanitarian law, as well as other principles and provisions relating to international human rights law and international humanitarian law and to the promotion of responsible action by States, including exercising due diligence, as contained in the Arms Trade Treaty and in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and other relevant instruments,

Recalling also 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 enacting and enforcing relevant national legislation and implementing related policies and practices on arms transfers,

Reaffirming that all efforts should be made to ensure the prevention and cessation of all violations and abuses of international human rights law and all violations of international

humanitarian law resulting from arms transfers, including the diversion of arms and unregulated or illicit arms transfers, and to ensure the full respect of obligations under these international legal frameworks, as applicable,

Taking note of the report of the Secretary-General on the protection of civilians in armed conflict,¹⁵² in particular the recommendation contained therein that States should ensure respect for international humanitarian law and international human rights law, including through political dialogue, training and dissemination, joint operational planning, and conditioning arms exports on compliance with international humanitarian and human rights law,

Stressing the importance of preventing, mitigating and addressing the negative human rights impacts of the diversion of arms and unregulated or illicit arms transfers, including by adopting a human rights approach to arms transfer governance that takes into account, inter alia, the importance of meaningful public participation, accountability, the rule of law, equality and non-discrimination, with a view to promoting transparency and combating corruption,

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 that all business enterprises have the responsibility to respect human rights and should, inter alia, carry out human rights due diligence, appropriate to their size and circumstances, to identify, prevent, mitigate and account for how they address their impact on human rights, and that those business enterprises whose operations or operating contexts pose risks of human rights impacts should report formally on how they address them,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,¹⁵³ including target 16.4 of the Sustainable Development Goals, on significantly reducing illicit financial and arms flows by 2030, target 16.7, on ensuring responsive, inclusive, participatory and representative decision-making at all levels, target 16.6, on developing effective, accountable and transparent institutions at all levels, and target 16.3, on promoting the rule of law at the national and international levels and ensuring equal access to justice for all,

Acknowledging that, in accordance with the freedom to seek, receive and impart information, the public should have access to information on arms transfers and measures taken by States to prevent, mitigate and address diversion, which is critical to ensure transparency and combat corruption,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights,¹⁵⁴

1. *Expresses its deep concern* at the fact that the diversion of arms and unregulated or illicit arms transfers continue to contribute to seriously undermining the human rights of individuals, especially women, children, youth, older persons, persons with disabilities and persons in vulnerable, marginalized, conflict or crime-related situations;

2. *Notes with concern* that the diversion of arms and unregulated or illicit arms transfers have a severely negative impact on the full enjoyment of all human rights of all people, in particular women, children and youth and persons in vulnerable situations, and that lack of access to information may exacerbate that negative impact and may increase the risk of corruption involving both the public and the private sectors;

3. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable domestic laws, regulations and procedures, international obligations and other commitments, including exercising due diligence, 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;

¹⁵² S/2023/345.

¹⁵³ General Assembly resolution 70/1.

¹⁵⁴ A/HRC/51/15.

4. *Calls upon* States to implement, as appropriate, the recommendations contained in the report of the Office of the United Nations High Commissioner for Human Rights on the impact of arms transfers on human rights,¹⁵⁵ and to establish a comprehensive approach for safeguarding human rights from the negative impact of the uncontrolled proliferation of arms;

5. *Also calls upon* States to consider adopting appropriate measures to enable the tracing of arms in their production, sale and transfer, including by requiring human rights due diligence, in order to avoid risks of diversion of arms, unregulated or illicit arms transfers or illicit arms trafficking;

6. *Requests* the Office of the High Commissioner to prepare, in consultation with States, United Nations agencies and other relevant stakeholders, an analytical report on the impact of arms transfers, including the diversion of arms and unregulated or illicit arms transfers, on the enjoyment of human rights, with a focus on the role of access to information in preventing, mitigating and responding to the negative human rights impact thereof, and to present the report to the Human Rights Council at its fifty-sixth session;

7. *Also requests* the Office of the High Commissioner to organize a full-day intersessional workshop to hold stocktaking discussions on the role of States and the private sector in preventing, addressing and mitigating the negative human rights impact of arms transfers, including the diversion of arms and unregulated or illicit arms transfers, to be held before the fifty-seventh session of the Human Rights Council and open to the participation of States, relevant treaty bodies and mandate holders and members of academia, civil society and other relevant stakeholders, to inform the preparation of a report on gaps and future steps on the subject, to be presented to the Council at its fifty-eighth session;

8. *Invites* all relevant special procedures, commissions of inquiry and other relevant mechanisms of the Human Rights Council and human rights treaty bodies to bear the present resolution in mind within the framework of their respective mandates;

9. *Decides* to remain seized of this issue.

35th meeting

13 July 2023

[Adopted without a vote.]

53/16. The right to a nationality: equality in nationality rights in law and in practice

The Human Rights Council,

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

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality, and article 2 of the same Declaration, according to which everyone is entitled to the rights and freedoms set forth in the Declaration without distinction of any kind,

Recalling its adoption of resolutions 52/25 of 4 April 2023 on birth registration and the right of everyone to recognition everywhere as a person before the law, 49/14 of 31 March 2022 on rights of persons belonging to national or ethnic, religious and linguistic minorities, 32/7 of 30 June 2016 on the right to a nationality, and 32/5 of 30 June 2016 on human rights and arbitrary deprivation of nationality, and other relevant resolutions,

Bearing in mind the challenges still faced by all States throughout the world to achieve equality and to prevent discrimination on the basis of, inter alia, race, colour, age, gender, ethnicity, language, religion or belief, political opinion, national or social origin, belonging

¹⁵⁵ Ibid.

to national or ethnic, religious and linguistic minorities, marital status, Indigenous origin or identity, property, birth or disability,

Noting the provisions of international and regional human rights treaties recognizing rights related to non-discrimination and nationality, including article 24 of the International Covenant on Civil and Political Rights, articles 7 and 8 of the Convention on the Rights of the Child, articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 18 of the Convention on the Rights of Persons with Disabilities, article 29 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness, the Convention Relating to the Status of Refugees, as well as other human rights instruments, including article 6 of the United Nations Declaration on the Rights of Indigenous Peoples,

Recognizing that the majority of the world's known stateless populations are persons belonging to national or ethnic, religious, and linguistic minorities, and that discriminatory nationality laws, policies, and practices are a major cause of statelessness,¹⁵⁶

Recognizing also that discrimination, including multiple and intersecting forms of discrimination, in nationality laws, policies and practices can cause and perpetuate statelessness, and that stateless status can further heighten other forms of discrimination,

Noting that, in its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women seeks to ensure gender equality in the ability to confer their nationality on their children and spouse, and to acquire, change or retain their nationality,

Recalling that paragraph 56 of the Durban Programme of Action, inter alia, urges States to take measures to guarantee, without discrimination, immediate registration of birth for children,

Noting the provisions of international human rights treaties recognizing the right of every child to acquire a nationality and specifying the obligations of States parties to register every child immediately after birth, including internally displaced, refugee, asylum-seeker and migrant children, inter alia article 24, paragraphs 2 and 3 of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Rights of the Child and article 18, paragraph 1 (a) of the Convention on the Rights of Persons with Disabilities, article 29 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the role that birth registration plays in confirming nationality and preventing statelessness,

Welcoming the Office of the United Nations High Commissioner for Refugees Global Campaign to End Statelessness by 2024 and the Global Action Plan to End Statelessness, which call for the removal of discrimination from nationality laws worldwide and for the prevention of denial, loss or deprivation of nationality on discriminatory grounds, and also calls for action as a crucial step to eradicating statelessness, and welcoming further the initiative taken to form the Global Alliance to End Statelessness,

Welcoming also the Global Campaign for Equal Nationality Rights by an international coalition of organizations concerned by this issue,

Taking note with appreciation of civil society initiatives to prevent discrimination against all women and girls in nationality rights in law and in practice, and in particular efforts to ensure the participation of stateless persons in such initiatives, including the 2019 World Conference on Statelessness in the Hague, the 2024 World Conference on Statelessness in Kuala Lumpur, the work of organizations led by those affected by statelessness and of international, regional and national organizations dedicated to this issue, and efforts to establish a global statelessness movement,

¹⁵⁶ See www.ohchr.org/sites/default/files/2022-01/OHCHR-UNHCR-Event-Outcome.pdf.

Reaffirming the 2030 Agenda for Sustainable Development, which includes targets on ending all forms of discrimination against all women and girls, eliminating discriminatory laws, policies and practices, promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and providing a legal identity for all, including birth registration, and recognizing that equal nationality rights for all women and girls contributes to the achievement of the 2030 Agenda,

Welcoming the adoption of the political declaration of the 2019 high-level political forum on sustainable development convened under the auspices of the General Assembly¹⁵⁷ accelerating the implementation of the 2030 Agenda for Sustainable Development, including the call to action to leave no one behind, and the 360 pledges submitted on the occasion of the Office of the United Nations High Commissioner for Refugees high-level segment on statelessness in October 2019, by States, civil society organizations, and international and regional organizations to address statelessness, and noting the 58 pledges submitted on the occasion of the 2019 Global Refugee Forum and the 2021 High-Level Officials Meeting,

Noting regional initiatives that promote equal nationality rights for all,

Welcoming the actions taken by States to reform, or to make a clear commitment to reform, their nationality laws to address statelessness and grant equal nationality rights to persons without discrimination or the arbitrary deprivation of nationality,

Noting that some of the situations involving the arbitrary deprivation of nationality remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

Recognizing that discrimination against all women and girls in nationality laws persists in almost all regions of the world and remains a significant cause of statelessness, gender-based violence and other human rights violations and abuses, and can have far-reaching consequences for affected persons and their family members, including lack of documentation, which increases vulnerability to human rights violations and abuses, arbitrary arrest and detention, inability to work and marry legally, lack of freedom of movement, the worst forms of child labour, child, early and forced marriage, denial of property and land ownership, family separation, diminished access to education and health care, economic hardship, trafficking in persons and social and political marginalization, and contributes to multiple forms of gender-based violence,

Noting that, among displaced migrant, refugee and asylum-seeker populations, gender inequality in nationality laws may leave children born in woman-headed households, including those headed by Indigenous women, at risk of statelessness and may pose a barrier to children's eventual voluntary return to the country of their parents' residence,

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that everyone has the right to a nationality, without distinction of any kind;

2. *Recognizes* that it is up to each State to determine by law who its nationals are, provided that such determination is consistent with its obligations under international law, including with respect to non-discrimination;

3. *Calls upon* all States to adopt and implement nationality legislation, consistent with their obligations under international law, including with respect to the elimination of all forms of discrimination, with a view to preventing and reducing statelessness;

4. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation, policies and practices, in a manner consistent with their respective obligations under international law, with a view to avoiding statelessness and loss of nationality, preventing vulnerability to human rights violations and abuses, decreasing the risk of exploitation and abuse, and eliminating discrimination against all women and girls in the acquisition, change, retention or conferral of nationality;

¹⁵⁷ General Assembly resolution 74/4.

5. *Urges* States to take immediate steps to reform nationality laws that discriminate against women regarding the acquisition, change or retention of their nationality and the conferral of nationality on their children and spouses;

6. *Urges* States that have reformed nationality laws to ensure the effective implementation of those laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society;

7. *Urges* States to refrain from gender-based discrimination in access to documents used to prove nationality, in particular passports, identity documents and birth certificates, and, where relevant, marriage certificates;

8. *Calls upon* States to identify and remove physical, administrative, procedural and any other barriers that impede access to registration of vital events, including birth, marriage and death registration, and also calls upon States to establish or strengthen existing institutions at all levels responsible for birth registration and to remove barriers to birth registration due to discrimination, including against unwed mothers, and policies requiring proof of marriage for a parent to register their child's birth, including for internally displaced persons, refugees and asylum-seekers;

9. *Also calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities, including those in hard-to-reach areas or nomadic persons, are aware of and able to exercise their rights, including the right of everyone to a nationality, as set out in article 15 of the Universal Declaration of Human Rights and complemented by the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights commitments, 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 effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

10. *Further calls upon* States to review their laws, policies and practices that may cause statelessness, and directly engage with affected individuals to identify challenges and find solutions;

11. *Calls upon* States to ensure that effective and appropriate remedies are available to all persons, including women, children, persons with disabilities, Indigenous individuals, persons of African descent, and persons belonging to national or ethnic, religious and linguistic minorities, whose rights related to nationality have been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

12. *Encourages* States to continue to raise these issues in the context of the universal periodic review and to consider recommendations towards promoting equality in nationality rights in law and in practice;

13. *Also encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and relevant international human rights conventions if they have not already done so;

14. *Calls upon* States to implement their international legal obligations to prevent and combat trafficking in persons, and also to identify potential victims and survivors of trafficking within mixed migration flows and to provide appropriate assistance to persons who may be victims of trafficking, including stateless persons, and those at risk of statelessness as a result of trafficking, paying particular attention to the needs of women and children in vulnerable situations;

15. *Calls upon* all States to ensure that all persons, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

16. *Encourages* States to facilitate, in accordance with their national laws, the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless;

17. *Urges* States to take concrete action to ensure the full and effective implementation of the Beijing Declaration and Platform for Action and the outcomes of its reviews, and to ensure non-discrimination under the law, including with respect to nationality;

18. *Recognizes* the importance of international cooperation, and encourages States to request technical assistance, if required and where appropriate, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders, in order to make reforms to eliminate from their nationality laws all forms of discrimination against women;

19. *Encourages* States to address the challenge of statelessness and vulnerability that emerges when human rights are not fully respected and implemented, and when developing, implementing and monitoring national plans of action or other relevant mechanisms for the realization of the 2030 Agenda for Sustainable Development, recognizing the need to achieve gender equality and to empower all women and girls and the importance of providing legal identity for all, and to leave no one behind, and encourages development actors to support the capacity of Governments to implement these efforts;

20. *Also encourages* States to develop and implement national plans of action to end statelessness, in consultation with organizations led by those affected by statelessness and wider civil society, and encourages the Office of the United Nations High Commissioner for Refugees and other concerned United Nations agencies to provide technical assistance to support these efforts, if requested and as appropriate;

21. *Requests* the United Nations High Commissioner for Human Rights, in coordination with the Office of the United Nations High Commissioner for Refugees:

(a) To organize, prior to the fifty-sixth session of the Human Rights Council, a half-day expert workshop, in an accessible format, to showcase best practices in the promotion of equal nationality rights in law and in practice;

(b) To encourage States, relevant United Nations bodies, agencies, funds and programmes, intergovernmental organizations, the treaty bodies, the special procedures of the Human Rights Council, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the workshop, and to take special measures to facilitate the participation of persons affected by statelessness in the workshop;

(c) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its fifty-seventh session.

*35th meeting
13 July 2023*

[Adopted without a vote.]

53/17. The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, which will mark its seventy-fifth anniversary on 10 December 2023, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also that the United Nations Convention against Corruption, which has 140 signatories and 189 parties, of which 184 are States Members of the United Nations, has been the most comprehensive and universal instrument on corruption, the purposes of which

are outlined in its article 1, and that the Convention will mark the twentieth anniversary of its adoption on 31 October 2023,

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Noting with interest the outcomes of the sessions of the Conference of the States Parties to the United Nations Convention against Corruption, and stressing the need for States parties to the Convention to ensure the effective implementation of the decisions and resolutions adopted by the Conference,

Welcoming the upcoming tenth session of the Conference of the States Parties to the Convention, to be held in the United States of America in December 2023,

Welcoming also the Sustainable Development Goals Summit to be held in September 2023 to review the implementation of the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals,

Taking note of the report of the United Nations High Commissioner for Human Rights on the intersessional panel discussion on challenges and good practices in the prevention of corruption, and the impact of corruption on the enjoyment of human rights in the context of the coronavirus disease (COVID-19) pandemic,¹⁵⁸

Acknowledging that the poor and those in marginalized and vulnerable situations are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that the promotion and protection of human rights and the prevention of and fight against corruption are mutually reinforcing, and that improvements in the promotion and protection of human rights at the domestic level have a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing also that good governance, democracy and the rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential in domestic efforts to prevent and fight against corruption,

Highlighting the often transnational character of corruption and the consequential need for international cooperation and technical assistance to prevent and combat corruption in all its forms and to recover assets of illicit origin derived from acts of corruption, as set forth in the Convention against Corruption,

Recognizing the importance of creating a safe and enabling environment, in law and in practice, for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors, lawyers and judges, and of protecting these individuals from any threats arising from their activities in preventing and fighting corruption,

Recognizing also that an independent, free, diverse and pluralistic media landscape plays an important role in ensuring accountability, transparency and scrutiny, which includes reporting on, investigating and exposing corruption and increasing public awareness of the link between corruption and human rights violations,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, objective and impartial prosecution and the integrity of the judicial system to prevent and fight corruption and to address its negative impact on human rights, in line with the rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination of any kind,

Emphasizing that human rights education, awareness-raising campaigns, technology and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impact arising from acts of corruption involving State and non-State actors, including the private sector, through effective regulatory and independent investigative mechanisms, with a view

¹⁵⁸ [A/HRC/51/14](#).

to holding perpetrators to account, recovering assets derived from acts of corruption and providing redress to victims, in accordance with the provisions of the Convention against Corruption, including chapter V thereof,

Recalling the obligation of States parties to the Convention against Corruption to develop, implement or maintain effective, coordinated anti-corruption policies in accordance with article 5 of the Convention, and inviting all States to address the prevention and effect of corruption in the development of relevant national plans of action, including plans on business and human rights,

Highlighting that States should, in accordance with their respective legal systems, endeavour to establish and promote effective practices and tools aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impact of economic activities,

Recognizing that corruption is even more damaging in times of crisis, has the potential to seriously undermine good governance around the world, erodes public trust in government and constitutes an obstacle to work to achieve the Sustainable Development Goals,

Acknowledging that the diversion of critical resources due to corruption poses an even greater threat to the ability of States to protect the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right to life,

