



United Nations

Report of the Human Rights Council

**Fifty-fourth session
(11 September–13 October 2023)**

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



Report of the Human Rights Council

Fifty-fourth Session
(11 September–13 October 2023)



United Nations • New York, 2023

* Second reissue for technical reasons (13 December 2023).

Note

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

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

[23 October 2023]

Contents

<i>Chapter</i>	<i>Page</i>
Checklist of resolutions, decisions and President's statements	iv
A. Resolutions	iv
B. Decisions	vi
C. President's statements.....	vii
I. Introduction	1
II. Resolutions brought to the attention of the General Assembly for its consideration and possible action	2
III. Fifty-fourth session	25
A. Resolutions	25
B. Decisions	162
C. President's statements.....	168

Checklist of resolutions, decisions and President's statements

A. Resolutions

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
54/1	Situation of human rights in Afghanistan	11 October 2023	25
54/2	Responding to the human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan	11 October 2023	31
54/3	Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	11 October 2023	36
54/4	Mandate of Independent Expert on the promotion of a democratic and equitable international order	11 October 2023	40
54/5	Ensuring quality education for peace and tolerance for every child	11 October 2023	41
54/6	Centrality of care and support from a human rights perspective	11 October 2023	45
54/7	World Programme for Human Rights Education	11 October 2023	48
54/8	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	11 October 2023	50
54/9	Working Group on the rights of peasants and other people working in rural areas	11 October 2023	53
54/10	Mandate of Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	11 October 2023	56
54/11	Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	11 October 2023	59
54/12	Human rights and Indigenous Peoples	11 October 2023	60
54/13	Human rights of older persons	11 October 2023	67
54/14	Enforced or involuntary disappearances	11 October 2023	70
54/15	Human rights and unilateral coercive measures	11 October 2023	73
54/16	Preventable maternal mortality and morbidity and human rights	12 October 2023	76
54/17	Contribution of the implementation of the objectives of the International Year of the Family and its follow-up processes in the promotion and protection of human rights	12 October 2023	83
54/18	The right to development	12 October 2023	2
54/19	Realization of the equal enjoyment of the right to education by every girl	12 October 2023	84
54/20	Situation of human rights in Burundi	12 October 2023	89
54/21	Right to privacy in the digital age	12 October 2023	91

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
54/22	Promoting and protecting economic, social and cultural rights within the context of addressing inequalities	12 October 2023	98
54/23	Situation of human rights in the Russian Federation	12 October 2023	102
54/24	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights	12 October 2023	105
54/25	A world of sports free from racism, racial discrimination, xenophobia and related intolerance	12 October 2023	109
54/26	Mandate of the Working Group of Experts on People of African Descent	12 October 2023	112
54/27	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	12 October 2023	114
54/28	Enhancement of technical cooperation and capacity-building in the field of human rights	12 October 2023	121
54/29	Technical assistance and capacity-building for Yemen in the field of human rights	12 October 2023	125
54/30	Penitentiary system, security and justice: enhancement of technical cooperation and capacity building to protect human rights in Honduras	12 October 2023	129
54/31	Technical assistance and capacity-building in the field of human rights in the Central African Republic	12 October 2023	130
54/32	Assistance to Somalia in the field of human rights	12 October 2023	137
54/33	Establishment of a regional office of the United Nations High Commissioner for Human Rights for the Caribbean Community	12 October 2023	144
54/34	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	12 October 2023	146
54/35	Question of the death penalty	13 October 2023	152
54/36	Advisory services and technical assistance for Cambodia	13 October 2023	156

B. Decisions

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
54/101	Outcome of the universal periodic review: France	29 September 2023	162
54/102	Outcome of the universal periodic review: Tonga	29 September 2023	162
54/103	Outcome of the universal periodic review: Botswana	29 September 2023	162
54/104	Outcome of the universal periodic review: Romania	2 October 2023	163
54/105	Outcome of the universal periodic review: Mali	2 October 2023	163
54/106	Outcome of the universal periodic review: Montenegro	2 October 2023	164
54/107	Outcome of the universal periodic review: Bahamas	2 October 2023	164
54/108	Outcome of the universal periodic review: Burundi	2 October 2023	164
54/109	Outcome of the universal periodic review: Luxembourg	2 October 2023	165
54/110	Outcome of the universal periodic review: Barbados	3 October 2023	163
54/111	Outcome of the universal periodic review: United Arab Emirates	3 October 2023	166
54/112	Outcome of the universal periodic review: Israel	3 October 2023	166
54/113	Outcome of the universal periodic review: Liechtenstein	3 October 2023	166
54/114	Outcome of the universal periodic review: Serbia	3 October 2023	167