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights through their complaint procedures, investigations and analysis,

Recognizing the opportunities provided by open data and digital technologies to strengthen the transparency, accountability, efficiency and effectiveness of public administration and international cooperation and to prevent, detect and investigate corruption,

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of Human Rights Council mechanisms, such as the universal periodic review, and the treaty bodies in raising awareness and strengthening the commitment to tackle the negative impact of corruption on the enjoyment of human rights,

Underlining also the importance of mainstreaming anti-corruption efforts into national development strategies and processes in order to address corruption and to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the Convention against Corruption through appropriate measures, such as the development of national plans of action to strengthen the implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting States parties in meeting the objectives of the Convention through an inclusive and transparent process,

1. *Urges* States that have not yet ratified or acceded to the United Nations Convention against Corruption to consider doing so, calls upon States parties to the Convention to effectively implement it and to participate in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and encourages States parties to publish their country reports prepared under the Mechanism;

2. *Recognizes* the negative impact of widespread corruption on the enjoyment of human rights, including by reducing the resources available for all sectors, thereby hampering the realization of all human rights;

3. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5, on substantially reducing corruption and bribery in all their forms;

4. *Also welcomes* the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, adopted by the General Assembly on 2 June 2021 at its special session against corruption;¹⁵⁹

5. *Underlines* the necessity to step up cooperation and coordination among different stakeholders, including the private sector and civil society at the national, regional and international levels, to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;

6. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, calls for the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

7. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society, media workers, media outlets and journalists can operate free from hindrance and insecurity;

8. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be addressed through anti-corruption education, notes with appreciation the capacity-building activities and specialized curricula developed by the United Nations Office on Drugs and Crime and relevant institutions, such as the International Anti-Corruption Academy, and encourages the latter, as well as other international and regional anti-corruption organizations, to strengthen their cooperation with the Office and other relevant United Nations entities to enhance the effectiveness of anti-corruption education, facilitate anti-corruption research, implement teaching and learning programmes and increase public awareness of the causes and risks associated with corruption;

9. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and plans of action to fight corruption and its negative impact on the enjoyment of human rights;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the Convention, to continue to exchange views, explore opportunities for closer cooperation and keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights, as appropriate and within their respective mandates, under the aegis of the United Nations Office on Drugs and Crime;

11. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights;

12. *Stresses* the importance of policy coherence among the intergovernmental processes in Geneva, Vienna and New York on the issue of corruption and its impact on the enjoyment of human rights, and recalls that the United Nations Office on Drugs and Crime remains the leading body with respect to the coordination of Convention against Corruption issues within the United Nations system;

13. *Requests* the Office of the High Commissioner to organize an intersessional half-day expert seminar, in a hybrid format and fully accessible to persons with disabilities, before the fifty-seventh session of the Human Rights Council, to share good practices, achievements, challenges and lessons learned in the promotion and protection of economic, social and cultural rights in anti-corruption efforts in the context of recovery from the coronavirus disease (COVID-19) pandemic;

¹⁵⁹ General Assembly resolution S-32/1, annex.

14. *Requests* that the above-mentioned expert seminar be organized in coordination with relevant United Nations agencies, funds and programmes, including the United Nations Office on Drugs and Crime, and that the Office of the High Commissioner liaise with relevant United Nations and regional human rights mechanisms, international financial institutions, national human rights and anti-corruption institutions and civil society organizations to that end;

15. *Requests* the Office of the High Commissioner to prepare a summary report on the above-mentioned expert seminar and to present it to the Human Rights Council at its fifty-eighth session and to share it with the secretariat of the United Nations Office on Drugs and Crime;

16. *Decides* to remain seized of this issue.

35th meeting
13 July 2023

[Adopted without a vote.]

53/18. 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,

Condemning the grave situation of human rights across the Syrian Arab Republic, and demanding that the Syrian regime meet its 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 findings of the Office of the United Nations High Commissioner for Human Rights and the Independent International Commission of Inquiry on the Syrian Arab Republic, including its most recent report,¹⁶⁰ in which it documented continued violations of international human rights law and international humanitarian law, including those involving attacks against civilians and civilian objects, arbitrary arrests, enforced disappearances and deaths in detention due to ill-treatment, including torture or lack of access to medical care, and arbitrary arrests upon return to the Syrian Arab Republic,

Noting that gender equality and the condemnation of discrimination and violence against women and girls have 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,

Noting with deep concern the finding by the Commission of Inquiry 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, and that the legal framework fails to effectively protect victims, including survivors, and constitutes a barrier to accountability,

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 is often exacerbated by the enforced disappearance of male members of their families, increased caring responsibilities and alarming levels of violence in the home and in wider society,

¹⁶⁰ [A/HRC/52/69](#).

Recalling 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,¹⁶¹

Noting with concern the findings of the Commission of Inquiry, including in its paper entitled “Gendered impact of the conflict in the Syrian Arab Republic on women and girls”, that, throughout the conflict in the Syrian Arab Republic, women and girls have been targeted on the basis of their gender and that further harms have been inflicted through obstacles to exercising their rights, including property and inheritance rights and freedom of expression, and a lack of justice and redress for victims and survivors of sexual and gender-based violence,

Noting with concern also that refugee and internally displaced Syrian women and children are disproportionately affected by the loss of livelihoods and other effects during displacement, including killings, physical, emotional, psychological and sexual abuse, neglect, movement restrictions, child, early and forced marriage, child labour and trafficking, and often lack access to food, quality education, a livelihood and health care, including mental health care, adequate hygiene, including menstrual hygiene, and health-care services, as well as services related to gender-based violence,

Noting with grave concern that female detainees face additional challenges upon their release as a result of stigma in relation to sexual and gender-based violence, which often results in divorce, loss of documentation and custody of children, harassment and abuse,

Reaffirming that parties to the armed conflict bear the primary responsibility to take appropriate measures to account for persons reported missing as a result of hostilities and to put in place appropriate channels enabling response and communication with families on the search process, and recalling Security Council resolution 2474 (2019) of 11 June 2019, in which the Council called upon parties to armed conflict to take appropriate measures to prevent persons from going missing as a result of armed conflict,

Reiterating the crucial importance of women’s full, equal, meaningful, inclusive and safe participation and leadership in all 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 all subsequent resolutions,

Noting the need to ensure that measures to ensure justice and accountability for any crimes committed in the Syrian Arab Republic by all parties to the conflict are meaningful, inclusive and representative of the diverse experiences, perspectives and priorities of a broad range of victims and survivors, and in this regard welcoming the Gender Strategy and Implementation Plan 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 (2022),

Expressing its deepest condolences for the victims of the earthquakes of February 2023 that affected approximately 8.8 million people in the Syrian Arab Republic,¹⁶² noting their impact, and expressing deep concern about the impact of the earthquakes on women and girls, which could put them at a greater risk of human rights violations and abuses in addition to the existing crisis as a result of over a decade of devastating conflict and the already deteriorating humanitarian situation,

1. *Condemns* the targeting of women and girls and discriminatory laws or practices on the basis of gender by any parties to the conflict, predominantly the Syrian regime;

2. *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, including persons in detention and their families, in line with the recommendations agreed in

¹⁶¹ www.ohchr.org/en/statements/2022/04/update-general-assembly-missing-persons-syria.

¹⁶² See United Nations country team, Syrian Arab Republic, “Flash appeal: Syrian Arab Republic earthquake (February–May 2023)”, 18 February 2023.

the context of the universal periodic review,¹⁶³ 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 and the Optional Protocols thereto;

3. *Reiterates its deep concern* that nearly 7 million refugees have been forced to flee the Syrian Arab Republic and that nearly 7 million people have been displaced within it during the course of the conflict and at reports of demographic and social engineering throughout the country, and 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;

4. *Expresses grave concern* at the significant impact on women and children of the dire humanitarian conditions in all parts of the Syrian Arab Republic, and reaffirms the need for sustainable, safe, rapid and unhindered humanitarian assistance through all modalities, including the extension of cross-border assistance, for which there is no alternative that can match its scope and scale, beyond the six months authorized by the Security Council in its resolution 2672 (2023) of 9 January 2023;

5. *Calls upon* the Syrian authorities to protect returning refugees and internally displaced persons, in particular women and children, from human rights violations and abuses and to help to create the conditions necessary for the return of refugees, and recalls the finding of the Independent International Commission of Inquiry on the Syrian Arab Republic that the Syrian Arab Republic does not yet offer a safe and stable environment for the safe, voluntary and dignified return of refugees or for the 6.8 million persons displaced inside the country;

6. *Notes with great concern* that gendered practices, including forced conscription of men, enforced disappearance and arbitrary detention upon return to the Syrian Arab Republic, have resulted in the separation of women from male relatives and the loss of property deeds, including for women returnees, owing to existing gender norms and discriminatory inheritance practices in the Syrian Arab Republic;

7. *Demands* that the processes for reclaiming property required by authorities throughout the Syrian Arab Republic, predominantly the regime, comply with the principles on housing and property restitution for refugees and displaced persons and are equally accessible, in particular for women;

8. *Welcomes* the decision taken by the General Assembly to establish, under the auspices of the United Nations, the Independent Institution on Missing Persons in the Syrian Arab Republic to clarify the fate and whereabouts of all missing persons in the Syrian Arab Republic, provide adequate support to victims, survivors and the families of those missing and ensure the full and meaningful participation and representation of victims, survivors and the families of missing persons in the Syrian Arab Republic in its operationalization and work, including engagement with women's organizations and other civil society organizations, in a regular and sustained manner;

9. *Calls upon* all parties to the conflict, first and foremost the Syrian authorities, to release immediately all persons subjected to enforced disappearance in the Syrian Arab Republic and to provide accurate information to the families of those who are missing regarding their fate and whereabouts;

10. *Calls upon* all parties, predominantly the Syrian regime, to put in place effective administrative procedures to process, and release to relevant parties in a timely manner, civil documentation, including death certificates, and procedures relating to property registration, inheritance and custody in an equally accessible and affordable manner, in particular for all women and girls whose spouses are missing, disappeared or have been killed, and to end the requirement to obtain security clearances for these purposes;

¹⁶³ A/HRC/50/6.

11. *Reiterates* the demand that all parties to the conflict, but particularly the Syrian authorities, 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 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;

12. *Strongly condemns* all acts of sexual and gender-based violence and abuse in the Syrian Arab Republic, as documented by the Commission of Inquiry in its reports to date, recognizes the need for a victim- and survivor-centred and gender- and age-sensitive approach to preventing and responding to such violence, calls for immediate, adequate 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 all their human rights and to heed the recommendations made by the Commission of Inquiry;

13. *Reaffirms* the need to end impunity through the prosecution of perpetrators of crimes under national and international law, including sexual and gender-based violence, 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 that of the International Criminal Court;

14. *Welcomes* the fact that Canada and the Kingdom of the Netherlands recently initiated legal proceedings at the International Court of Justice to hold the Syrian Arab Republic accountable for torture and cruel, inhuman and degrading treatment and punishment of its own people, in breach of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

15. *Calls upon* all parties to the conflict to adopt a more effective 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 and girl human rights defenders and women peacebuilders and for the full, equal and meaningful and safe participation, representation and leadership of Syrian women in humanitarian and political decision-making;

16. *Condemns* restrictions imposed on journalists and civil society throughout the Syrian Arab Republic, in particular those campaigning against sexual and gender-based violence, notably women, whose activities have been disproportionately affected due to fears for personal safety;

17. *Demands* that all parties to the conflict respect the human rights of all persons, including their right to life, liberty and security of person and rights to freedom of expression, peaceful assembly, association and movement, without discrimination;

18. *Expresses its strong support* for the efforts of the Special Envoy of the Secretary-General for Syria to make progress in the political process and the work of the Constitutional Committee to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, and reaffirms the importance of the full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) in this regard, in particular the crucial role of the Syrian Women's Advisory Board and women-led Syrian civil society groups in their work to enhance the safe, full, equal and meaningful participation of women in the peace process;

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

35th meeting
13 July 2023

[Adopted by a recorded vote of 24 to 4, with 18 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gabon, Georgia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Paraguay, Qatar, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba and Eritrea

Abstaining:

Algeria, Bangladesh, Cameroon, Gambia, India, Kazakhstan, Kyrgyzstan, Malaysia, Morocco, Nepal, Pakistan, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam]

53/19. 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, 49/26 of 1 April 2022, 50/20 of 8 July 2022 and 52/29 of 4 April 2023, 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,

Recalling also the report of the rapporteur of the Organization for Security and Cooperation in Europe, appointed under the Moscow Mechanism, which was invoked with regard to credible reports of human rights violations and abuses before, during and after the presidential election of 9 August 2020 in Belarus, and the recommendations contained therein, the subsequent invocation of the Vienna Mechanism on 4 November 2021 in relation to serious human rights violations and abuses in Belarus, and the invocation of the Moscow Mechanism on 23 March 2023 with the mandate to examine “threats to the fulfilment of the provisions of the human dimension posed by human rights violations and abuses in the Republic of Belarus”, and the subsequent report of the rapporteur published on 11 May 2023, and the recommendations contained therein,

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;¹⁶⁴

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 rights to freedom of peaceful assembly, association and expression, both online and offline, resulting in the harassment, intimidation, repression and forced exile of civil society and independent media, and the continuously increasing number of arbitrary detentions and arrests, including those involving incommunicado detention, of individuals on politically

¹⁶⁴ [A/HRC/53/53](#).

motivated grounds or for exercising their human rights, including fundamental freedoms of journalists and other media workers, environmental and human rights defenders, among them women human rights defenders, medical workers, lawyers, cultural 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* the widespread and systematic violations of international human rights law reported by the United Nations High Commissioner for Human Rights¹⁶⁵ and the Special Rapporteur,¹⁶⁶ including arbitrary deprivation of the right to life and to liberty, and the 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 the denial of timely and adequate medical services 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, and notes with grave concern that, according to the High Commissioner, some of those violations may amount to crimes against humanity when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack;¹⁶⁷

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 an environment conducive to the functioning of genuinely independent media, both online and offline, including unhindered access to an open, interoperable, reliable and secure Internet;

5. *Deplores* the lack of independence of the judiciary and other violations of fair trial rights that have led to unjust criminal prosecution, conviction and sentencing of human rights defenders in Belarus for their legitimate human rights work, as well as the intimidation and disbarment of independent lawyers for providing services to the political opposition, human rights defenders and/or others arrested for politically motivated reasons;

6. *Notes with deep concern* the increasingly restrictive legal framework that further restricts the right to freedoms of opinion and expression and of peaceful assembly, online and offline, in violation of international human rights law or that leads to violations of other human rights, including the right to nationality and the right to own property, and especially targeting pro-democracy activists, peaceful protesters against the aggression by the Russian Federation against Ukraine, civil society actors, environmental and human rights defenders, including women human rights defenders, lawyers, independent media, journalists and other media workers, but also other individuals, including children, in particular the recent 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, the amendments to the Criminal Code, adopted in May and December 2021, criminalizing 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 and March 2023 expanding the use of the death penalty with the intent of repressing further the exercise of human rights in violation of international law, the amendments adopted in January 2023 to the Law on Citizenship allowing the revocation of citizenship of exiled Belarusians on politically motivated grounds, and particular amendments to the Constitution adopted in the referendum held on 27 February 2022;

¹⁶⁵ See [A/HRC/52/68](#).

¹⁶⁶ See [A/HRC/47/49](#).

¹⁶⁷ [A/HRC/52/68](#), para. 54.

7. *Strongly urges* the Belarusian authorities to fully respect, protect and fulfil all human rights in accordance with their obligations under international human rights law, including those under the International Covenants on Human 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 Persons with Disabilities and the Convention on the Rights of the Child;

8. *Urges* Belarus to consider re-acceding to the individual complaint procedure under the Optional Protocol to the International Covenant on Civil and Political Rights;

9. *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 and ensure equal protection of and by the law;

10. *Also demands* prompt, effective, thorough, transparent, independent and impartial investigations with a view to ensuring accountability in all cases of alleged human rights violations and abuses, especially those involving deaths, enforced disappearances, arbitrary detentions, torture and ill-treatment, including acts of sexual and gender-based violence, while ensuring that investigations of such crimes are gender- and age-responsive and that they address the full chain of command relevant to individual criminal responsibility, and that such accountability measures are comprehensive, covering also restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims and survivors, as appropriate;

11. *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 rights of all persons to due process and a fair trial, including the right to an effective review of sentences and convictions by a higher tribunal, to legal counsel of one's choosing, adequate time and facilities to prepare one's defence, 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;

12. *Calls upon* Belarus to stop and prevent violations and abuses of economic, social and cultural rights, and to cease discrimination and arbitrary dismissal from employment and studies, and to uphold academic freedoms and the free functioning of trade unions, cultural and representative organizations of persons in vulnerable situations in this context, and urges the Belarusian authorities to implement the recommendations of the Committee on Economic, Social and Cultural Rights;

13. *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;¹⁶⁸

14. *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 international human rights obligations 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;

15. *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

¹⁶⁸ [A/HRC/52/68](#).

and inclusiveness also in the process of the constitutional referendum held on 27 February 2022;

16. *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;

17. *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 equal access to inclusive, equitable and non-discriminatory quality education, and, stressing the need for the best interests of the child to be a primary consideration, 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, while noting that a few measures to prevent discrimination have already been implemented in Belarus;

18. *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, 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, and to create and maintain a safe enabling environment, both online and offline, in which civil society can operate free from arbitrary surveillance, hindrance and insecurity;

19. *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);

20. *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 regard to its use, especially in the context of the amendments to the Criminal Code adopted in May 2022 and March 2023 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;

21. *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-sixth session and to the General Assembly at its seventy-ninth session;

22. *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;

23. *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.

*35th meeting
13 July 2023*

[Adopted by a recorded vote of 20 to 6, with 21 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Czechia, Finland, France, Gambia, Germany, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan and Viet Nam

Abstaining:

Algeria, Bangladesh, Cameroon, Côte d'Ivoire, Gabon, Georgia, Honduras, India, Kyrgyzstan, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates and Uzbekistan]

53/20. 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 persons in situation of vulnerability living in poverty, 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 to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2024, 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 financing for development to the advancement of all human rights for all;

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 2024 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 2024 Social Forum;

7. *Requests* the United Nations High Commissioner for Human Rights to facilitate the participation in the 2024 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;

9. *Also decides* that the Social Forum will 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;

10. *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;

11. *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;

12. *Requests* the 2024 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its fifty-eighth session;

13. *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;

14. *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;

15. *Decides* to continue consideration of this issue at its fifty-sixth session under the same agenda item.

*35th meeting
13 July 2023*

[Adopted without a vote.]

53/21. The incompatibility between democracy and racism

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 Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents,

Recalling also the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling further the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Acknowledging that the Durban Declaration and Programme of Action, in its paragraphs 81 and 85, and the outcome document of the Durban Review Conference, in its paragraphs 10 and 11, recognize the incompatibility between democracy and racism,

Recalling General Assembly resolutions 68/237 of 23 December 2013, in which the Assembly proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme “People of African descent: recognition, justice and development”, and 69/16 of 18 November 2014, in which it adopted the programme of activities for the implementation of the International Decade for People of African Descent,

Recalling also Human Rights Council resolutions 38/19 of 6 July 2018, 29/20 of 2 July 2015 and 18/15 of 29 September 2011, Council decision 2/106 of 27 November 2006, and Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of 23 April 2002, 2003/41 of 23 April 2003, 2004/38 of 19 April 2004 and 2005/36 of 19 April 2005, on the incompatibility between democracy and racism,

Recalling further Human Rights Council resolution 48/2 of 7 October 2021, in which the Council emphasized the critical importance of full and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic growth, sustainable development and the advancement of gender equality, as well as for the realization of all human rights and fundamental freedoms,

Recalling Human Rights Council resolutions 28/14 of 26 March 2015, in which the Council reaffirmed that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and 39/11 of 28 September 2018, in which the Council took note with interest of the draft guidelines for States on the effective implementation of the right to participate in public affairs, and presented them as a set of orientations to States and, where appropriate, other relevant stakeholders,

Bearing in mind all relevant reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and of the United Nations High Commissioner for Human Rights with regard to the incompatibility between democracy and racism,

Recalling the intersessional high-level panel discussion on the incompatibility between democracy and racism, held in April 2019, and the summary report of the High Commissioner on the panel discussion, presented to the Council at its forty-second session,¹⁶⁹

Acknowledging the linkage and complementarity of the fight against racism, racial discrimination, xenophobia and related intolerance with the long-term construction of a democratic, non-discriminatory and multicultural society based on the recognition, respect and promotion of cultural, ethnic and religious diversity,

¹⁶⁹ [A/HRC/42/27](#).

Recognizing that the eradication of racism, racial discrimination, xenophobia and related intolerance is a key driver in the implementation of the 2030 Agenda for Sustainable Development,

Remaining alarmed at the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Emphasizing that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that acts of racial violence do not constitute legitimate expressions of opinion but rather unlawful acts or offences, and that when government officials and public authorities engage in such acts they undermine the principle of non-discrimination and endanger democracy,

Recognizing the importance of freedom of expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

Acknowledging that the exercise of the right to freedom of expression carries with it special duties and responsibilities, and that freedom of expression shall only be subject to certain restrictions that are provided for by law and are necessary for respect of the rights or reputations of others, including the principles of equality and non-discrimination,

Condemning political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, and legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Condemning also the use of hate speech, both online and offline, to provoke stigmatization and violence, and which might constitute an attempt to restrict the meaningful, inclusive and safe participation of persons, including women and children, and those belonging to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, in public and political affairs, in particular in relation to decision-making processes,

Emphasizing the importance of States reinforcing their commitment to promoting tolerance and human rights and to fighting racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance,

Recognizing the responsibility of States, the private sector, civil society organizations and persons in condemning racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts,

1. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies, legislative frameworks and judicial decisions violate human rights, as established in the relevant international and regional human rights instruments, and are incompatible with democracy, the rule of law and transparent and accountable governance;

2. *Expresses deep concern* about the rise of extremist political parties, movements and groups that seek to normalize racism, racial discrimination, xenophobia and related intolerance, both online and offline, particularly against migrants and refugees, and about the negative or derogatory stereotypes that incite hatred of and violence against them;

3. *Condemns* hate speech, both online and offline, against all persons, including women and children, and those belonging to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, and urges States to take measures to address it;

4. *Urges* States to develop comprehensive intersectional approaches grounded in international human rights law to counter all manifestations of racism, racial discrimination, xenophobia and related intolerance, including by extremist political leaders, parties, movements and groups, through solid legal frameworks, complemented by other measures, such as education and awareness-raising programmes, and the creation of a safe and enabling environment, offline and online, with a victim-centred and gender-responsive approach;

5. *Decides* to convene, before its fifty-sixth session, an intersessional high-level panel discussion on the incompatibility between democracy and racism, with a view to identifying good practices and challenges on the national, regional and international levels to the meaningful, inclusive and safe participation of persons, including women and children, and those belonging to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, in public and political affairs, in particular in relation to decision-making processes;

6. *Requests* the United Nations High Commissioner for Human Rights to organize a webcast of the panel discussion, to be held in a hybrid format, in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, national human rights institutions and specialized national equality bodies as appropriate, with a view to ensuring their participation in the panel discussion;

7. *Also requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its fifty-seventh session;

8. *Invites* the relevant mechanisms of the Human Rights Council and the United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from racism, racial discrimination, xenophobia and related intolerance in political circles, especially with regard to their incompatibility with democracy.

35th meeting
13 July 2023

[Adopted without a vote.]

53/22. Enhancement of technical cooperation and capacity-building in the field of human rights in Colombia to implement the recommendations of the Commission for the Clarification of Truth, Coexistence and Non-Repetition

The Human Rights Council,

Guided by the principles and purposes 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, 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 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance and other relevant international human rights conventions and instruments,

Recognizing the commitment of Colombia, as well as of the Latin American and the Caribbean region as a whole, to strive for the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all,

Stressing that the primary responsibility to respect, protect and fulfil human rights lies with States,

Recognizing the positive role played by civil society and human rights defenders in the promotion and protection of all human rights for all,

Recognizing also that the Government of Colombia maintains a policy of cooperation and collaboration with international human rights organizations and entities and that, at the request of the Commission on Human Rights on 23 April 1996, the United Nations High Commissioner for Human Rights established, with the approval of the Government of Colombia, a permanent office in Colombia in 1997, with monitoring and technical assistance functions,

Welcoming the new host country agreement signed in January 2023 by the Government of Colombia and the High Commissioner, whereby the presence of the office in Colombia is extended until at least 2032,

Recognizing the commitment of Colombia to peace through the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, signed in November 2016 between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP), and mindful of the functions given to the Office of the United Nations High Commissioner for Human Rights in the context of the peace agreement, in addition to the Office’s monitoring and technical assistance functions enshrined in the mandate given by the Commission on Human Rights on 23 April 1996 and in the host country agreement signed in January 2023 and based on the mandate of the High Commissioner under General Assembly resolution 48/141 of 20 December 1993,

Bearing in mind the importance of the existing structures and mandates from the United Nations system in the country and the need to avoid duplication or the overlapping of their functions and to ensure they are complementary,

Taking into account the importance of international support, including from civil society, for the efforts of Colombia to implement fully all provisions of the peace agreement, including through the technical assistance and cooperation of the Office of the High Commissioner,

Acknowledging the important work carried out by the United Nations Verification Mission in Colombia, whose mandate was established by the Security Council in its resolution 2366 (2017) of 10 July 2017 and extended by resolution 2673 (2023) of 11 January 2023, and duly noting the reference to obstacles to the implementation of the peace agreement contained in the report of the Secretary-General on the Verification Mission,¹⁷⁰

Acknowledging also the continued support provided by the Mission to Support the Peace Process in Colombia of the Organization of American States, accompanying peace efforts in the territories most affected by the internal armed conflict, organized crime and inequality,

Recognizing the important role played by the host country of the peace talks and the guarantors and accompanying countries of the peace process that began in Oslo on 18 October 2012, and reached a peace agreement with the Revolutionary Armed Forces of Colombia – People’s Army on 12 November 2016 in Havana, as well as the invaluable support of all guarantors and companions in the peace negotiations with the National Liberation Army (ELN),

Recognizing also the work carried out by the Commission for the Clarification of Truth, Coexistence and Non-Repitition to identify and clarify the patterns and causes of human rights violations and grave breaches of international humanitarian law in the context of the armed conflict in Colombia, as well as promoting the recognition of victims and guarantees of non-repetition and contributing to coexistence,

Emphasizing the need to ensure the full implementation of the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repitition in its final report, published in June 2022, which is a key instrument for the comprehensive fulfilment of the peace agreement,

Noting that, in his report on the situation of human rights in Colombia,¹⁷¹ the High Commissioner reported that violence, including sexual and gender-based violence,

¹⁷⁰ S/2023/222.

¹⁷¹ A/HRC/52/25.

displacement and confinement by armed actors in rural areas and in some urban centres, disproportionately affected human rights defenders, environmental activists, social leaders, Indigenous Peoples, local communities, people of African descent, peasant leaders, peace agreement signatories, women and girls, as well as persons on the basis of their sexual orientation or gender identity,

Reaffirming the vital role that human rights defenders play in speaking for people in the most vulnerable situations, and stressing the importance of assisting the Government in the implementation of policies to protect human rights defenders,

Stressing the importance that the Government of Colombia has given to strengthening the rule of law and participatory development in territories affected by violence, notably by strengthening State civilian institutions, combating situations of corruption and collusion, reforming the security sector based on measurable and objective indicators and effectively fostering the coordination of local, regional and national actions to respond to conflict and violence,

Stressing also the importance of continuing processes of recognition of responsibility before the Special Jurisdiction for Peace, which are vital for accountability, the fight against impunity and guaranteeing victims' rights and non-repetition,

1. *Requests*, for a renewable period of two years, the Office of the United Nations High Commissioner for Human Rights to provide and step up its technical assistance and capacity-building to national and local authorities and other relevant actors with dedicated additional resources to assist Colombia in the implementation of the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repetition, with particular attention dedicated to victims and applying a gender perspective that takes into account ethnic origins and their different needs in the areas of investigations of human rights violations and abuses, breaches of international humanitarian law and corruption, human rights and security sector reform, the protection of social leaders and human rights defenders, and the definition and development of a public policy for a culture of peace;

2. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council, at its fifty-sixth and fifty-ninth sessions, a report on the subjects mentioned in the previous paragraph, to be followed by an interactive dialogue;

3. *Also requests* the High Commissioner to appoint without delay an international human rights expert tasked with identifying and verifying the obstacles to the implementation of the 2016 peace agreement, in particular those announced publicly by the Special Jurisdiction for Peace in March 2023 and mentioned in the quarterly report of the Secretary-General on the United Nations Verification Mission in Colombia presented to the Security Council on 13 April 2023,¹⁷² and identifying the consequences of these obstacles for the full enjoyment of human rights under international law, as well as the domestic right to peace as enshrined in the Political Constitution of Colombia, and making recommendations that would help to overcome them;

4. *Requests* the international human rights expert designated by the High Commissioner to submit a report to the Human Rights Council, before the end of 2023, and to present it to the Council at its fifty-fifth session, to be followed by an interactive dialogue;

5. *Requests* the Secretary-General to provide the Office of the High Commissioner with all the resources necessary to provide such technical assistance and to implement the present resolution;

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

*36th meeting
13 July 2023*

¹⁷² [S/2023/222](#).

[Adopted by a recorded vote of 28 to 0, with 19 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Cuba, Czechia, Eritrea, Finland, France, Georgia, Germany, Honduras, India, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet Nam

Abstaining:

Algeria, Bangladesh, Cameroon, China, Côte d'Ivoire, Gabon, Gambia, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Uzbekistan]

53/23. Child, early and forced marriage: ending and preventing forced marriage

The Human Rights Council,

Guided by 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 human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, 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 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions 24/23 of 27 September 2013, 29/8 of 2 July 2015, 35/16 of 22 June 2017, 41/8 of 11 July 2019 and 48/6 of 8 October 2021, and recalling General Assembly resolutions 69/156 of 18 December 2014, 71/175 of 19 December 2016, 73/153 of 17 December 2018, 75/167 of 16 December 2021 and 77/202 of 15 December 2022,

Reaffirming also the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action, and the outcome documents of their review conferences, and recalling the relevant agreed conclusions of the Commission on the Status of Women,

Recalling the adoption of the 2030 Agenda for Sustainable Development, and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, and noting the integrated and indivisible nature of the 2030 Agenda and the range of goals, targets and indicators relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3 of the Sustainable Development Goals,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on the adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls¹⁷³ and the report of the Secretary-General on the issue of child, early and forced marriage,¹⁷⁴

Noting the gains made in ending child, early and forced marriage, including the decrease in the proportion of girls who were married before 18 years of age in the past decade from one in four to approximately one in five, and noting with appreciation the ongoing United Nations Population Fund and United Nations Children's Fund Global Programme to End Child Marriage in this regard, while expressing deep concern that progress has been uneven across regions, that millions of people live in situations of forced marriage, that it is estimated that the coronavirus disease (COVID-19) pandemic has already reduced the

¹⁷³ A/HRC/52/50.

¹⁷⁴ A/77/282.

number of averted child marriages since 2020 by one quarter and that existing data show that, at the current pace of progress, target 5.3 of the Sustainable Development Goals, which includes ending the practice by 2030, will not be met in any region of the world,

Reaffirming that human rights include the right to freely choose a spouse, to enter into marriage only with free and full consent and to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and recognizing that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy, require mutual respect and consent and the freedom to choose whether to marry and whether to have sexual relations,

Recognizing that child, early and forced marriage constitutes a violation, abuse and impairment of human rights and a harmful practice that prevents individuals, especially women and girls, from living their lives free from all forms of discrimination and violence, that it has wide-ranging and adverse consequences for the enjoyment of human rights, that it is a form of sexual and gender-based violence and that it perpetuates other forms of violence against women and girls and other harmful practices and human rights violations, and that such violations and abuses have a disproportionately negative impact on all women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of forced marriage,

Recognizing also that, in some contexts, the practice of child, early and forced marriage may include informal unions, cohabitation or other arrangements that are not formalized, registered or recognized by a religious, customary or State authority, that such arrangements should be addressed in policies and programmes, including inclusive and equitable quality education programmes on forced marriage in particular, and that the gathering of information and disaggregated data on these arrangements will help in the development of responses for those affected,

Recognizing further that a forced marriage involves the inability of at least one of the parties to freely choose a spouse and enter into marriage with their full, free and informed consent, and could also involve a marriage in which one of the parties wants to end or leave it but is not able to, and that as such the practice is a violation, abuse or impairment of human rights,

Recognizing that any party to a marriage, but disproportionately women and girls, may not be empowered to refuse marriage, therefore reflecting a lack of prior, full, free and informed consent, in particular in cases of sexual and gender-based violence and other forms of violence, abuse of power, unequal power dynamics, fear, coercion, duress, threats, intimidation or emotional, psychological, family, economic, cultural or social pressure,

Deeply concerned that, in some cases, guardians have the legal authority to consent to marriage for women and girls, in accordance with customary or statutory law that may violate or abuse the human right to freely choose a spouse and enter into marriage with free, full and informed consent, such as in cases of levirate marriage, marriages following payment to parents, guardians, family members or another person or group or the cancellation of debt or for settling family disputes, while recognizing that family members have a responsibility to contribute to preventing and combating forced marriage by, inter alia, providing a protective and supportive environment for women's and girls' empowerment,

Deeply concerned also by reports of forced religious conversion and by forced marriage imposed by armed groups, strongly condemning attacks on and abductions of women and girls, including terrorist attacks, urging States to protect them from attacks, and recognizing that forced marriage may result in situations that meet the international legal definition of slavery,

Underscoring the fact that shame, stigma, fear of reprisals and other negative consequences, such as the loss of child custody, and economic consequences, such as the loss of livelihood, assets or autonomy or reduced household income, prevent many women and girls from leaving relationships and marriages, reporting or acting as witnesses in cases of various forms of violence, including sexual and gender-based violence, such as domestic

violence, and from seeking redress and justice for these forms of violence, as well as access to specialized assistance and services, including shelters, medical, psychosocial and legal assistance and legal protection,

Deeply concerned that poverty, including the feminization of poverty, insecurity, lack of sustainable development, discriminatory social norms, practices and gender stereotypes and lack of access to information, inclusive and equitable quality education and health services may lead to adolescent pregnancy and are among the drivers of forced marriage, that forced marriage remains common in rural areas, in humanitarian settings and among the poorest communities and that armed conflict and humanitarian emergencies and other crises are among the exacerbating factors, and stressing the need to promote gender equality and sustainable development and eradicate poverty,

Expressing concern at institutional, systemic and structural discrimination against women and girls, including through laws, policies, regulations, programmes, administrative procedures or structures, services, norms and practices that directly or indirectly restrict access to institutions, property and landownership, inheritance, nationality, health care and services, education, justice, employment and access to credit, which place women and girls at increased risk of violence and forced marriage, compound the violence experienced and constitute a major impediment to their full, meaningful, effective and inclusive participation and leadership in society, as well as economic and political life, and considering that forced marriage cannot be justified on religious or cultural grounds,

Deeply concerned by the impact of structural, systemic and institutional discrimination against women and girls, deep-rooted and intersecting gender inequalities, harmful gender stereotypes, discriminatory social norms and practices, such as patriarchy, perceptions of masculinity, including the need to assert male control or power, and perceptions and customs and disregard for women's and girls' dignity, bodily integrity and autonomy, which are among the primary causes of forced marriage, as well as other forms of violence, including sexual and gender-based violence against women and girls, leading to the justification, normalization, condonement and perpetuation of violence against and the stigmatization of victims and survivors,