C. President's statements

<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
PRST 54/1	Reports of the Advisory Committee	11 October 2023	168

I. Introduction

1. The present document contains the resolutions, the decision and the President's statement adopted by the Human Rights Council at its fifty-fourth session, held from 11 September to 13 October 2023.
2. The report of the Human Rights Council on the above-mentioned session is contained in document [A/HRC/54/2](#).

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

54/18. The right to development

The Human Rights Council,

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

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

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of fundamental human rights,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development, and recalling also all General Assembly and Council resolutions on the right to development, the most recent being Assembly resolution 77/212 of 15 December 2022 and Council resolution 51/7 of 6 October 2022,

Recalling the adoption of Human Rights Council resolution 49/8 of 31 March 2022 on the commemoration of the thirty-fifth anniversary of the Declaration on the Right to Development,

Recalling also the outcome document of the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019,¹

Welcoming the final outcome document 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 States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a legally binding instrument on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Welcoming also the final outcome document adopted at the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Baku on 5 and 6 July 2023, in which the Ministers of Foreign Affairs of States members of the Movement of Non-Aligned Countries strongly encouraged the continuation of support in forwarding the draft legally binding instrument to the General Assembly,

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

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

Emphasizing further that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Noting the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and

¹ General Assembly resolution 73/291.

other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes,

Acknowledging the need for a comprehensive approach to the promotion and protection of all human rights and the importance of integrating a right to development perspective in a more systemic way into all relevant aspects of the work of the United Nations system, including the treaty bodies and the Human Rights Council and its mechanisms,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the States Members of the United Nations and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations as the most universal and representative international organization in the world,

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

Recognizing that achieving the internationally agreed development goals, including the Sustainable Development Goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all their forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Recognizing further that eradicating poverty in all its forms and dimensions, including extreme poverty, is one of the critical elements in the promotion and realization of the right to development and is one of the greatest global challenges and an indispensable requirement for sustainable development, which requires a multifaceted and integrated approach, and reiterating the need to achieve sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

Recognizing that inequality is a major obstacle to the realization of the right to development within and across countries,

Expressing concern about the increasing number of cases of human rights violations and abuses by transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Taking note of the ongoing negotiation process on the draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable social and international order in which rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized, as envisioned in article 28 thereof,

Stressing the primary responsibility of Member States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development, and that lasting progress towards the implementation of the right to development requires, inter alia, effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Urging all Member States to engage constructively in discussions for the full implementation of the Declaration on the Right to Development within the Working Group on the Right to Development in order that it may fulfil, in a timely manner, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4,

Stressing that, in its resolution 48/141 of 20 December 1993, the General Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development, and to enhance support from relevant bodies of the United Nations system for that purpose, and in its annual resolution on the right to development, the Assembly reaffirms its request to the High Commissioner, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and international development, financial and trade institutions,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Recalling the report of the Human Rights Council Advisory Committee on the importance of a legally binding instrument on the right to development,² submitted to the Human Rights Council at its forty-fifth session pursuant to Council resolution 39/9 of 27 September 2018,

Welcoming the discussions held by the Working Group at its previous sessions on how a legally binding instrument would contribute to making the right to development a reality for all by creating conducive national and international conditions for its realization and by halting all measures that might have a negative impact on the right to development, in accordance with the Charter, the Declaration on the Right to Development and other relevant international instruments and documents,

Recalling the commencement of the elaboration of a draft convention on the right to development, as mandated by the Human Rights Council in its resolution 39/9, through a collaborative process of engagement, at the twenty-first session of the Working Group,

Reaffirming 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 mandate holders shall discharge the duties of their mandates in accordance with those resolutions and the annexes thereto,

1. *Reaffirms* its commitment to effectively integrate the right to development into its work and that of its mechanisms in a systematic and transparent manner;

2. *Acknowledges* the urgent need to strive for greater acceptance, operationalization and the realization of the right to development at the international level while urging all Member States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

3. *Also acknowledges* the contribution of civil society actors and other stakeholders to the implementation of the right to development, especially at the grass-roots level;

4. *Stresses* that South-South cooperation is a complement to North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments, and encourages Member States and other relevant stakeholders to incorporate the right to development into the design, financing and implementation of cooperation processes;

² A/HRC/45/40.