Deeply concerned also that the persistence of child, early and forced marriage, like other harmful practices, places women and girls at greater risk of being exposed to and encountering multiple and intersecting forms of discrimination and violence throughout their lives, including domestic and intimate partner violence, marital rape and other forms of sexual, physical and psychological violence, and reinforces the lower status of women, girls and adolescent girls in society,

Recognizing that stereotypes portraying the role and the value of women and girls solely as mothers and wives may drive forced marriages and contribute to discrimination and violence against women and girls, and recognizing also that stigma related to being unmarried, premarital sexual relations, adolescent pregnancy and widowhood among women and girls of reproductive age may lead to the forced marriage of women and girls, including to preserve a family's or community's perceived honour,

Noting with concern that the incidences and risks of forced marriage are highly exacerbated in times of crisis and in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, the breakdown of the rule of law and State authority, the use of child, early and forced marriage and rape and other forms of sexual violence as tactics in conflict, which is prohibited under international law, lack of access to inclusive and equitable quality education, the stigma of pregnancy outside marriage, the absence or lack of access to family planning services and contraception and the respective social services that prevent and respond to violence, disruptions in social networks and routines, increased poverty, the absence of livelihood opportunities and the misconception of providing women and girls and their family with protection and financial stability through marriage, and that crises give rise to conditions in which new human rights violations and abuses are often perpetrated and existing human rights violations and abuses often intensify and expand,

Expressing concern about the disparate impact of poverty, global economic crises, austerity measures, climate change, biodiversity loss, environmental degradation, conflict

and natural hazards on women's and girls' human rights, including those related to health and well-being, which may exacerbate existing structural inequalities, violence against women and girls and harmful practices, including forced marriage, and recognizing that addressing the remaining gaps that constrain equal pay for equal work or work of equal value in the public and private sectors, equal access for women and girls to social protection systems, public services and sustainable infrastructure in support of gender equality and women and girls' empowerment is essential,

Deeply concerned that child, early and forced marriage disproportionately affects girls and young women with little or no formal education and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth, childcare responsibilities, stigma relating to menstruation and social and gender norms confining married women and girls to the home, and recognizing that ensuring educational opportunities, as well as equal access to inclusive and equitable quality education, and explaining consent and respecting boundaries to all are some of the most effective ways to prevent and eliminate child, early and forced marriage and to achieve gender equality and women's and girls' empowerment, women's formal employment and economic opportunities and the active participation and leadership of women and girls in economic, social and cultural development, governance and decision-making,

Recognizing that patriarchal beliefs that the sole role of women and girls in families and communities is to be chaste and perform matrimonial duties perpetuate a lack of inclusive and equitable quality education among girls, while, in turn, low levels of education among girls limit their socioeconomic opportunities and enable the perpetuation of their stereotyped and restricted roles in families and communities,

Recognizing also that child, early and forced marriage is a major impediment to the achievement of women's and girls' economic empowerment, their social and economic development and their full, effective and meaningful and inclusive participation and leadership in economic, social, political and public life, thereby hampering the ability of women to enter, advance and remain in the labour market, and recognizing also that the economic autonomy of women and investment in women's and girls' development are priorities in and of themselves, have a multiplier effect and can expand their options for leaving or not entering into forced or abusive relationships,

Recognizing further that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health by women and girls, in particular adolescent girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent, unintended and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV and AIDS, as well as increasing vulnerability to all forms of violence, including sexual and gender-based violence, such as domestic violence,

Recognizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health, and the critical importance of ensuring that health-care services have the interrelated and essential elements of availability, accessibility, acceptability and quality on the basis of non-discrimination and formal and substantive equality, including by addressing all forms of discrimination and respecting free and informed consent, and recognizing also the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and adequate housing, healthy occupational and environmental conditions and access to comprehensive health-related education and information,

Expressing concern that forced marriage is underrecognized and underreported, noting that women and girls, in particular at the community level, may face discriminatory legal, practical and structural barriers to access to justice and legal services, including stigmatization, the risk of revictimization, harassment and possible retribution, lack of accountability for perpetrators and gender-biased environments that promote impunity and impede the implementation of legislative and normative frameworks that promote gender

equality and prohibit all forms of discrimination and violence against women and girls, and in this regard emphasizing the importance of providing accessible legal aid services with a view to promoting and protecting human rights and addressing gender inequality,

Recognizing that all members of society, including families, communities and religious, traditional and community leaders and actors, men and boys, can contribute to transforming discriminatory social norms and gender stereotypes that perpetuate sexual and gender-based violence and other forms of violence, and to confronting gender inequality, and recognizing also that empowering all women and girls, including those subjected to forced marriage, requires their active, full, equal, effective and meaningful participation and leadership in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations, organizations led or initiated by young people and feminist groups,

Recognizing also that the criminalization alone of child, early and forced marriage is insufficient when introduced without complementary, comprehensive and multisectoral measures and support programmes, including across the health, gender equality, social protection and education sectors, with the engagement of the whole community and in support of the capacity of parents and legal guardians, and may instead contribute to the marginalization of, and the loss of livelihoods for, the families affected and have the unintended effect of increasing the practice of forced informal unions or unregistered marriages,

1. *Urges* States to respect, protect and fulfil the human rights of all women and girls, including those subjected to child, early and forced marriage, which include the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, to promote equality in all aspects of marriage and its dissolution, to guarantee equal access for every girl and woman to quality education, as well as education explaining consent, respect for boundaries and what constitutes unacceptable behaviour and how to report it, that builds self-esteem and informed decision-making and communication skills and promotes the development of respectful relationships based on gender equality, inclusion and human rights, skills development programmes, vocational training and lifelong learning opportunities, counselling, social services to protect them from all forms of violence, including sexual and gender-based violence and domestic and intimate partner violence, formal employment, to increase their economic independence, and psychological, sexual and reproductive health-care services and medical care, to decrease their social isolation and to increase their economic and political participation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

2. *Calls upon* States to take a comprehensive, rights-based, age-, gender- and disability-responsive, survivor- and victim-centred and multisectoral approach, in consultation with, and with the full, equal, effective, meaningful and inclusive participation and leadership of, women and girls, including those who are hardest to reach and those who have been subjected to forced marriage and are already married, divorced, separated or widowed, and with relevant stakeholders, including men and boys, parents and other family members, health workers, teachers, religious, traditional and community leaders and actors, minority groups, including national or ethnic, religious and linguistic minority groups, civil society, organizations led by girls, women's human rights organizations, youth and feminist groups, human rights defenders, including women human rights defenders, parliaments, national human rights institutions, children's ombudspersons, humanitarian and development actors, the media and the private sector, that takes into account linkages with other harmful practices in the prevention of and response to forced marriage, and to pay particular attention to the specific needs of all women and girls, in particular those in vulnerable or marginalized situations and those experiencing multiple and intersecting forms of discrimination and violence, stigmatization, exclusion and inequalities, including in humanitarian situations;

3. *Urges* States to take comprehensive, multisectoral and human rights-based measures to prevent and eliminate forced marriage, and to address structural and underlying causes and risk factors, including by:

(a) Addressing the root causes of gender inequality in such a way that it leads to their elimination, including structural, institutional, multiple and intersecting forms of discrimination against women and girls, patriarchal values and structures, discriminatory social norms, gender stereotypes, perceptions, customs, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations, which perpetuate forced marriage;

(b) Eliminating discrimination against all women and girls in all matters relating to marriage and its dissolution and promoting women's and girls' equality in law and in practice in family life, by opposing all forms of marriage that constitute a violation or abuse of the human rights of women and girls and their well-being and dignity;

(c) Respecting, protecting and fulfilling the human rights of all women and girls to have control over, and to decide freely and responsibly on, matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and with respect to their bodily integrity, autonomy and agency, and adopting and accelerating the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights;

(d) Taking immediate and effective action to prevent and eliminate all forms of violence, including sexual and gender-based violence, such as domestic and intimate partner violence, marital rape, dowry-related violence and crimes committed against women and girls in the name of so-called "honour";

(e) Repealing or amending laws that, directly or indirectly, allow forced marriage, including any provisions that may enable, justify or lead to child, early or forced marriage, including forced marriage, and removing any institution or practice whereby a woman or girl, without the right or ability to refuse, is promised or given in marriage in return for payment, whereby the husband of a woman, or his family or the community, has the right to transfer her to another person for value received or otherwise or whereby a woman or girl, upon the death of her husband, is liable to be inherited by another person;

(f) Removing any provisions that may enable perpetrators of rape, sexual exploitation and abuse, abduction, trafficking in persons or slavery-like practices to escape prosecution and punishment by marrying their victims, and urges States to engage traditional and religious leaders and actors, among others, to eliminate the misuse of traditional practices to resolve sexual and gender-based violence incidents through marriage;

(g) Incorporating gender and age considerations into all anti-trafficking efforts, recognizing that certain efforts against trafficking in persons currently lack these considerations, which are needed to effectively differentiate between and respond to the risks faced by women and girls, who are disproportionately targeted by traffickers for the purposes of sexual exploitation, forced marriage, forced labour and other forms of exploitation, including domestic servitude, and also recognizing that vulnerabilities to such targeting arise from failures to remedy systemic gender inequality and discrimination;

(h) Developing and implementing measures to address the increased risk of vulnerability among women and girls to forced marriage, including those women and girls who are hardest to reach and are already married, in particular adolescent girls, in consultation with and with the participation of women and girls, and integrating them into humanitarian responses, from the early stages of humanitarian emergencies, and protecting women and girls from all forms of violence, including sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict, natural hazard and public health emergencies, including by ensuring their access to such services as health and education, providing inclusive and equitable quality education, and strengthening follow-up and interventions to prevent and eliminate forced marriage in humanitarian settings and to address the needs of those affected;

(i) Upholding all the human rights and fundamental freedoms of women and girls with disabilities, and recognizing that disability can increase the risk of child, early and forced marriage, and the importance of ensuring that services and programmes designed to prevent and eliminate child, early and forced marriage are inclusive of, and accessible to, women and girls with disabilities;

(j) Introducing special provisions to protect the rights of women and girls in forced marriages, including by helping them to leave a forced marriage, especially in relation to family property, access to land and inheritance, matrimonial property, the custody of children and the right to marry, including after a divorce, providing support to victims' dependents and the members of their immediate families, and ensuring that no woman or girl is forced to waive the enjoyment of her economic rights in order to obtain a divorce, taking into consideration potential short- and long-term economic support needs for children or women following the dissolution of forced marriages and the return of dowry payments or bride price;

4. *Calls upon* States to promote and protect the right of all women and girls to education, including in situations of armed conflict and humanitarian emergencies, and to ensure equal access, by:

(a) Adopting measures to ensure equal access for girls to inclusive and equitable quality education, to remove political, legal, social, practical, structural, cultural, economic, institutional and religious barriers, to eliminate discriminatory laws and practices that prevent them from having access to, completing or continuing their education, including the transitions from primary to secondary education to and higher levels of education, and providing incentive mechanisms to this end, to develop and implement programmes, as appropriate, that are specifically aimed at eliminating gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances, to ensure continued efforts to eliminate all forms of school-related violence against girls, including online, and to eliminate obstacles faced by them in gaining access to and using information and communications technology, and reaffirming the importance of the right to education as key to the empowerment and autonomy of all women and girls and for ensuring equality and non-discrimination;

(b) Ensuring equal access to free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, re-entry policies and vocational training and skills development, which empower young women and girls subjected to forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that targets gender stereotypes and promotes the values of gender equality and non-discrimination, including positive masculinities, and that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and women's and girls' empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk-reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending forced marriage;

(c) Ensuring that married and/or pregnant adolescents and young mothers, as well as single, divorced, separated or widowed mothers, can continue and complete their education after childbirth, marriage or the dissolution of marriage by designing, implementing and, where applicable, revising educational policies and programmes to allow them to remain in and return to school and to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and by providing them with access to health-care services and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

(d) Encouraging the proper, systematic and regular training of teachers and school officials on human rights, gender equality and child protection and on providing a safe and supportive school environment for their students and that they be held accountable when they

violate or abuse the rights of children who are in school or perpetrate sexual and gender-based violence in and around schools, including in connection with forced marriage;

5. *Urges* States, with the collaboration of relevant stakeholders, including the private sector, communities and not-for-profit, youth-led and civil society organizations, to tackle poverty, the lack of economic opportunities for women and girls and other entrenched economic incentives and inequalities that act as drivers of forced marriage and as obstacles to leaving a forced or abusive relationship, and to promote sustainable development, including by:

(a) Ensuring the equal rights of all women and girls with regard to the ownership, acquisition, management, administration, enjoyment and disposition of property and to inheritance and their access on an equal basis with men and boys to social protection, childcare services and direct financial services, and promoting freedom of movement, women's equal access to full and productive employment and decent work and their full, equal and meaningful political participation and leadership and rights to inherit, own and control resources, land and productive measures;

(b) Putting in place gender-responsive social protection mechanisms that promote women's economic security, adopting measures to address the feminization of poverty and to recognize, reduce and redistribute the disproportionate share of unpaid care and domestic work borne by women and girls, including by making efforts to change the roles in domestic work and care responsibilities, and addressing the discrimination, gender inequality, including gender stereotypes and harmful social norms, attitudes and behaviours and unequal power relations in which women and girls are viewed as subordinate to men and boys that are at the root of these imbalances;

(c) Investing in family-oriented policies that promote women's and girls' equality and that confront socioeconomic inequalities and social exclusion that can lead to the poverty of individuals and households, addressing the multidimensional aspects of poverty, advancing the protection capacities of communities and families, with the best interests of the child taken as a primary consideration, focusing on education, health, employment, social security, livelihoods and social cohesion, paying special attention to gender-responsive social protection measures, child allowances for parents and pension benefits for older persons and protecting, supporting and empowering children, including girls, in child-headed households;

6. *Also urges* States to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, free from discrimination, coercion and violence, by:

(a) Developing and enforcing policies and legal frameworks on, and strengthening, health systems, including health information systems, that ensure uninterrupted, universally accessible, acceptable, affordable and available quality, gender-responsive, adolescent-friendly and disability-inclusive health services, sexual and reproductive health-care services, information, education and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and psychosocial support, equitable sanitation and hygiene for all, including menstrual health and hygiene and nutrition interventions and the prevention and treatment of, and care for, obstetric fistula and other obstetric complications, while respecting free and informed consent, confidentiality and privacy, by providing the continuum of services, including family planning, prenatal and postnatal care, skilled birth attendants, emergency obstetric care and postpartum care, free from mistreatment and violence, and repealing discriminatory laws relating to third-party authorization for health information and health-care services;

(b) Ensuring continuity and further strengthening protection and support services for women and girls, in particular, adolescent girls, who experience all forms of violence, including domestic violence, especially women and girls at risk of forced marriage and girls and women affected by this harmful practice, and designating protection shelters, hotlines and help desks, health, support and social protection services and legal protection and support as essential services available to all women and girls, in addition to establishing safeguarding measures and raising awareness among and providing training for the police, members of the judiciary, first responders, health workers and education and child services staff;

7. *Further urges* States to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses by recognizing child, early and forced marriage as a distinct violation, abuse or impairment of human rights, promoting equality in all aspects of marriage, divorce, child custody and the economic consequences of marriage and its dissolution, and enacting, enforcing, harmonizing, financing and upholding laws and policies aimed at preventing, responding to and eliminating forced marriage and that respect and protect bodily integrity and autonomy, protecting those at risk and abolishing practices and legislation that are discriminatory against women and girls, including, as applicable, provisions in civil, criminal and personal status law governing marriage and family relations, including by working towards the elimination of loopholes in customary laws, where they exist;

8. *Calls upon* States to ensure that all initiatives to draft, amend and implement criminal laws addressing forced marriage are part of comprehensive, rights-based, gender-responsive and cross-government prevention and response strategies and are coupled with protection measures and services for victims, survivors and those who are at risk of being subjected to forced marriage, and to ensure that they never face criminalization;

9. *Urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating forced marriage and protecting the rights of those subjected to this harmful practice, including by informing them about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, mainstreaming gender equality and human rights perspectives into justice systems, ensuring equal access to legal aid, including legal advice, assistance and representation, as well as access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, members of the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of forced marriage;

10. *Also urges* States to hold persons in positions of authority, whether in public or private environments, such as teachers, health workers, social workers and caregivers in institutions, religious and community leaders and actors, traditional authorities, politicians and law enforcement officials, including at the local government level, accountable for not complying with and/or upholding laws and regulations relating to violence against women and girls, including concerning forced marriage, in order to prevent and respond to it in a gender-responsive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims and survivors of such violence;

11. *Further urges* States to ensure access to justice and shelters for protection during the process of annulling a marriage, taking into account the fact that victims may be subjected to physical or psychological pressure to desist and may face a risk of retribution, and to ensure that victims and survivors of forced marriage, and their children where applicable, are granted full reparation, including measures of restitution;

12. *Calls upon* States to ensure the timely registration of births and marriages, including by providing, where lacking, mechanisms for the registration of customary and religious marriages, and affirms the need for States and relevant United Nations entities and agencies to improve the collection and use of quantitative, qualitative and comparable data, while observing the principles of confidentiality and informed consent, on violence against women and girls and harmful practices, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors, as appropriate, to enhance research on, and the dissemination of evidence-based and good practices relating to the prevention and elimination of, child, early and forced marriage, and to strengthen the monitoring and assessment of the impact of existing policies and programmes as a means of ensuring their effectiveness and implementation;

13. *Encourages* States to increase public funding and capacity-building support for community-based organizations, including organizations led or initiated by women, children or young people, including girls, focusing on the human rights of women and girls, and calls upon States to promote the meaningful participation of and active consultation with children,

women, adolescents and young people, including girls who are already married, on all issues affecting them, including those related to mental health, to strengthen their voice, agency and leadership and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, including in digital spaces, that provide information, life skills and leadership skills training and opportunities, including catch-up and literacy education, and lifelong learning opportunities, remote learning opportunities and childcare, as needed, that empower them and allow them to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

14. *Also encourages* States to work in partnership with the private sector, civil society, rural, community-based and faith-based organizations, including those who support and are led by women, young women, young people and survivors, persons with disabilities, marginalized racial, ethnic and Indigenous communities, feminist groups, women human rights defenders, women journalists and media workers and trade, labour and other professional unions, as well as other relevant stakeholders, and to support initiatives undertaken by such organizations, including by allocating adequate financial resources aimed at promoting gender equality and inclusion, eliminating violence against women and girls and harmful practices and allowing civil society to operate freely and safely, without fear of intimidation or reprisals;

15. *Further encourages* States to develop the capacity of national human rights institutions and criminal justice systems to investigate human rights violations and abuses and criminal offences relating to the practice of child, early and forced marriage, and to monitor progress in preventing and eliminating this harmful practice;

16. *Encourages* States to engage, educate, encourage and support men and boys to be positive role models for gender equality, to promote respectful relationships and to refrain from and condemn all forms of discrimination and violence against women and girls and harmful practices, such as forced marriage, and to increase understanding among men and boys of the harmful effects of violence for the victim or survivor and society as a whole so that they take responsibility and are held accountable for behaviour, including for behaviour that perpetuates gender stereotypes and negative social norms, including patriarchal masculinity, sexism and misogyny, and that men and boys take responsibility for their sexual and reproductive behaviour, for the equitable sharing of responsibilities with respect to care and household work and for sharing access equally to families' resources and opportunities;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare concise and action-oriented guidelines as a set of orientations for States on the effective application of a human rights-based approach to the development and implementation of laws, policies and programmes to prevent and eliminate child, early and forced marriage, and to submit the guidelines, in a comprehensive report, accessible to persons with disabilities, including in an accessible and easy-to-read format, to the Human Rights Council at its fifty-ninth session;

18. *Also requests* the Office of the High Commissioner to facilitate the open, transparent and inclusive elaboration of the guidelines through consultations with States and with the participation of relevant United Nations agencies, funds and programmes, intergovernmental organizations, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other treaty bodies, special procedures, regional human rights mechanisms, national human rights institutions, civil society organizations, young people, academia and other relevant stakeholders, including women's human rights organizations and women and girls who are victims and survivors of a forced marriage, including through informal online consultations with States and other stakeholders at the regional level.

*36th meeting
13 July 2023*

[Adopted without a vote.]

53/24. Human rights of migrants: prevention and accountability for human rights violations in transit

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, 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, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Transnational Organized Crime and the Protocols thereto against the Smuggling of Migrants by Land, Sea and Air and to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and recalling also the Declaration on the Right to Development,

Recalling also all previous Human Rights Council resolutions on the human rights of migrants, including resolutions 29/2 of 2 July 2015 and 47/12 of 12 July 2021, all General Assembly resolutions on the protection of migrants, the most recent of which is resolution 76/172 of 16 December 2021, as well as Assembly resolution 76/141 of 16 December 2021,

Recalling further the Global Compact for Safe, Orderly and Regular Migration endorsed by the General Assembly in its resolution 73/195 of 19 December 2018, and welcoming the Progress Declaration of the International Migration Review Forum, adopted at the first International Migration Review Forum, held in New York from 17 to 20 May 2022 and endorsed by the Assembly in its resolution 76/266 of 7 June 2022,

Recognizing that migration has been and will continue to be part of the human experience through history, and underscoring that all migrants, regardless of their migration status, are human rights holders, and reaffirming the need to protect their safety and dignity, and to respect, protect and fulfil their human rights and fundamental freedoms, in all situations, including in situations of transit,

Recognizing also that States are responsible for promoting, protecting and respecting the human rights of all persons, including all migrants, regardless of their migration status, who are in their territory and subject to their jurisdiction,

Reaffirming the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with their obligations under international law, in particular international human rights law and international refugee law,

Deeply concerned about the large and growing number of migrants, especially women and children, including children who are unaccompanied or are separated from their parents, who have lost their lives, have been injured or have gone missing in their attempt to cross international borders, including at sea,

Recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their migration status, and reaffirming the commitment to take action to avoid the loss of life of migrants, including by promoting and enhancing search and rescue operations in dangerous border regions, enhancing safe and regular migration pathways and preventing human rights violations resulting from pushback practices, in particular refoulement and collective expulsions,

Expressing concern at the loss of life, disappearances, sexual and gender-based violence and all other forms of violence, including violence based on religion or belief and violence based on race, exploitation, torture and other human rights violations and abuses suffered by migrants undertaking perilous journeys, and in this regard stressing the need to

strengthen efforts to enhance and diversify the availability of pathways for safe, orderly and regular migration,

Expressing serious concern at the particular vulnerable situations and risks faced by migrants, especially unaccompanied and separated migrant children, which can arise from the reasons for leaving their country of origin, circumstances encountered by migrants en route, at borders and at destination, discrimination relating to specific aspects of a person's identity or circumstances, or a combination of these factors,

Recognizing the shared and respective responsibilities of countries of origin, transit and destination in promoting, protecting and respecting the human rights of all migrants, urging all States to avoid approaches that might aggravate vulnerable situations and that may further marginalize migrants, and emphasizing the importance of fostering cooperation, information exchange and coordination between countries of origin, transit and destination to respect, protect and fulfil the human rights of migrants, regardless of status, throughout the migration cycle,

Affirming that the smuggling of migrants and crimes against migrants, including those involving trafficking in persons, the worst forms of child labour, and forced labour, continue to pose a serious challenge, and require a concerted international assessment and human rights-based response, and strengthened multilateral cooperation among countries of origin, transit and destination for their eradication, to prevent, investigate, prosecute and penalize the smuggling of migrants and to prevent, combat and eradicate trafficking, and to identify, protect and provide assistance to victims of trafficking in persons,

Recognizing that the return of migrants, whether voluntary or otherwise, must be consistent with States' obligations under international human rights law and international refugee law, including the best interests of the child, the principle of non-refoulement and their obligations relating to respect for due process and the prohibition of collective expulsions,

Recognizing also the need to ensure that returned migrants are duly received and readmitted, in accordance with States' obligation not to arbitrarily deprive their nationals of the right to enter their own country and the obligation of States to readmit their own nationals,

Expressing concern at the increasing trend in xenophobia, racism, multiple and intersecting forms of discrimination and hostility towards migrants in societies, and disproportionate sanctions for irregular migration, which might have a negative impact on the fulfilment of human rights globally,

Recalling the work undertaken by the Office of the United Nations High Commissioner for Human Rights for the promotion and protection of the human rights of all migrants, in particular the Recommended Principles and Guidelines on Human Rights at International Borders, the report of the Office of the High Commissioner on the situation of migrants in transit,¹⁷⁵ and the organization of the intersessional panel discussion on the human rights of migrants in vulnerable situations and the summary report thereon,¹⁷⁶

1. *Reaffirms* the duty of all States to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, without discrimination of any kind, in conformity with the Universal Declaration of Human Rights and their obligations under international law, including international human rights law and international refugee law;

2. *Recommits* to ensuring full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status, and urges all States, including countries of origin, transit and destination, to prevent the creation and exacerbation of situations of vulnerability and to respond to the needs of migrants in vulnerable situations;

3. *Calls upon* States to ensure that their migration legislation, policies and practices are consistent with international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination of any kind, including by reviewing migration legislation, policies and practices with a view to preventing their possible negative

¹⁷⁵ A/HRC/31/35.

¹⁷⁶ A/HRC/50/52.

consequences, inter alia the creation and exacerbation of vulnerabilities, which could result in death, disappearances, sexual and gender-based violence or any other form of violence, including violence based on religion or belief or violence based on race, exploitation, trafficking in persons, torture and other human rights violations and abuses in situations of transit;

4. *Also calls upon* States to work with national human rights institutions, civil society organizations, migrants and their family members, and other relevant stakeholders to understand, prevent, investigate and address human rights violations and abuses against migrants in transit caused or exacerbated by the lack or inadequate implementation of preventive measures, or by migration policies and practices lacking a human rights-based approach;

5. *Encourages* States to establish and strengthen comprehensive legal frameworks that safeguard the human rights of migrants in transit, including measures to prevent pushbacks and collective expulsions, and to provide access to fair and efficient asylum procedures and to other forms of regular stay for migrants in vulnerable situations, in line with international law;

6. *Also encourages* States to adopt gender-, disability- and age-responsive approaches for the prevention of or effective responses to human rights violations and abuses against migrants, including migrants in transit, addressing the specific needs of women and girls and persons in situations of vulnerability, especially persons with disabilities, children and older persons, including their protection from all forms of violence, exploitation and abuse;

7. *Stresses* the importance of eliminating all forms of discrimination, including racial discrimination, xenophobia and related intolerance, stigmatization, stereotyping, hate speech and negative narratives against migrants, in line with international human rights law, in helping to prevent human rights violations and abuses against migrants, including migrants in transit, and calls upon States to adopt and implement legislation, policies and programmes that effectively address these forms of discrimination, ensuring access to justice and remedies for victims, and to promote evidence-based narratives on migration;

8. *Recommits* to strengthening efforts to enhance the availability and flexibility of pathways for safe, orderly and regular migration as a means of preventing human rights violations and abuses against migrants in transit and decreasing their reliance on dangerous routes;

9. *Urges* States to adopt measures to prevent deaths, disappearances, acts of torture, sexual and gender-based violence and all other forms of violence, including violence based on religion or belief and violence based on race, excessive use of force against migrants, and refoulement, and to ensure that all human rights violations and abuses are subject to independent and transparent investigations and that perpetrators are held accountable;

10. *Also urges* States to adopt effective measures to prevent, investigate and punish any form of arbitrary deprivation of liberty of migrants, including migrant children, within the territory and jurisdiction of the State;

11. *Further urges* States to put an end to arbitrary arrest and detention, and encourages States to pursue alternatives to detention, noting the measures that have been successfully implemented by some States, and to work towards ending the detention of migrant children;

12. *Calls upon* States to protect migrants from becoming victims of national and transnational organized crime, including kidnapping, smuggling of migrants, trafficking in persons, the worst forms of child labour, contemporary forms of slavery and forced labour, inter alia through the implementation of programmes and policies that prevent victimization and provide effective guarantees and protections, as well as access to medical, psychosocial and legal assistance, where appropriate;

13. *Also calls upon* States to ensure the rapid and accurate identification and referral of migrants who may be in situations of vulnerability at international borders, to

provide assistance and relief to migrants in distress, regardless of their migration status, and to create a safe and enabling environment in which humanitarian actors that provide such attention can operate free from hinderance and insecurity, including to the effect that domestic law and administrative provisions and their application facilitate the work of all actors providing humanitarian assistance to and defending the human rights of migrants in transit, inter alia by avoiding their criminalization and stigmatization, impediments or obstruction to them or restrictions thereon, contrary to international human rights law;

14. *Further calls upon* States to adopt concrete measures to prevent the violation of human rights and abuses against migrants while in transit, including in ports and airports, at borders and other transit areas for migration, and to adequately train public officials and others who work in those facilities and in border areas to treat these migrants respectfully and in accordance with their obligations under international human rights law, and in this regard takes note of the publication *Human Rights at International Borders: A Trainer's Guide*, jointly published by the Office of the United Nations High Commissioner for Human Rights and the Office of Counter-Terrorism;

15. *Encourages* States to strengthen cooperation, information exchange and coordination at all levels, including between countries of origin, transit and destination, and with international humanitarian organizations, civil society organizations, and migrants and their families, in order to prevent and investigate human rights violations and abuses against migrants in transit, to find and identify missing migrants and to ensure accountability for victims;

16. *Welcomes* the ongoing work of the United Nations Network on Migration on missing migrants and humanitarian assistance in line with the Progress Declaration of the International Migration Review Forum, inter alia the exchange of good practices, including through cross-border cooperation to support families and communities in preventing and responding to the death of migrants or migrants going missing;

17. *Takes note* of the report of the Special Rapporteur on the human rights of migrants,¹⁷⁷ requests the Special Rapporteur to continue to report on the situation of the human rights of migrants, including those in transit, and encourages States and regional and international organizations to strengthen their collaboration with the Special Rapporteur in advancing the human rights of migrants;

18. *Takes note* of the recommendations of the Special Rapporteur on the situation of human rights defenders contained in her report to the General Assembly;¹⁷⁸

19. *Requests* the Office of the High Commissioner:

(a) To maintain its active engagement with the United Nations Network on Migration as a member of its Executive Committee, including by involving all relevant human rights bodies and special procedures, to ensure efficiency in mainstreaming human rights in migration governance;

(b) To continue its work on promoting and protecting the human rights of all migrants, including those in transit, through the provision of, inter alia, technical assistance, capacity-building and the sharing of best practices with States, relevant stakeholders and civil society;

(c) To convene a half-day intersessional panel discussion, accessible to persons with disabilities, on avenues to prevent and address human rights violations and abuses against migrants in transit and to ensure access to justice for victims and family members, including through monitoring at international borders, highlighting best practices and challenges in this regard, to ensure the meaningful participation of migrants and their family members, to prepare a summary report on the panel discussion and to submit the report to the Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session;

¹⁷⁷ A/HRC/53/26.

¹⁷⁸ A/77/178.

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

36th meeting
13 July 2023

[Adopted without a vote.]

53/25. Implementation of Human Rights Council resolution 31/36

The Human Rights Council,

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

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Reaffirming also that Human Rights Council mandates should be implemented and adequately funded without interference of any kind,

Recalling Human Rights Council resolution 31/36 of 24 March 2016, in which the Council requested the United Nations High Commissioner for Human Rights to produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,¹⁷⁹

1. *Requests* the Secretary-General to allocate the financial and human resources and expertise necessary to enhance the capacity of the Office of the United Nations High Commissioner for Human Rights to ensure that the mandate given by the Human Rights Council in its resolution 31/36 is fully implemented, and requests the United Nations High Commissioner for Human Rights to ensure that the yearly updates of the database include addition and removal of companies, and to present the database on an annual basis to the Council starting from its fifty-seventh session;

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

37th meeting
14 July 2023

[Adopted by a recorded vote of 31 to 3, with 13 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Belgium, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Luxembourg, Malaysia, Maldives, Mexico, Morocco, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Czechia, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Benin, Cameroon, Finland, France, Georgia, Germany, Lithuania, Malawi, Montenegro, Nepal, Paraguay, Romania and Ukraine]

¹⁷⁹ [A/HRC/22/63](#).

53/26. 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, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and other relevant international human rights law,

Recalling relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolution 77/227 of 15 December 2022 and Council resolutions 29/21 of 3 July 2015, 34/22 of 24 March 2017, S-27/1 of 5 December 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, 50/3 of 7 July 2022 and 52/31 of 4 April 2023, 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 session¹⁸⁰ 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,¹⁸¹ and reiterating the urgency of the 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,

Noting also the work of the successive special envoys of the Secretary-General on Myanmar, which is imperative for engagement and inclusive dialogue with all relevant stakeholders, including civil society, and affected populations, in particular women, children and youth,

Welcoming the ongoing work and reports of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2 of 27 September 2018, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law, including international humanitarian and human rights law, committed by Myanmar since 2011, including its fourth report submitted to the Human Rights Council,¹⁸² while expressing 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 report¹⁸³ 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,¹⁸⁴ and deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

¹⁸⁰ [A/HRC/43/18](#).

¹⁸¹ [A/HRC/45/5](#).

¹⁸² [A/HRC/51/4](#).

¹⁸³ [A/HRC/42/50](#).

¹⁸⁴ Available at www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx.

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, and regretting the lack of tangible progress in Myanmar in creating conditions conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims from Bangladesh to Myanmar,

Reiterating its deep concern over the 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 still posing challenges to the creation of conditions conducive to 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 developments resulting from the declaration and subsequent extensions 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, 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 to prevent 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, both online and offline, 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 violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to 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 critical 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 with dignity 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, 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 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 calling upon Myanmar to fully comply with the order,

Welcoming also the order of the International Court of Justice of 22 July 2022 rejecting the preliminary objections of Myanmar 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 and finding the application of the Gambia to be admissible,

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 on Rakhine State 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,

Underscoring the need for the implementation of and subsequent follow-up to 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 for all persons displaced from Rakhine State, including Rohingya Muslims, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine State so that they can engage meaningfully with the process,

Alarmed at the continued influx to Bangladesh over the past four decades of more than 1.1 million Rohingya Muslims from Myanmar, with 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,

Noting with grave concern that, despite the unprecedented generosity of host countries and donors, the gap between needs and humanitarian funding continues to grow, and recalling in this context the need for equitable burden- and responsibility-sharing,

Underlining that the need for humanitarian assistance for the Rohingya has increased following Cyclone Mocha, and noting that the cyclone has had particular consequences on the living conditions of the Rohingya,

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 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 deep concern at the reduction in food aid by the World Food Programme for the Rohingya temporarily sheltered in Bangladesh because of the inadequate and ever-decreasing international financial support for the Rohingya temporarily sheltered in Bangladesh,

Stressing the imperative that Myanmar make genuine efforts to address the situation in Rakhine State by creating conditions conducive to voluntary, safe and dignified repatriation in a sustainable manner, in accordance with its bilateral agreements with Bangladesh,

Acknowledging the importance of the initiatives to facilitate the right of all Rohingya refugees and forcibly displaced Rohingya Muslims to voluntarily return to their homeland in Myanmar in safety and with security and dignity,

Expressing deep concern that prolonged uncertainty over the repatriation has been leading Rohingya Muslims temporarily sheltered in Bangladesh to despair, and may be having spillover effects on regional peace and stability,

Noting the “go and see” visit, the first of its kind since the mass exodus of Rohingya back in 2017, by Rohingya themselves to Rakhine State to ascertain whether the situation in Rakhine State is conducive to return, and to identify challenges to return,

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 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 in Jakarta on 24 April 2021, 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 the special envoy for Myanmar of the Secretary-General of the Organization of Islamic Cooperation,

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 places of worship, 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 were 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. *Also welcomes* the order of the International Court of Justice on 22 July 2022, in which the preliminary objections of Myanmar challenging the court's jurisdiction in the case brought by the Gambia under the Convention on the Prevention and Punishment of the Crime of Genocide were rejected and the applications of the Gambia were found to be admissible;

8. *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, airstrikes, shelling, landmines or unexploded ordnance;

9. *Stresses* the importance of strict enforcement of the ceasefire and the cessation of violence and restraint by Myanmar security and armed forces and other armed groups with a view to ensuring the safety, security and protection of civilians, including those who are displaced and willing to return;

10. *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;

11. *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 the sharing of its findings with relevant international mechanisms;

12. *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;

13. *Calls upon* Myanmar to combat incitement to hatred and hate speech against Rohingya Muslims and other minorities, online and offline, 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;

14. *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 the freedom to seek, receive and impart information, in accordance with international human rights law;

15. *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;

16. *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;

17. *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;

18. *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;

19. *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, including access to witnesses where applicable, and by providing it with every assistance in the execution of its mandate;

20. *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;

21. *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;

22. *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;

23. *Expresses its deep concern* over the lack of progress by Myanmar in the implementation of the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held in Jakarta on 24 April 2021, reiterates its urgent call upon Myanmar to fully, swiftly and effectively implement the five-point consensus 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, 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;

24. *Expresses its support* for further efforts towards the implementation of the five-point consensus of the Association of Southeast Asian Nations, and in this regard welcomes the Association leaders' review of and decision on the implementation of the five-point consensus, adopted at the fortieth and forty-first summits of the Association, held in Phnom Penh on 11 November 2022;

25. *Recognizes* the work and engagement of the Special Envoy of the Secretary-General on Myanmar towards dialogue with Myanmar and all other relevant stakeholders, including civil society, and affected populations, such as Rohingya Muslims and other minorities in Myanmar, aimed at the early resolution of the crisis in Myanmar;

26. *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;

27. *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;

28. *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 State 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;

29. *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,¹⁸⁵ in cooperation with the United Nations and the international community;

30. *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 an environment conducive to 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;

¹⁸⁵ E/CN.4/1998/53/Add.2, annex.