5. *Welcomes* the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;³

6. *Recognizes* that the full-day high-level meeting on the promotion and protection of the right to development, as a celebration of the thirty-fifth anniversary of the Declaration on the Right to Development held at the fifty-second session of the Human Rights Council, presented a significant opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves and redoubling its efforts to implement this right;

7. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on the high-level meeting commemorating the thirty-fifth anniversary of the Declaration on the Right to Development;⁴

8. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the High Commissioner, including on inter-agency coordination within the United Nations system that has direct relevance to the realization of the right to development, and to provide an analysis, taking into account existing challenges to the realization of the right to development, and to make recommendations on how to overcome them and concrete proposals for supporting the Working Group on the Right to Development in fulfilling its mandate;

9. *Also requests* the High Commissioner to take concrete measures in fulfilment of his mandated responsibility, and to enhance support for the promotion and protection of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development and agreed conclusions and recommendations of the Working Group;

10. *Urges* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to ensure balanced, efficient and visible allocation of both financial and human resources to the existing mechanisms within the Office, including the Expert Mechanism on the Right to Development and the Special Rapporteur on the right to development, for the realization of the right to development, also to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Expert Mechanism and the Special Rapporteur, and to provide regular updates to the Human Rights Council in this regard;

11. *Requests* the High Commissioner to facilitate the participation of relevant experts, including representatives of the Office of the High Commissioner, in the meetings of the Expert Mechanism on the Right to Development, in order for representatives of relevant international organizations, as well as relevant mandate holders of the Human Rights Council, to contribute to the discussions held at its meetings, as appropriate;

12. *Reiterates* the importance of the core principles contained in the conclusions adopted by the Working Group at its third session,⁵ which are congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

13. *Stresses* the importance of the realization of the mandate of the Working Group, and recognizes the need for renewed efforts within the Working Group so that it may fulfil, in a timely manner, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolutions 4/4 and 39/9;

14. *Recalls* that, in its resolution 51/7, the Human Rights Council requested the Chair-Rapporteur of the Working Group to submit a second revised draft convention to the Working Group at its twenty-fourth session for intergovernmental negotiation and, following

³ A/HRC/54/38.

⁴ A/HRC/54/45.

⁵ E/CN.4/2002/28/Rev.1, sect. VIII.A.

that process, to submit the final draft text of the convention on the right to development to the Council;

15. *Expresses its appreciation* to the Chair-Rapporteur of the Working Group for the submission of the draft legally binding instrument entitled “draft international covenant on the right to development” to the Human Rights Council,⁶ in line with Council resolution 51/7;

16. *Takes note* of the report of the Working Group on its twenty-fourth session,⁷ and reaffirms that the early finalization and adoption of the covenant on the right to development would help in operationalizing the right to development;

17. *Decides* to submit to the General Assembly the draft international covenant on the right to development annexed to the present resolution, for its consideration, negotiation and subsequent adoption;

18. *Stresses* that the Working Group will take into account all resolutions on the right to development, in particular Human Rights Council resolutions 9/3 and 42/23 of 27 September 2019;

19. *Requests* the High Commissioner to engage experts for their continued provision of necessary advice, input and expertise to the Chair-Rapporteur of the Working Group in the fulfilment of his mandate, to facilitate the participation of the experts in future sessions of the Working Group and to provide advice with a view to contributing to discussions as part of the implementation and realization of the right to development;

20. *Takes note* of the annual report of the Expert Mechanism on the Right to Development⁸ and of its thematic studies,⁹ and requests the Office of the High Commissioner to strengthen secretariat support for the Expert Mechanism;

21. *Requests* the Expert Mechanism to continue to pay particular attention to the international dimension of the right to development, and how this aspect will make the practical implementation of the right to development effective at the international, regional and national levels;

22. *Takes note* of the preparation of a commentary on article 1 (1) of the Declaration on the Right to Development by the Expert Mechanism;¹⁰