31. *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;

32. *Urges* Myanmar to immediately commence the voluntary, safe, dignified and sustainable repatriation and subsequent 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;

33. *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;

34. *Expresses grave concern* at the continuing restrictions on humanitarian access, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States, as well as areas devastated by Cyclone Mocha, 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, taking into account the vulnerable situation of women, children, older persons and persons with disabilities as well as the delivery of supplies and equipment, and to ensure the full protection, safety and security of humanitarian and medical personnel 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;

35. *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 Convention relating to the Status of Refugees;

36. *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;

37. *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;

38. *Calls upon* States and other stakeholders that have not yet contributed to burden- and responsibility-sharing to do so with a view to broadening the support base, in a

spirit of international solidarity and cooperation, and acknowledges and expresses appreciation for the efforts of the Government of Bangladesh to provide humanitarian assistance to the displaced Rohingya Muslims and other minorities thus far;

39. *Calls upon* the international community to continue to make adequate financial contributions for the forcibly displaced Rohingya temporarily sheltered in Bangladesh to avoid the irreversibility of the devastating impact of measures such as the ration reductions by the World Food Programme until the time that they return to Rakhine State;

40. *Urges* humanitarian partners to come forward to reduce the gap between the amounts pledged and the amounts received, notably under the joint response plan for the Rohingya humanitarian crisis, and to prioritize sectors covering basic necessities, such as food, health, site management and shelter, as part of their contributions;

41. *Calls upon* United Nations agencies and regional bodies to conduct extended humanitarian operations, and for full humanitarian access to be granted to all humanitarian actors in Rakhine State;

42. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to implement the Guiding Principles on Business and Human Rights;

43. *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-eighth session and a report at its fifty-ninth session, each to be followed by an interactive dialogue, and a report to the General Assembly at its seventy-ninth session;

44. *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;

45. *Decides* to remain seized of the matter on the basis of, inter alia, the reports of relevant United Nations mechanisms.

*37th meeting
14 July 2023*

[Adopted without a vote.]

53/27. Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls in criminal justice detention

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, 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 and the International Convention on the Elimination of All Forms of Racial Discrimination, and recalling 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 the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming also the Declaration on the Elimination of Violence against Women and the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcome documents of their review conferences, and its support for achieving the ends of 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, the Security Council and the Commission on Crime Prevention and Criminal Justice, including resolutions on accelerating efforts to eliminate all forms of violence against all women and girls, and relevant resolutions and agreed conclusions of the Commission on the Status of Women, in which, inter alia, the Commission affirmed that all forms of violence against all women and girls must be prevented, condemned and eliminated and that equal access to justice for women and girls and accountability for violations of their human rights must be ensured,

Recalling also the commitment to eliminate all forms of violence and discrimination against all women and girls in the public and private spheres, including online, through or amplified by the use of digital technologies, and offline, including all forms of trafficking in persons and sexual and other types of exploitation, the commitment to reduce inequalities, promote the social, economic and political inclusion of all and ensure equal opportunities, the commitment to promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive institutions at all levels and the commitment to leave no one behind, as contained in the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, as well as the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Recalling further the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

Recalling the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System,

Welcoming the work of the special procedures of the Human Rights Council on violence against women and girls, and taking note of the relevant reports of, inter alia, the Special Rapporteur on violence against women and girls, its causes and consequences, the Working Group on discrimination against women and girls, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on the rights of Indigenous Peoples and the Independent Expert on the enjoyment of all human rights by older persons,

Stressing that “violence against women and girls” means any act of gender-based violence that is rooted in discrimination, unequal power relations and harmful gender stereotypes that results in, or is likely to result in, physical, sexual, psychological, social or economic harm or suffering to women and girls, including threats of such acts, neglect, coercion or arbitrary deprivation of liberty, whether occurring in the public or private spheres, including in digital contexts, in care institutions and in the world of work,

Expressing deep concern about the continued prevalence of all forms of violence against women and girls throughout their life course, including in criminal justice detention and in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, impairs or nullifies their full enjoyment of all human rights and fundamental freedoms and can, in certain circumstances, amount to torture or cruel, inhuman or degrading treatment or punishment and is completely unacceptable,

Greatly concerned that some women, such as migrant women, refugees and women in detention, as well as those in situations to which the Geneva Conventions of 1949 would apply, might be more vulnerable to violence,

Recognizing that violence against women and girls, including in criminal justice detention, is a global phenomenon and a manifestation of historical and structural gender inequality and discrimination against women and girls rooted in unequal power relations, gender stereotypes and negative social norms, and that all forms of violence against women and girls, including harmful practices, such as child, early and forced marriage, female genital mutilation, forced sterilization, forced abortion and forced contraception, sexual violence and exploitation, including in conflict settings, trafficking in persons and violence motivated by xenophobia, impair or nullify the exercise and full enjoyment of human rights and fundamental freedoms by all women and girls and require comprehensive responses, beyond those related to specific events, individual perpetrators and victims and survivors,

Acknowledging that sexual and gender-based violence in criminal justice detention may amount to torture and that States have an obligation to prevent acts of torture,

Recognizing that women and girls, including women and girls in criminal justice detention, are subject to multiple, intersecting and systemic forms of discrimination and to violence throughout their life course based on, inter alia, age, gender, race, ethnicity, indigeneity, religion or belief, physical and mental health, disability, civil status, socioeconomic and migration status, and that substantive equality requires the elimination of the root causes of structural forms of violence and discrimination against them, including deep-rooted patriarchal systems and gender stereotypes, harmful gender norms, negative social norms and cultural patterns of conduct, sociopolitical and economic inequalities and systemic racism, discrimination and xenophobia, which contribute to the disproportionate representation in criminal justice detention of women and girls belonging to racial and ethnic minority groups, Indigenous women and girls, women and girls of African descent and women and girls with disabilities,

Recognizing also that disproportionate policing and criminalization of Indigenous women and girls and women and girls belonging to racial and ethnic minority groups, owing to racial, ethnic and gender biases, remain a significant problem,

Recognizing further the strong link between violence against women and girls and their increased risk of incarceration, noting the disproportionately higher number of women in criminal justice detention reporting childhood experiences of emotional, physical or sexual abuse, that women and girls may be coerced, including through violent means, to engage in criminal activity, and subsequently imprisoned, including as a result of being trafficked, and that women may also be subject to criminalization when responding to violence through self-defence,

Expressing its concern that incidents of racial and religious intolerance, discrimination and related violence against women and girls, because of racial and religious stereotyping, continue to rise around the world, condemning in this context any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and urging States to take effective measures to address and combat such incidents,

Recognizing that patriarchal expectations on women's and girls' public and private behaviour may lead to heavier penalties for women and girls than men and boys for the same crimes,

Stressing the detrimental effects of criminal justice detention, and noting with concern the increasing number of women and girls being incarcerated for minor and non-violent offences and offences that solely or disproportionately affect women and girls,

Concerned about the disproportionate incarceration of women and girls for crimes related to poverty, such as theft, fraud, inability to pay debts and other offences related to homelessness or poor living conditions, and the discriminatory application of public order offences, such as loitering, vagrancy, public nuisance and public indecency, which are often applied to women and girls experiencing poverty,

Deeply concerned about the high risk of violence and harassment experienced by women and girls throughout their life course and the continuum of violence against women and girls before, during and after criminal justice detention, wherein women and girls who have prior experiences of violence and harassment, including sexual and gender-based violence, are at further risk of being exposed to violence or other harms, which are persistently and alarmingly prevalent in criminal justice detention, including sexual assault, sexual abuse and harassment, forced and coerced abortion and sterilization, arbitrary use of force or restraints on them, including pregnant women and girls in labour or delivery, arbitrary use of solitary confinement, arbitrary limitations on contact with relatives, including visits by family and friends and contact with children, and limited or no access to adequate physical and mental health-care services and accessible sexual and reproductive health information and health-care services, some of which may, in certain circumstances, amount to cruel, inhuman or degrading treatment or punishment or other harms, and are at risk of experiencing violence after incarceration and recidivism,

Recognizing the need for States to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and sexual and reproductive health and reproductive rights, free from coercion, discrimination and violence, including full respect for dignity and the right to bodily autonomy,

Recognizing also the disproportionately higher degree of physical and mental health requirements and psychosocial and intellectual disabilities, among women and girls in criminal justice detention, underscoring that gender- and age-responsive and disability-inclusive non-custodial measures should be made available, when appropriate, including measures respecting Indigenous Peoples' legal systems, and that States should ensure the availability, accessibility, acceptability and good quality of health information and health-care services, including those related to menstrual health and hygiene,

Recognizing further that sexual and reproductive health information and services include, inter alia, post-violence care, accessible, confidential and inclusive family planning, evidence-based comprehensive sexuality education, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, gender-based violence prevention, maternal health information and services, such as skilled birth assistance and emergency obstetric care, including midwives for maternity services, perinatal care, safe abortion, when not against national law, post-abortion care, prevention of and care for HIV and other sexually transmitted infections and reproductive cancers and menstrual health and hygiene information and services,

Deeply concerned about the absence or lack of independent, effective, confidential, accessible, victim- and survivor-centred and trauma-informed complaint mechanisms in criminal justice detention facilities for reporting all forms of violence, including in pretrial detention, and that gender inequality, violence or the threat thereof, discrimination, fear of reprisals and stigma associated with sexual and gender-based violence all prevent women and girls who are victims and survivors from reporting such violence and seeking accountability and remedies for violations that they have endured in criminal justice detention through existing mechanisms,

Stressing that many women and girls in criminal justice detention are mothers and often the sole or primary caregivers for their children, that decisions to allow children to stay with their mothers in criminal justice detention should be based on the best interests of the child and that non-custodial measures in such instances should be preferred, where possible and appropriate,

Stressing also that girls in criminal justice detention face multiple and intersecting forms of discrimination, which can lead to further violence and poor mental and physical health throughout their life course, affecting their enjoyment of the right to education, the

right to the enjoyment of the highest attainable standard of physical and mental health and the right to work,

Recognizing that the criminal justice detention of children, including girls, jeopardizes their development and should be avoided to the maximum extent possible and that gender-, disability- and age-based considerations, and a history of experiences of violence, should be taken into account in decision-making,

Deeply concerned that women and girls do not receive adequate or any gender- and age-responsive and trauma-informed rehabilitation programmes in criminal justice detention or pre- and post-release reintegration programmes, such as mental health and drug treatment, quality education or vocational training, and that low social and economic status in society and stigmatization from their community and families may hinder reintegration and lead to recidivism,

Reiterating that civil society has made major contributions in promoting gender equality, the need to engage with all stakeholders, including national human rights institutions, women's and girls' rights organizations, organizations of persons with disabilities, organizations of persons of African descent and organizations of and led by persons previously in criminal justice detention, as well as with Indigenous Peoples, alongside women and girls, as agents of change, to prevent and eliminate all forms of discrimination, violence and harassment against women and girls, the need to address the negative social norms, harmful gender stereotypes, stigma, economic and social inequities and systemic racism and discrimination that underlie and perpetuate such violence, including in criminal justice detention, and the importance of allowing civil society to operate freely and safely, without fear of intimidation or reprisals, online and offline,

Recognizing the importance of the full engagement of men and boys as agents and beneficiaries of change and as strategic partners and allies in the elimination of all forms of violence against women and girls and in the achievement of gender equality and the empowerment of all women and girls, including in criminal justice detention,

Underlining the need to promote the full, equal, effective, meaningful and inclusive participation and leadership of victims and survivors, including of human trafficking, in criminal justice detention, in the development, implementation and monitoring of regulations, legislation and programmes, and anti-racism policies and programmes, to prevent and eliminate all forms of violence against all women and girls,

Stressing the importance of collecting and analysing reliable data on women and girls in criminal justice detention and encouraging ongoing efforts to improve the collection of data disaggregated by sex, race, age, disability and other characteristics relevant to national contexts that may lead to disparities, and underlining the need for internationally comparable data,

1. *Expresses outrage* at and condemns in the strongest possible terms the persistence and pervasiveness of all forms of violence against women and girls worldwide, online, through or amplified by the use of digital technologies, and offline, and reaffirms the responsibility of States to protect women and girls from violence, including in criminal justice detention;

2. *Expresses deep concern* that all forms of discrimination and violence against women and girls impair or nullify the full enjoyment by women and girls of their human rights and fundamental freedoms, which hinder their full, effective and meaningful participation, inclusion and leadership in public and private life, and are an impediment to achieving gender equality, the empowerment of all women and girls and their full enjoyment of all their human rights;

3. *Stresses* the need to address multiple and intersecting forms of discrimination, which place women and girls at greater risk of exploitation, violence, abuse, harassment and neglect throughout their life course, and to implement measures to prevent and eliminate the stereotypes based on disability, gender, age, race and xenophobia, ableism, stigma, negative social norms, attitudes and behaviours that cause or perpetuate gender-based discrimination and violence against women and girls;

4. *Also stresses* that, by placing women and girls in criminal justice detention, States retain the obligation to respect, protect and fulfil all their human rights and respect their safety, dignity and privacy;

5. *Calls upon* States to take immediate and effective action to prevent and eliminate all forms of violence against all women and girls in criminal justice detention by:

(a) Ensuring promotion and protection of and respect for the dignity, integrity and bodily autonomy of women and girls in criminal justice detention, and that those in criminal justice detention enjoy all the human rights guaranteed by international law;

(b) Adhering to measures that protect the safety, security and dignity of mothers in criminal justice detention, including pregnant women and girls, breastfeeding women and girls and mothers with children in detention, as outlined in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(c) Promoting awareness-raising campaigns highlighting the link between violence and women's and girls' incarceration and the unacceptability of all forms of violence against women and girls in detention, and promoting and supporting campaigns and training for detention facility and criminal justice personnel that are aimed at correcting the false perception that violence against women and girls is acceptable in criminal justice detention facilities;

(d) Reviewing, and repealing or adjusting as appropriate, all laws and policies that exclusively or disproportionately target or criminalize the actions or behaviour of women and girls and laws and policies that are discriminatory against them, including as a result of any custom, tradition or misuse of culture or religion, and creating accountability mechanisms to end impunity and prevent, eliminate and remedy any discriminatory application of the law;

(e) Reviewing and, as appropriate, modifying all proposed and existing legislation, policies and programmes to align them with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, taking into account the Bangkok Rules and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and establishing clear policies and regulations on the conduct of criminal justice personnel, to protect women and girls from all forms of violence, promote children's sense of dignity and worth and fully respect their age, stage of development and their ability to participate meaningfully in and contribute to society;

(f) Reforming the use of pretrial detention to ensure that it is used as a means of last resort, as appropriate, given that women and girls are particularly at risk of experiencing sexual and gender-based violence in pretrial detention as a means of coercion with the purpose of extracting confessions;

(g) Providing relevant, mandatory, recurrent and effective trauma-informed and victim- and survivor-centred education and training on preventing and eliminating all forms of violence against women and girls, including sexual and gender-based violence, and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment for all police personnel, prison authorities, social workers, health-care providers and relevant staff working in criminal justice detention, including on international norms and standards, such as the Bangkok Rules, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice;

(h) Diverting women and girls away from the criminal justice system, in appropriate cases, and towards gender- and age-responsive, disability-inclusive and trauma-informed services and programmes, with a focus on addressing the underlying causes leading to women's and girls' contact with the criminal justice system, and prioritizing and implementing gender- and age-responsive and disability-inclusive non-custodial measures, such as arbitrated settlements, restitution to the victims, community service orders, victim-offender mediation, family group conferences, sentencing circles, drug treatment

programmes and other restorative justice processes, services and programmes, including those that respect Indigenous Peoples' legal systems;

(i) Reaffirming that women should, as far as possible, be detained in separate institutions, that, in an institution that receives both men and women, the whole premises allocated to women should be entirely separate, and that detainees who are children should be kept separate from adults, in accordance with international norms and standards;