23. *Also takes note* of the report of the Special Rapporteur,¹¹ and requests him to continue to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

24. *Requests* the Special Rapporteur and the members of the Expert Mechanism to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda, including the high-level political forum on sustainable development, financing for development, climate change and disaster risk reduction with a view to enhancing the integration of the right to development in these forums and dialogues, and requests Member States, international organizations, United Nations agencies, regional economic commissions and other relevant organizations to facilitate the meaningful participation of the Special Rapporteur and members of the Expert Mechanism in these forums and dialogues;

25. *Invites* the Special Rapporteur to provide advice to Member States, international financial and economic institutions and other relevant entities, the corporate sector and civil society on measures to achieve the goals and targets relating to the means of implementation of the 2030 Agenda for the full realization of the right to development;

26. *Reiterates* its decision to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Sustainable Development

⁶ A/HRC/54/50.

⁷ A/HRC/54/40.

⁸ A/HRC/54/41.

⁹ A/HRC/54/82, A/HRC/54/83 and A/HRC/54/84.

¹⁰ See A/HRC/54/41, annex II.

¹¹ A/HRC/54/27.

Goals, and in this regard leads to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

27. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to keep the right to development high on its agenda, to pursue further work in this area in full cooperation with the Special Rapporteur on the right to development and the Expert Mechanism on the Right to Development in their activities, and to provide them with all the assistance necessary for the effective fulfilment of their mandates;

28. *Takes note* of the report of the Office of the High Commissioner on the biennial panel discussion of the Human Rights Council on the right to development,¹² held at its fifty-first session, and requests the Office, in accordance with paragraph 27 of Council resolution 42/23, to organize the next biennial panel discussion on the right to development in a format that is fully accessible to persons with disabilities, including sign language interpretation, at the fifty-seventh session of the Council, and also requests the Office to prepare a report on the panel discussion and to submit it to the Council at its fifty-eighth session;

29. *Encourages* all Member States to cooperate with and assist the Special Rapporteur and the Expert Mechanism in their tasks, and to supply all necessary information requested, where available, for the fulfilment of the mandates entrusted to them;

30. *Requests* all special procedures and other human rights mechanisms of the Human Rights Council to regularly and systematically integrate the right to development perspective into the implementation of their mandates;

31. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda, to contribute further to the work of the Working Group and to cooperate with the High Commissioner, the Special Rapporteur and the Expert Mechanism in the fulfilment of their mandates with regard to the promotion and implementation of the right to development;

32. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

47th meeting
12 October 2023

[Adopted by a recorded vote of 29 to 13, with 5 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, China, 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:

Argentina, Chile, Costa Rica, Mexico and Paraguay]

¹² [A/HRC/52/51](#).

Annex

Draft international covenant on the right to development

Preamble

The States Parties to the present Covenant,

Guided by the purposes and principles of the Charter of the United Nations, especially those relating to the achievement of international cooperation in solving international problems of an economic, social, cultural, environmental or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,

Recalling the obligation of States under articles 1 (3), 55 and 56 of the Charter of the United Nations to take joint and separate action in cooperation with the Organization for the promotion of higher standards of living, full employment and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction of any kind,

Reaffirming the Universal Declaration of Human Rights, and recalling that, under its provisions, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, and that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy economic, social and cultural rights, as well as civil and political rights,

Recalling that, under the Universal Declaration of Human Rights, everyone, as a member of society, is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality,

Recalling also the provisions of all international human rights treaties, as well as other international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

Reaffirming the Declaration on the Right to Development,

Recalling the reaffirmation of the right to development in numerous international declarations, resolutions and agendas,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the Millennium Declaration,

Recalling, in particular, General Assembly resolutions 48/141 of 20 December 1993, in which the Assembly established the Office of the United Nations High Commissioner for Human Rights, with a mandate to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose, 52/136 of 12 December 1997, in which the Assembly affirmed that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, and 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, deciding that its work should 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, including the right to development,

Taking note of the regional human rights instruments that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples'

Rights, the Inter-American Democratic Charter, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the Arab Charter on Human Rights, the Human Rights Declaration of the Association of Southeast Asian Nations, the American Declaration on the Rights of Indigenous Peoples, and the Abu Dhabi Declaration on the Right to Development,

Taking note also of the obligations of States pertaining to integral development in the Charter of the Organization of American States, and to progressive development in the American Convention on Human Rights,

Taking into consideration the various international instruments adopted for realizing sustainable development, including in particular the 2030 Agenda for Sustainable Development, which affirm that sustainable development must be achieved in its three dimensions, namely economic, social and environmental, in a balanced and integrated manner, so as to equitably meet the developmental and environmental needs of present and future generations, and in harmony with nature,

Concerned at the existence of serious obstacles to the realization of the right to development comprising, inter alia, poverty in all its forms and dimensions, including extreme poverty, hunger, inequality in all forms and manifestations within and among countries, climate change, health emergencies and health crises, the denial of the right to self-determination, colonization, neo-colonization, forced displacement, racism, discrimination, conflicts, foreign domination and occupation, aggression, threats against national sovereignty, national unity and territorial integrity, terrorism, crime, corruption, all forms of deprivation affecting the subsistence of peoples, and the denial of other human rights,

Emphasizing that the right to development, which derives from the inherent dignity of all members of the human family, is an inalienable human right of all individuals and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Recognizing that development is a comprehensive civil, cultural, economic, environmental, political and social process that is aimed at the constant improvement of the well-being of the entire population and of all peoples and individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Acknowledging that development is understood not simply in terms of economic growth, but also as a means of widening people's choices to achieve a more satisfactory intellectual, emotional, moral and spiritual existence rooted in the cultural identity and the cultural diversity of peoples,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Recognizing that the realization of the right to development constitutes an important end and an integral means of sustainable development, and that the right to development cannot be realized if development is not sustainable,

Considering that peace and security at all levels is an essential element for the realization of the right to development and that such realization can, in turn, contribute to the establishment, maintenance and strengthening of peace and security at all levels,

Recognizing that the effective rule of law, good governance and accountability at all levels, including the national and international levels, and the realization of the right to development are mutually reinforcing,

Recognizing also that the individual and peoples are the central subjects of the development process, and that development policy should therefore make them the main participants and beneficiaries of development,

Recognizing further that all individuals and peoples are entitled to a national and international environment conducive to just, equitable and participatory development, centred on them and respectful of all human rights,

Acknowledging that States have the primary responsibility, including through international cooperation and meaningful engagement with civil society, for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that every organ of society at the national or international level has a duty to respect the human rights of all, including the right to development,

Acknowledging that the realization of the right to development is a common concern of humankind,

Concerned that, despite the adoption of numerous resolutions, declarations and agendas, the right to development has not yet been effectively operationalized,

Convinced that a comprehensive and integral international covenant to promote and secure the realization of the right to development, through appropriate and enabling national and international action, is essential,

Have agreed as follows:

Part I

Article 1

Object and purpose

The object and purpose of the present Covenant is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every individual and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.

Article 2

Definitions

For the purposes of the present Covenant:

(a) “Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a natural person, a people or a State;

(b) “International organization” means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality; international organizations may include, in addition to States, other entities as members.

Article 3

General principles

To achieve the object and purpose of the present Covenant and to implement its provisions, the States Parties shall be guided by, inter alia, the principles set out below:

(a) Development centred on the individual and peoples: the individual and peoples are the central subjects of development and must be the active participants and beneficiaries of the right to development;

(b) Principles common to all human rights: the right to development should be realized in a manner that reflects the universality, inalienability, indivisibility, interdependence and interrelatedness of all human rights and integrates the principles of equality, non-discrimination, intersectionality, empowerment, participation, transparency, accountability, equity, inclusion, accessibility and subsidiarity;

(c) Human rights-based development: as development is a human right that is indivisible from and interrelated and interdependent with all other human rights, the laws, policies and practices of development, including development cooperation, must be

normatively anchored in a system of rights and corresponding obligations established by international law. Accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms;

(d) Contribution of development to the enjoyment of all human rights: development, as described in the present Covenant, is essential for the improvement of living standards and the welfare of individuals and peoples and contributes to the enjoyment of all other human rights;

(e) Principles of international law concerning friendly relations and cooperation among States: the realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations;

(f) Self-determined development: the priorities of development are determined by individuals and peoples as rights holders in a manner consistent with the provisions of the present Covenant. The right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing;