(j) Ensuring that there are adequately resourced independent, external monitoring bodies, which may include competent international, national or regional bodies, including those established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as inspectorates, supervisory bodies and internal inspection agencies central to the prison administration, to monitor the treatment and rights of women and girls in criminal justice detention, bearing in mind the Bangkok Rules and the Nelson Mandela Rules, and other relevant standards, and taking into account age and gender considerations;

(k) Ensuring the full, effective and meaningful participation and inclusion of women and girls, including women and girls who have experienced criminal justice detention, in the development, implementation and monitoring of gender- and age-responsive and disability-inclusive national policies, legislation, procedures, action plans, programmes, projects and strategies to prevent and eliminate violence against women and girls, and taking steps to ensure that such participation is consistent and conducted in a safe and accessible environment, including through support and capacity-building from civil society actors and organizations advocating for and led by women and girls;

(l) Supporting initiatives aimed at advancing gender equality, women's participation in all public and private decision-making processes and inclusion and eliminating all forms of violence against women and girls that are undertaken by, inter alia, international and non-governmental organizations and civil society organizations, including organizations of and led by women and girls in or previously in criminal justice detention, as part of their efforts to develop targeted and gender- and age-responsive and disability-inclusive programmes and policies, including by allocating adequate financial resources and providing them with access, including the ability to visit and observe criminal justice detention facilities;

6. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls in detention and to support and protect all victims and survivors by:

(a) Holding perpetrators, including those working in criminal justice detention facilities, to account, and eliminating impunity for all forms of violence against women and girls;

(b) Ensuring that legislation and policies allow for the timely and effective investigation, prosecution, including ex officio prosecution, sanction and effective redress of violence against women and girls;

(c) Adopting, strengthening and implementing legislation and policies that expressly prohibit violence, provide adequate protection for all women and girls in criminal justice detention against all forms of violence, end impunity and adequately penalize offences involving all forms of violence and discrimination carried out in criminal justice detention;

(d) Ensuring equal access to justice and accountability mechanisms for the effective implementation and enforcement of laws and policies aimed at preventing and eliminating all forms of violence and discrimination against women and girls, including by informing women and girls about their rights under relevant laws and policies in accessible formats, including plain language format, including the ability to complain, establishing clear reporting and independent and confidential complaint procedures, such as an inclusive external oversight mechanism, putting in place protection measures that account for risks of retaliation and creating a culture of accountability in criminal justice detention facilities and timely and effective remedies;

(e) Investigating promptly, effectively and impartially all allegations of violence, including sexual and gender-based violence, independently initiating an investigation wherever there are reasonable grounds to believe that such an act could have been committed, and holding responsible, bringing to justice and punishing those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts, including officials in charge of places of criminal justice detention where the prohibited act is found to have been committed;

(f) Providing victims and survivors of violence with effective remedies, including victim- and survivor-centred legal, medical, psychological and confidential counselling services and legal protection that avoid secondary victimization and retraumatization, including legal remedies in cases of inappropriate arrest to shield or clear their criminal records, providing inclusive support services, information and education in accessible formats using plain language, including on how to prevent, recognize and report instances of exploitation, including trafficking in persons, violence and abuse, encouraging and facilitating victims and survivors to report such crimes, ensuring that they do not face reprisals, and reporting any serious injury to a judicial or other competent authority that is independent of the criminal justice detention administration and mandated to conduct an investigation;

(g) Respecting, protecting and fulfilling the right to sexual and reproductive health, including for women, girls, women and girls with disabilities, and pregnant and breastfeeding women and girls in criminal justice detention, free from discrimination, coercion and violence, and addressing the social and other determinants of health, removing legal barriers, developing and enforcing policies, good practices and legal frameworks that respect dignity, integrity and bodily autonomy and guarantee universal access to sexual and reproductive health services that are available, accessible, acceptable and of good quality and evidence-based information and education, including for menstrual health and family planning, and ensuring timely access to maternal health services and emergency obstetric care, including treatment for pregnancy-related morbidities, while being respectful of the principle of confidentiality;

(h) Designing and implementing comprehensive mechanisms and tools that address and contribute to improving the mental health and well-being of all women and girls in criminal justice detention, including those with psychosocial disabilities, who are victims and survivors of gender-based violence;

(i) Designing and implementing comprehensive pre- and post-release reintegration programmes, including Indigenous-planned and -led programmes, which take into account the gender- and age-specific needs of women and girls and provide quality education and vocational training, and utilizing options such as home leave and community-based programmes and services to the maximum extent possible to ease their transition from criminal justice detention to liberty, reduce stigma and discrimination and maintain relations with their families;

(j) Strengthening or establishing systems to regularly collect, analyse and publish gender statistics and statistical data, disaggregated by sex, age, disability, race and other characteristics relevant to national contexts, on populations in criminal justice detention and all forms of violence against women and girls in criminal justice detention, including on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, and using these data to inform more effective gender- and age-responsive and disability-inclusive policies and programmes across all sectors to prevent and respond to violence, while respecting human rights, transparency, accountability, privacy and participation;

7. Welcomes the annual full-day discussion on the human rights of women convened by the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to prepare a summary report, in accessible formats, including easy-to-read and plain language formats, on the annual discussions held at the present and fifty-sixth sessions, to present each report to the Council at its fifty-sixth and fifty-ninth sessions, respectively, and to make the annual discussion on the human rights of women fully accessible to persons with disabilities;

8. *Requests* the Office of the High Commissioner to submit to the Human Rights Council, at its fifty-ninth session, an accessible report in plain language and easy-to-read formats, on the situation of human rights of women and girls in criminal justice detention, including information on practices and measures to prevent and address violence against women and girls in the context of criminal justice detention, as well as good practices and challenges relating to rehabilitation and reintegration policies and programmes, with input from all relevant stakeholders, including States Members of the United Nations, United Nations bodies, agencies, the treaty bodies, the special procedures of the Council, national human rights institutions, civil society organizations, women's and girls' rights organizations and women and girls with lived experience in criminal justice;

9. *Decides* 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-ninth session.

37th meeting
14 July 2023

[Adopted without a vote.]

53/28. The contribution of development to the enjoyment of all human rights

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights and all relevant human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome, the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development,

Noting that 2023 marks the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, and acknowledging the importance of these instruments for the promotion and the protection of all human rights,

Recalling Human Rights Council resolutions 35/21 of 22 June 2017, 41/19 of 12 July 2019 and 47/11 of 12 July 2021,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing that the aim of development is to constantly improve the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Emphasizing the important role of inclusive and sustainable development in promoting and protecting human rights, including economic, social and cultural rights, as well as civil and political rights, and stressing the importance of development cooperation and the promotion and protection of human rights in ensuring that no one is left behind,

Recognizing that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing,

Reaffirming that meeting the aspiration of the people for a better life is the priority of each State, and the importance of the realization of inclusive and sustainable development,

Recognizing 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,

Welcoming the adoption of the 2030 Agenda, which contains a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and reaffirming that the 2030 Agenda is of unprecedented scope and significance, accepted by all countries, taking into account different national realities, capacities and levels of development and respecting national policies and priorities; its goals and targets are universal, integrated and indivisible and balance the three dimensions of sustainable development,

Recognizing that progress has been made across some of the Sustainable Development Goals and targets, but it has not been at the pace required to achieve this ambitious agenda and has been uneven across countries and regions, and emphasizing that urgent progress is needed towards all targets,

Deeply concerned about the loss of life and livelihoods and the disruption to economies and societies caused by the coronavirus disease (COVID-19) pandemic and its negative impact on the enjoyment of human rights around the world, in particular its disproportionately heavy impact on persons in vulnerable situations, including women, Indigenous Peoples, local communities, persons with disabilities, older persons, young people and children, and that the progress made in the implementation of the 2030 Agenda might be reversed,

Reaffirming that the existence of extreme poverty inhibits the full and effective enjoyment of human rights, emphasizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is a great global challenge, an indispensable requirement and an overarching priority for sustainable development, and in this regard expressing deep concern that the COVID-19 pandemic has brought great challenges to global efforts in poverty reduction,

Reaffirming also that the immediate alleviation and eventual eradication of extreme poverty must remain a high priority for the international community, and that joint efforts towards the achievement of this goal should be strengthened,

Affirming the commitments to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment,

Welcoming the tremendous efforts and achievements made by countries in promoting sustainable development and eradicating poverty, including extreme poverty, especially in the context of the COVID-19 pandemic, reaffirming that each country faces specific challenges in its pursuit of sustainable development and the eradication of poverty, and recognizing the importance of supporting countries in their efforts to eradicate poverty in all its forms and dimensions,

Recalling that States are strongly urged to refrain from promulgating and applying any unilateral economic, 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 developing countries,

Recalling also the recognition of taking into account emerging issues and the development of new methodologies during the implementation of the 2030 Agenda, and calling for the widest possible international cooperation to overcome challenges in the field of human rights, and to realize high-quality development, with respect for human rights and fundamental freedoms,

Welcoming international, regional and national development initiatives that facilitate the implementation of the 2030 Agenda by revitalizing the Global Partnership for Sustainable Development to promote and protect all human rights and fundamental freedoms,

Affirming that international cooperation for sustainable development has an essential role in shaping our shared future, particularly in assisting developing and the least developed countries, by providing technical cooperation and capacity-building upon their request in promoting sustainable development and eliminating obstacles to development, and

emphasizing the importance of continued efforts to promote international development cooperation based on unity, solidarity, multilateral cooperation and the principle of leaving no one behind,

Noting the concept of human rights economy proposed by the Office of the United Nations High Commissioner for Human Rights as a tool of an approach based on full respect for human rights to reduce inequalities and realize the 2030 Agenda, which seeks to redress root causes and the structural barriers to equality, justice and sustainability, placing emphasis on inclusive participation and social dialogue, including the delivery of better results for people and the planet, grounded in economic, civil, political, social, cultural and environmental rights,

Looking forward to the 2023 Sustainable Development Goals Summit, to be convened on 18 and 19 September 2023, which will mark the mid-point of the implementation of the 2030 Agenda and the beginning of a new phase of accelerated progress towards the Sustainable Development Goals,

Looking forward also to the Summit of the Future, to be convened in September 2024, which will play a role in reaffirming the Charter, reinvigorating multilateralism, boosting implementation of existing commitments, agreeing on concrete solutions to challenges and restoring trust among Member States,

1. *Reaffirms* the significant contribution of development to the enjoyment of all human rights by all;
2. *Recognizes* that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing;
3. *Calls upon* all States to promote sustainable development to enable better enjoyment of human rights, to achieve gender equality and to promote equality of opportunity for development;
4. *Also calls upon* all States to realize people-centred development of the people, by the people and for the people;
5. *Encourages* all States to spare no effort to promote sustainable development, particularly in the context of the COVID-19 pandemic, to recover from the pandemic, and to pay particular attention to the promotion and protection of rights of persons in vulnerable situations;
6. *Emphasizes* the importance for the entire population of each State to benefit from inclusive and sustainable development and of addressing inequalities within and among States in the recovery from the COVID-19 pandemic, and calls upon States to ensure that efforts to implement the 2030 Agenda for Sustainable Development for all, by reaching all its Goals and targets, are strengthened and accelerated in this decade of action for building more sustainable, peaceful, just, equitable, inclusive and resilient societies where no one is left behind;
7. *Reaffirms* the commitment of all States to ending poverty in all its forms and dimensions, including by eradicating extreme poverty, and emphasizes that eradicating poverty, including extreme poverty, is an indispensable requirement for sustainable development and an overarching objective of the 2030 Agenda;
8. *Welcomes and appreciates* the efforts made by States, international organizations and other stakeholders to eradicate poverty, as well as the remarkable progress made in this field, particularly in the context of the COVID-19 pandemic, which is of significant importance for the enjoyment of human rights, and calls for enhanced international cooperation and exchanges regarding poverty eradication;
9. *Calls upon* Member States and the United Nations system, including its funds and programmes and specialized agencies, in accordance with their mandates, to continue to mobilize resources to carry out development cooperation and to assist States, particularly developing and the least developed countries, upon their request, in promoting sustainable development;

10. *Encourages* Member States, relevant United Nations bodies and other stakeholders to take the 2030 Agenda into account when delivering technical assistance and capacity-building, as requested by the countries concerned, in the field of human rights;

11. *Invites* relevant United Nations human rights mechanisms and procedures to continue to take into account the role of development in promoting and protecting human rights when fulfilling their mandates, and to incorporate a development perspective into their work;

12. *Notes with appreciation* the organization of all five regional seminars on the contribution of development to the enjoyment of all human rights, and looks forward to receiving the summary report on the seminars in accordance with Human Rights Council resolution 47/11 for consideration at its fifty-fourth session;

13. *Encourages* the Office of the United Nations High Commissioner for Human Rights to reinforce its work and initiatives on fighting poverty and addressing inequalities in the context of the implementation of the 2030 Agenda, which contributes to the enjoyment of all human rights, and requests the Secretary-General to enhance the Office's dedicated capacity to strengthen work and initiatives on these matters, including at the regional level, to provide such increased support;

14. *Requests* the Office of the High Commissioner to prepare a compilation of best practices in the contribution of development to the promotion and protection of all human rights in the context of recovery from the COVID-19 pandemic, and to submit the document, including in an accessible and easy-to-read format, to the Human Rights Council at its fifty-sixth session;

15. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned compilation, to seek input from experts from diverse geographic regions, including from States, relevant intergovernmental organizations, United Nations agencies, funds and programmes, relevant special procedures, the Human Rights Council Advisory Committee, the treaty bodies, national human rights institutions, academia and civil society representatives;

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

37th meeting
14 July 2023

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Mexico, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Chile, Costa Rica, Georgia, India and Paraguay]

53/29. New and emerging digital technologies and 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 other relevant international human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, and affirming that the same rights that apply offline also apply online,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other relevant instruments relating to human rights, and international law,

Recalling that, in line with the Guiding Principles on Business and Human Rights, the responsibility to respect human rights requires that business enterprises avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts as they occur, as well as for business enterprises to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts,

Recalling also Human Rights Council resolution 47/23 of 13 July 2021 on new and emerging digital technologies and human rights, and other relevant resolutions adopted by the Council and the General Assembly, the most recent of which are Council resolutions 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, 47/16 of 13 July 2021 on the promotion, protection and enjoyment of human rights on the Internet, and 48/4 of 7 October 2021 on the right to privacy in the digital age, and Assembly resolutions 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, 75/316 of 17 August 2021 on the impact of rapid technological change on the achievement of the Sustainable Development Goals and targets, 77/150 of 14 December 2022 on information and communications technologies for sustainable development, and 77/211 of 15 December 2022 on the right to privacy in the digital age, and noting the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its forty-first session of its Recommendation on the Ethics of Artificial Intelligence,

Noting the Secretary-General's initiatives on new technologies, including the Call to Action for Human Rights, launched in 2020, the Road Map for Digital Cooperation, launched in June 2020, and the establishment of the Office of the Envoy of the Secretary-General on Technology,

Noting also the ongoing process for the development of a global digital compact to be agreed upon at the Summit of the Future on 22 and 23 September 2024, as well as of the Secretary-General's proposal for the compact to set out principles, objectives and actions for advancing a human-centred digital future that is anchored in universal human rights and that enables the attainment of the Sustainable Development Goals,

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, who are the primary duty-bearers, and business enterprises, including technology companies, to implement the Guiding Principles in order to foster respect for human rights online and offline in the context of new and emerging digital technologies and human rights due diligence processes,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, submitted to the Human Rights Council at its fiftieth session,¹⁸⁶ and of its report on human rights and technical standard-setting processes for new and emerging digital technologies, submitted to the Council at its fifty-third session,¹⁸⁷

Recognizing that new and emerging digital technologies have the potential to facilitate efforts to accelerate human progress, to promote and protect human rights and fundamental freedoms, including economic, social and cultural rights, to bridge all digital divides, to support, inter alia, the enjoyment of the rights of persons with disabilities and those in

¹⁸⁶ A/HRC/50/56.