(g) Sustainable development: development must be achieved in its three dimensions, namely, economic, social and environmental, in an inclusive, balanced and integrated manner and in harmony with nature. The right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations; and the right to development cannot be realized if development is unsustainable;

(h) The right and the duty to regulate: States Parties have the right, on behalf of the rights holders, as well as the duty, to take regulatory or other related measures to realize the right to development on their territory in accordance with international law, and consistent with the provisions of the present Covenant;

(i) National and international solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of cooperation and unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals everywhere. This principle includes the duty to cooperate with full respect for the principles of international law;

(j) South-South and triangular cooperation as a complement to North-South cooperation: South-South and triangular cooperation contribute to the realization of the right to development. They are not a substitute for, but rather a complement to, North-South cooperation;

(k) Universal duty to respect human rights: everyone has the duty to respect all human rights, including the right to development, in accordance with international law;

(l) Right and responsibility of individuals, peoples, groups and organs of society to promote and protect human rights: in accordance with international law, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels. Individuals, peoples, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.

Part II

Article 4

Right to development

1. Every individual and all peoples have the inalienable right to development, by virtue of which they are entitled to participate in, contribute to and enjoy civil, cultural,

economic, environmental, political and social development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms.

2. Every individual and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

Article 5

Relationship with the right of peoples to self-determination

1. The right to development implies the full realization of the right of all peoples to self-determination.

2. All peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue the realization of their right to development.

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their wealth and sustainably use their natural resources based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence. Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their wealth and natural resources in a manner consistent with international law and the provisions of the present Covenant.

4. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations and international law.

5. States Parties shall take resolute action to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and discrimination, colonialism, domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.

6. Nothing contained in the present Covenant shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory, without distinction of any kind. Each State Party shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State.

Article 6

Relationship with other human rights

1. States Parties reaffirm that all human rights, including the right to development, are universal, inalienable, interrelated, interdependent, indivisible and equally important.

2. States Parties agree that the right to development is an integral part of human rights and must be realized in conformity with the full range of civil, cultural, economic, environmental, political and social rights.

Article 7

Relationship with the responsibility of everyone to respect human rights under international law

Nothing in the present Covenant may be interpreted as implying for any natural or legal person, people, group or State any right to engage in any activity or perform any act

aimed at the destruction, nullification or impairment of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Covenant. To that end, States Parties agree that all natural and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

Part III

Article 8

General obligations of States Parties

1. States Parties shall respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Covenant.

2. States Parties shall cooperate with each other in ensuring development and eliminating obstacles to development, while complying with their human rights obligations under international law.

3. States Parties shall ensure that public authorities and institutions at all levels act in conformity with the present Covenant.

4. States Parties shall ensure popular participation, through appropriate means, in the formulation, adoption and implementation of development laws, policies and practices.

5. States Parties recognize that each State has the right, on behalf of the rights holders, and also the duty to formulate, adopt and implement appropriate national development laws, policies and practices in conformity with the right to development and aimed at its full realization. To that end, States Parties undertake to refrain from nullifying or impairing, including in matters relating to international cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party to determine its own national development priorities and to implement them in a manner consistent with the provisions of the present Covenant and international law.

Article 9

General obligations of international organizations

Without prejudice to the general duty contained in article 7, States Parties agree that international organizations also have the obligation to refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach any obligation that the State or the latter organization may have with regard to the right to development.

Article 10

Obligation to respect

States Parties shall refrain from conduct, whether expressed through law, policy or practice, that:

- (a) Nullifies or impairs the enjoyment and exercise of the right to development;
- (b) Impairs the ability of another State or an international organization to comply with that State's or that international organization's obligations with regard to the right to development;
- (c) Aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, another State or an international organization to breach that State's or that international organization's obligations with regard to the right to development;

(d) Causes an international organization of which it is a member to commit an act that, if committed by the State Party, would constitute a breach of its obligation under the present Covenant, and does so to circumvent that obligation by taking advantage of the fact that the international organization has competence in relation to its subject matter.

Article 11

Obligation to protect

States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic and others, to ensure that natural or legal persons, peoples, groups or any other State or agents that the State is in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

- (a) Such conduct occurs, partially or fully, on the territory of the State Party;
- (b) The natural or legal person has the nationality of the State Party;

(c) The State Party has the requisite legal duty under either domestic or international law to supervise, regulate or otherwise exercise oversight, through, *inter alia*, requiring human rights due diligence, of the conduct of the legal person engaging in business activities, including those of a transnational character.