¹⁸⁷ A/HRC/53/42.

vulnerable or marginalized situations, the advancement of gender equality and the empowerment of all women and girls, and to ensure that no one is left behind in the achievement of the Sustainable Development Goals,

Recognizing also the risks that new and emerging digital technologies have for the protection, promotion and enjoyment of human rights, including but not limited to the right to life, the right to equality and non-discrimination, the right to freedom of opinion and expression, the right to seek, receive and impart information, the rights to freedom of peaceful assembly and freedom of association, the right to an effective remedy, economic, social and cultural rights, including the right of everyone to the enjoyment of the highest possible standard of physical and mental health, children's rights relating to protection from violence, abuse, neglect and sexual exploitation, and the right to privacy, in accordance with States' obligations under international human rights law,

Recognizing further that new and emerging digital technologies can hold great potential for strengthening democratic institutions and the resilience of civil society, empowering civic engagement and enabling the work of human rights defenders, public participation and the open and free exchange of ideas,

Mindful of the fact that new and emerging digital technologies can be critical enablers of development, and stressing the need to close all digital divides with a view to ensuring that the benefits of new and emerging digital technologies are available to all, without discrimination of any kind,

Recognizing that digital divides, including age, disability, gender, geographic, urban and rural divides, may reflect and amplify existing social, cultural and economic inequalities,

Recognizing also that new and emerging digital technologies, in particular assistive technologies, can especially contribute to the full enjoyment of human rights by persons with disabilities, and that these technologies should be designed in consultation with them and with appropriate safeguards to protect their rights,

Recognizing further that the risks that new and emerging digital technologies have for the protection, promotion and enjoyment of human rights can affect women and girls disproportionately, including by perpetuating existing patterns of gender inequality and discrimination, further exacerbated by the underrepresentation of women in the sectors of science, technology, engineering and maths, limiting their involvement in the design and development of new technologies, and stressing the need to address violence against women and girls, including sexual and gender-based violence, that occurs through or is amplified by the use of technology,

Mindful that the impacts, opportunities and challenges of rapid technological change with regard to the promotion, protection and enjoyment of human rights and the integrity of democratic institutions, including in cases where changes may occur at an exponential pace, are not fully understood, and of the need to further analyse them in a holistic, inclusive and comprehensive manner in order to leverage the full potential of new and emerging digital technologies to support human progress and development for all,

Noting that uses of new and emerging digital technologies that have an impact on the enjoyment of human rights may lack adequate regulation, and recognizing the need for effective measures to prevent, mitigate and remedy the adverse human rights impacts of such technologies in line with the obligations of States under international human rights law and the responsibilities of business enterprises under the Guiding Principles on Business and Human Rights,

Recognizing, in the context of new and emerging digital technologies, the need to address, in a manner that complies with States' obligations under international human rights law, misinformation, and the spread of disinformation that can be designed to incite discrimination, hostility and violence, as well as spread hatred, racism, xenophobia, negative stereotyping and stigmatization,

Recognizing also that artificial intelligence systems, when adequate human rights safeguards are in place, have potential for the promotion, protection and enjoyment of human rights, including economic, social and cultural rights, in particular by facilitating access to information and participation in public life, strengthening the efficiency and accessibility of

health-care services, enabling greater availability and accessibility of education, advancing gender equality and empowering all women and girls, contributing to the full enjoyment of human rights by older persons, persons with disabilities and those in vulnerable situations, strengthening climate mitigation and adaptation and supporting environmental protection,

Recognizing further that artificial intelligence systems, when used without appropriate safeguards and including when used for identification, tracking, profiling, facial recognition, the generation of synthetic photorealistic images, behavioural prediction or the scoring of individuals, can entail serious risks for the protection, promotion and enjoyment of human rights, such as, inter alia, the rights to privacy, to freedom of opinion and expression, to freedom of thought, conscience and religion, the rights to equal protection of the law and to a fair and public hearing, as well as economic, social and cultural rights, in particular by embedding and exacerbating bias, which potentially results in discrimination and inequality, and by intensifying threats from misinformation, disinformation and hate speech, which may lead to violence, including political violence, and stressing that certain applications of artificial intelligence present an unacceptable risk to human rights,

Highlighting the importance of a human rights-based approach to new and emerging digital technologies, taking into account States' obligations under international human rights law, a holistic understanding of technology and holistic governance and regulatory efforts,

Highlighting also the responsibility of business enterprises to respect human rights in line with the Guiding Principles on Business and Human Rights, including by implementing human rights due diligence policies and participating in good faith in domestic judicial and non-judicial processes,

Highlighting further the importance of ensuring appropriate safeguards and human oversight in the application of new and emerging digital technologies, and of respecting and promoting human rights in national, regional and international regulatory frameworks and legislation, and on the conception, design, use, development, further deployment and impact assessments and technical standard-setting of new and emerging digital technologies while ensuring the meaningful participation of all relevant stakeholders, including the private sector, academia, the media and civil society,

Mindful of the positive and negative impacts that technical standards and their subsequent adoption for new and emerging digital technologies can have on the exercise of human rights, and the importance of including a human rights perspective within standard-setting processes and bodies and for them to build their human rights expertise, as well as promoting the transparency, openness and inclusivity of such processes and bodies,

Stressing the need for Governments, the private sector, international organizations, civil society, journalists and media workers, the technical and academic communities and all other relevant stakeholders to be cognizant of the impact, opportunities and challenges of the rapid technological change on the promotion and protection of human rights, and recognizing the role of Governments in creating an enabling environment for civil society, independent media and national human rights institutions to contribute to raising awareness about the interrelatedness of new and emerging digital technologies and human rights, to promote respect by business enterprises for human rights in line with the Guiding Principles for Business and Human Rights, and to contribute to accountability for human rights violations and abuses,

Recognizing that rapid technological change affects States in different ways, and that addressing these impacts, which depend on national and regional particularities, States' capacities and levels of development, requires international and multi-stakeholder cooperation in order for all States, especially developing countries and least developed countries, to benefit from opportunities and to address the challenges arising from this change, and to bridge digital divides, while emphasizing that it is the duty of all States to promote and protect all human rights, online and offline,

1. *Reaffirms* the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights;

2. *Notes* the Secretary-General's call for Member States to place human rights at the centre of regulatory frameworks and legislation on the development and use of digital technologies, and for the Office of the United Nations High Commissioner for Human Rights to develop system-wide guidance on human rights due diligence and impact assessments in the use of new technologies;

3. *Highlights* the importance of the need to respect, protect and promote human rights and fundamental freedoms, in recognition of the inherent dignity of the human person, throughout the lifecycle of artificial intelligence systems and, towards this end, the need to pay particular attention to:

(a) Protecting individuals from harm caused by artificial intelligence systems, including by ensuring the safety of artificial intelligence systems, introducing frameworks for impact assessments related to human rights, exercising due diligence to assess, prevent and mitigate adverse human rights impacts, and ensuring effective remedies and human oversight, accountability and legal responsibility;

(b) Protecting individuals from discrimination on the basis of, inter alia, race, gender, age, disability, nationality, religion and language resulting from the conception, design, use, deployment and further deployment of artificial intelligence systems, while paying attention to individuals at greater risk of having their rights disproportionately affected by artificial intelligence, including persons belonging to national or ethnic, religious, linguistic or racial minorities, Indigenous Peoples as well as local communities, persons in rural areas, economically disadvantaged persons and persons in vulnerable or marginalized situations, including by ensuring that data used in the training of algorithms are accurate, relevant and representative and audited against encoded bias;

(c) Promoting the transparency of artificial intelligence systems and adequate explainability of artificial intelligence-supported decisions, taking into account the various levels of human rights risks arising from these technologies;

(d) Ensuring that data for artificial intelligence systems are collected, used, shared, archived and deleted in ways that are consistent with States' respective obligations under international human rights law and the responsibilities of business enterprises in line with the Guiding Principles on Business and Human Rights;

(e) Strengthening, as necessary, the oversight and enforcement capacity of respective States relevant to artificial intelligence and sectors where artificial intelligence is being applied to allow more effective measures to protect against human rights risks relating to artificial intelligence;

(f) Promoting research and the sharing of best practices on ensuring transparency, human oversight and accountability in relation to the uses of artificial intelligence systems in ways that prevent and avoid the spread of disinformation and hate speech, including in instances where such systems are used to support content moderation, while ensuring that the right of individuals to freedom of opinion and expression, the freedom to seek, receive and impart information and other human rights are protected, promoted and respected;

4. *Also highlights* the importance of promoting and protecting the right of everyone to enjoy the benefits of scientific progress and its applications, and to this end notes the importance of bridging digital divides, promoting digital literacy as well as public awareness and understanding of new and emerging digital technologies, promoting risk awareness and self-protection training and guidance, and supporting capacity-building initiatives to enhance understanding, knowledge and skills relating to the human rights implications of new and emerging digital technologies;

5. *Requests* the Office of the High Commissioner to prepare a report, in consultation with States, mapping the work and recommendations of the Human Rights Council, the Office of the High Commissioner, the treaty bodies and the special procedures of the Human Rights Council in the field of human rights and new and emerging digital technologies, including artificial intelligence, as well as identifying gaps and challenges and making recommendations on how to address them, while giving due consideration to the United Nations system-wide work on new and emerging digital technologies, and to present the report to the Council at its fifty-sixth session, to be followed by an interactive dialogue;

6. *Requests* the United Nations High Commissioner for Human Rights to expand the capacities within the Office of the High Commissioner, to advance human rights in the context of new and emerging digital technologies, including at the regional level, and to provide advice and technical assistance to States, upon their request, on issues concerning human rights and new and emerging digital technologies, including artificial intelligence, and to, as appropriate, all relevant United Nations organizations and bodies;

7. *Requests* the Office of the High Commissioner to continue to work on the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, including by convening an expert consultation, including with States and business enterprises, including technology companies, civil society and academia, to discuss challenges, good practices and lessons learned in applying the Guiding Principles to the activities of technology companies, including activities relating to artificial intelligence, and to submit a report thereon to the Human Rights Council at its fifty-ninth session;

8. *Encourages* discussions among States and relevant stakeholders, including civil society, to consider ways for the Human Rights Council to work more effectively towards promoting and protecting human rights in the context of new and emerging digital technologies in a holistic, comprehensive and inclusive manner, building upon the work of the mechanisms of the Council, the treaty bodies and other relevant work on this topic;

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

37th meeting
14 July 2023

[Adopted without a vote.]

53/30. Cooperation with and assistance to Ukraine 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 relevant international human rights treaties,

Confirming the primary responsibility of States to respect, protect and fulfil human rights,

Recalling Human Rights Council resolutions 26/30 of 27 June 2014, 29/23 of 3 July 2015, 32/29 of 1 July 2016, 35/31 of 23 June 2017, 41/25 of 12 July 2019 and 47/22 of 13 July 2021 on cooperation with and assistance to Ukraine in the field of human rights,

Recalling also its resolutions 49/1 of 4 March 2022 and 52/32 of 4 April 2023 on the situation of human rights in Ukraine stemming from the Russian aggression, and its resolution S-34/1 of 12 May 2022 on the deteriorating human rights situation in Ukraine stemming from the Russian aggression,

Recalling further General Assembly resolutions 68/262 of 27 March 2014 on the territorial integrity of Ukraine, and 71/205 of 19 December 2016, 72/190 of 19 December 2017, 73/263 of 22 December 2018, 74/168 of 18 December 2019, 75/192 of 15 December 2020, 76/179 of 16 December 2021 and 77/229 of 15 December 2022 on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine,

Recalling General Assembly resolution ES-11/1 of 2 March 2022 on the aggression against Ukraine, and all other resolutions adopted by the Assembly at its eleventh emergency special session,

Acknowledging the efforts of the United Nations, the Organization for Security and Cooperation in Europe, and other international and regional organizations to assist Ukraine

in protecting the rights of all persons in Ukraine, and the progress achieved and the challenges and obstacles remaining in this regard,

Welcoming the technical assistance to Ukraine in the field of human rights provided by the Office of the United Nations High Commissioner for Human Rights, and acknowledging the further need for such assistance with due regard to the commitment of the Government of Ukraine to respect, protect and fulfil the human rights of all persons within its jurisdiction,

Taking note of the reports of the Office of the High Commissioner on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, submitted pursuant to General Assembly resolutions 71/205¹⁸⁸ and 72/190,¹⁸⁹ and the reports of the Secretary-General submitted pursuant to Assembly resolutions 73/263,¹⁹⁰ 74/168,¹⁹¹ 75/192,¹⁹² 76/179¹⁹³ and 77/229,

Welcoming the cooperation of the Government of Ukraine with the Office of the High Commissioner, including its monitoring mission in Ukraine, and with other relevant international and regional human rights mechanisms,

Recognizing the importance of the regular reports of the Office of the High Commissioner based on the findings of the monitoring mission for the proper assessment of the situation of human rights in Ukraine and an evaluation of the needs for technical assistance to Ukraine in the field of human rights,

Supporting the increased commitment by Ukraine to respect, protect and fulfil the human rights and fundamental freedoms of all persons within its jurisdiction and its cooperation with human rights treaty bodies and international institutions,

Recognizing the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes,

Acknowledging that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and abuses, and respond promptly to human rights emergencies,

1. *Welcomes* the oral presentations by the Office of the United Nations High Commissioner for Human Rights to the States Members of the Human Rights Council and observers of the findings of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine held, in accordance with Council resolutions 29/23, 32/29, 35/31, 41/25 and 47/22 from the forty-eighth to fifty-third sessions of the Council;

2. *Requests* the United Nations High Commissioner for Human Rights to continue to present an oral update on the findings of each of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine to the Human Rights Council at each of its sessions, until its fifty-ninth session, and before the end of 2023 and 2024, each to be followed by an interactive dialogue.

38th meeting

14 July 2023

[Adopted by a recorded vote of 28 to 3, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gabon, Gambia, Georgia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Maldives, Mexico, Montenegro, Paraguay, Qatar,

¹⁸⁸ See A/72/498.

¹⁸⁹ See A/73/404.

¹⁹⁰ A/74/276.

¹⁹¹ A/75/334 and A/HRC/44/21.

¹⁹² A/HRC/47/58.

¹⁹³ A/77/220.

Romania, Senegal, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

China, Cuba and Eritrea

Abstaining:

Algeria, Bangladesh, Bolivia (Plurinational State of), Cameroon, India, Kazakhstan, Kyrgyzstan, Malaysia, Morocco, Nepal, Pakistan, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam]

B. Decisions

53/101. Outcome of the universal periodic review: Czechia

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 Czechia on 23 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Czechia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁹⁴ the views of the State concerning the recommendations and/or conclusions made, 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.¹⁹⁵

26th meeting

6 July 2023

[Adopted without a vote.]

53/102. Outcome of the universal periodic review: Argentina

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 Argentina on 23 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Argentina, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁹⁶ the views of the State concerning the recommendations and/or conclusions made, 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.¹⁹⁷

26th meeting

6 July 2023

[Adopted without a vote.]

¹⁹⁴ [A/HRC/53/4](#).

¹⁹⁵ [A/HRC/53/4/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

¹⁹⁶ [A/HRC/53/5](#).

¹⁹⁷ [A/HRC/53/5/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

53/103. Outcome of the universal periodic review: Gabon

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 Gabon on 24 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Gabon, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁹⁸ the views of the State concerning the recommendations and/or conclusions made, 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.¹⁹⁹

26th meeting
6 July 2023

[Adopted without a vote.]

53/104. Outcome of the universal periodic review: Ghana

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 Ghana on 24 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Ghana, comprising the report thereon of the Working Group on the Universal Periodic Review,²⁰⁰ the views of the State concerning the recommendations and/or conclusions made, 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.²⁰¹

26th meeting
6 July 2023

[Adopted without a vote.]

53/105. Outcome of the universal periodic review: Peru

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 Peru on 25 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹⁹⁸ [A/HRC/53/6](#).

¹⁹⁹ [A/HRC/53/6/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

²⁰⁰ [A/HRC/53/7](#).

²⁰¹ [A/HRC/53/7/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

Adopts the outcome of the review of Peru, comprising the report thereon of the Working Group on the Universal Periodic Review,²⁰² the views of the State concerning the recommendations and/or conclusions made, 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.²⁰³

27th meeting

7 July 2023

[Adopted without a vote.]

53/106. Outcome of the universal periodic review: Guatemala

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 Guatemala on 25 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Guatemala, comprising the report thereon of the Working Group on the Universal Periodic Review,²⁰⁴ the views of the State concerning the recommendations and/or conclusions made, 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.²⁰⁵

27th meeting

7 July 2023

[Adopted without a vote.]

53/107. Outcome of the universal periodic review: Benin

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 Benin on 26 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Benin, comprising the report thereon of the Working Group on the Universal Periodic Review,²⁰⁶ the views of the State concerning the recommendations and/or conclusions made, 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.²⁰⁷

27th meeting

7 July 2023

[Adopted without a vote.]

²⁰² [A/HRC/53/8](#).

²⁰³ [A/HRC/53/8/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

²⁰⁴ [A/HRC/53/9](#).

²⁰⁵ [A/HRC/53/9/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

²⁰⁶ [A/HRC/53/10](#).

²⁰⁷ [A/HRC/53/10/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

53/108. Outcome of the universal periodic review: Republic of Korea

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 Korea on 26 January 2023 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 Korea, comprising the report thereon of the Working Group on the Universal Periodic Review,²⁰⁸ the views of the State concerning the recommendations and/or conclusions made, 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.²⁰⁹

28th meeting

7 July 2023

[Adopted without a vote.]

53/109. Outcome of the universal periodic review: Switzerland

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 Switzerland on 27 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Switzerland, comprising the report thereon of the Working Group on the Universal Periodic Review,²¹⁰ the views of the State concerning the recommendations and/or conclusions made, 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.²¹¹

28th meeting

7 July 2023

[Adopted without a vote.]

53/110. Outcome of the universal periodic review: Zambia

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 Zambia on 30 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

²⁰⁸ [A/HRC/53/11](#).

²⁰⁹ [A/HRC/53/11/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

²¹⁰ [A/HRC/53/12](#).

²¹¹ [A/HRC/53/12/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

Adopts the outcome of the review of Zambia, comprising the report thereon of the Working Group on the Universal Periodic Review,²¹² the views of the State concerning the recommendations and/or conclusions made, 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.²¹³

28th meeting

7 July 2023

[Adopted without a vote.]

53/111. Outcome of the universal periodic review: Pakistan

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 Pakistan on 30 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Pakistan, comprising the report thereon of the Working Group on the Universal Periodic Review,²¹⁴ the views of the State concerning the recommendations and/or conclusions made, 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.²¹⁵

29th meeting

10 July 2023

[Adopted without a vote.]

53/112. Outcome of the universal periodic review: Japan

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 Japan on 31 January 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Japan, comprising the report thereon of the Working Group on the Universal Periodic Review,²¹⁶ the views of the State concerning the recommendations and/or conclusions made, 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.²¹⁷

29th meeting

10 July 2023

[Adopted without a vote.]

²¹² [A/HRC/53/14](#).

²¹³ [A/HRC/53/14/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

²¹⁴ [A/HRC/53/13](#).

²¹⁵ [A/HRC/53/13/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

²¹⁶ [A/HRC/53/15](#).

²¹⁷ [A/HRC/53/15/Add.1](#); see also [A/HRC/53/2](#), part two, sect. VI.

53/113. Outcome of the universal periodic review: Sri Lanka

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 Sri Lanka on 1 February 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Sri Lanka, comprising the report thereon of the Working Group on the Universal Periodic Review,²¹⁸ the views of the State concerning the recommendations and/or conclusions made, 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.²¹⁹

*29th meeting
10 July 2023*

[Adopted without a vote.]

²¹⁸ [A/HRC/53/16](#).

²¹⁹ [A/HRC/53/16/Add.1](#); see also A/HRC/53/2, part two, sect. VI.

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