Article 12

Obligation to fulfil

1. Each State Party shall take measures, individually and through international assistance and cooperation, with a view to progressively enhancing the right to development, without prejudice to its obligations to respect and protect the right to development contained in articles 10 and 11 of the present Covenant or to those obligations contained in the present Covenant that are of immediate effect. States Parties may take such measures through any appropriate means, in particular through the adoption of legislative measures.

2. To this end, each State Party shall take all necessary measures at the national level, and shall ensure, *inter alia*, non-discrimination and equality of opportunity, including through digital inclusion where applicable, for all individuals and peoples in their access to basic resources, education, health services, food, housing, water and sanitation, employment, and social security and protection, and in the fair distribution of income, and shall carry out appropriate economic and social reforms with a view to eradicating all social injustices.

Article 13

Duty to cooperate

1. States Parties reaffirm and shall implement their duty to cooperate with each other, through joint and separate action, in order to:

- (a) Solve international problems of an economic, social, cultural, political, environmental, health-related, educational, technological or humanitarian character;
- (b) End poverty in all its forms and dimensions, including by eradicating extreme poverty;
- (c) Promote higher standards of living, full and productive employment, decent work, entrepreneurship, conditions of human dignity, and economic, social, cultural, technological and environmental progress and development;
- (d) Promote and encourage universal respect for human rights and fundamental freedoms for all, without discrimination of any kind.

2. To this end, States Parties have primary responsibility, in accordance with the general principle of international solidarity described in the present Covenant, for the creation

of international conditions favourable for the realization of the right to development for all, and shall take deliberate, concrete and targeted steps, individually and jointly, including through cooperation within international organizations and engagement with civil society:

- (a) To ensure that natural and legal persons, groups and States do not impair the enjoyment of the right to development;
- (b) To eliminate obstacles to the full realization of the right to development, including by reviewing international legal instruments, policies and practices;
- (c) To ensure that the formulation, adoption and implementation of States Parties' international legal instruments, policies and practices are consistent with the objective of fully realizing the right to development for all;
- (d) To formulate, adopt and implement appropriate international legal instruments, policies and practices aimed at the progressive enhancement and full realization of the right to development for all;
- (e) To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly in developing and least developed countries, to fulfil their obligations under the present Covenant.

3. States Parties shall ensure that financing for development and all other forms of aid and assistance given or received by them, whether bilateral or under any institutional or other international framework, adhere to internationally recognized development cooperation effectiveness principles and are consistent with the provisions of the present Covenant.

4. States Parties recognize their duty to cooperate to create a social and international order conducive to the realization of the right to development by, inter alia:

- (a) Promoting a universal, rules-based, open, non-discriminatory, equitable, transparent and inclusive multilateral trading system;
- (b) Implementing the principle of special and differential treatment for developing countries, in particular least developed countries, as defined in applicable trade and investment agreements;
- (c) Improving the regulation and monitoring of global financial markets and institutions, and strengthening the implementation of such regulations;
- (d) Ensuring enhanced representation and voice for developing countries, including least developed countries, in decision-making in all international economic and financial institutions, in order to deliver more effective, credible, accountable and legitimate institutions;
- (e) Enhancing capacity-building support to developing countries, including for least developed countries and small island developing States, to significantly increase the availability of high-quality, relevant, timely and reliable disaggregated data;
- (f) Encouraging official development assistance, financial flows and foreign investment, including through but not limited to the implementation of any existing commitments, for States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes;
- (g) Enhancing North-South, South-South, triangular and other forms of regional and international cooperation in all spheres, particularly on access to science, technology and innovation, and also enhancing knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level and through existing and new mechanisms for global technology facilitation;
- (h) Enhancing mitigation actions and adaptive capacity, strengthening resilience and response and reducing vulnerability to climate change and extreme weather events, addressing the economic, social and environmental impacts of climate change, taking into account the imperatives of a just transition, equity and the principles of common but

differentiated responsibilities and respective capabilities in the light of national circumstances, and enhancing access to international climate finance, technology transfer and capacity-building to support mitigation and adaptation efforts in developing and least developed countries, especially those that are particularly vulnerable to the adverse effects of climate change;

(i) Promoting the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

(j) Eliminating illicit financial flows by combating tax evasion and corruption, reducing opportunities for tax avoidance, enhancing disclosure and transparency in financial and property transactions in both source and destination countries and strengthening the recovery and return of stolen assets;

(k) Eliminating illicit arms flows by all necessary means, in accordance with international commitments;

(l) Assisting developing and least developed countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and addressing the external debt of highly indebted poor countries to reduce debt distress;

(m) Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies and the adoption of legislative and other measures to prevent and combat trafficking in persons, smuggling of migrants and crimes against migrants.

Article 14

Coercive measures

1. The use or encouragement of the use of economic or political measures, or any other type of measure, including unilaterally, to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States, the freedom of consent of States or applicable international law constitutes a violation of the right to development.

2. States Parties shall refrain from adopting, maintaining or implementing the measures referred to in paragraph 1.

Article 15

Specific and remedial measures

1. States Parties recognize that addressing discrimination, marginalization or vulnerability because of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status may need specific and remedial measures to accelerate or achieve de facto equality in the enjoyment of the right to development. Specific and remedial measures may include enabling the full, effective, appropriate and dignified participation of rights holders in decision-making processes, programmes and policymaking that affect their full and equal enjoyment of the right to development, without subjecting them to structural, environmental or institutional constraints or barriers.

2. States Parties recognize that developing and least developed countries, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require specific and remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal realization of the right to development by all individuals and peoples. Such measures may, as appropriate, include:

- (a) Recognition of and respect for common but differentiated responsibilities and respective capabilities, in the light of different national circumstances;
- (b) The provision of special and differential treatment;
- (c) Preferential terms on trade, investment and finance;
- (d) The creation of special funds or facilitation mechanisms;
- (e) The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building or other assistance;
- (f) Other mutually agreed measures consistent with the provisions of the present Covenant.

Article 16

Gender equality and the empowerment of women and girls

1. States Parties shall adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

2. States Parties, in accordance with their obligations under international law, shall ensure substantive equality between women and men, and shall adopt measures, including through legislation and temporary special measures as and when appropriate, to end all forms of discrimination against women and girls so as to ensure their full and equal enjoyment of the right to development.

3. To that end, States Parties shall adopt appropriate measures, individually and jointly, inter alia:

(a) To prevent and eliminate all forms of violence and harmful practices against women and girls in the public and private spheres online and offline, including trafficking in persons and all forms of sexual and other types of exploitation;

(b) To ensure women's full, equal, effective and meaningful participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic, social, cultural and public life, and within legal persons;

(c) To adopt and strengthen policies and enforceable legislation for the promotion of equality of opportunities and the empowerment of women and girls at all levels;

(d) To incorporate and mainstream a gender perspective into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

(e) To ensure equal and equitable access to, and control over, the resources necessary for the full realization of the right to development by women and girls;

(f) To ensure equal and equitable access to quality education and services necessary for the full realization of the right to development by women and girls;

(g) To ensure equal and equitable access to sexual and reproductive health and reproductive rights;

(h) To realize the women and peace and security agenda and ensure the full, effective and meaningful participation of women in the prevention and resolution of armed conflicts and in peacebuilding for the maintenance and promotion of peace and security at all levels.

Article 17

Indigenous Peoples

1. Indigenous Peoples, in exercise of their right to self-determination, have the right to freely pursue their development in all spheres, in accordance with their own needs and interests. They have the right to determine and develop priorities and strategies for exercising their right to development.

2. In accordance with international law, States Parties shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

3. States Parties shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Article 18

Peasants and other people working in rural areas

1. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

2. Peasants and other people working in rural areas have the right to active, free and meaningful participation, directly and/or through their representative organizations, in the preparation and implementation of laws, policies and practices that may affect their lives, land and livelihoods.

3. States Parties shall, without disregarding specific legislation on Indigenous Peoples, consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions before adopting and implementing laws, policies and practices that may affect their rights.

Article 19

Measures to prevent and combat corruption

States Parties recognize that corruption presents a serious obstacle to the realization of the right to development. To this end, States Parties shall, in accordance with international law, individually and jointly:

- (a) Promote and strengthen measures to prevent and combat corruption;
- (b) Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;
- (c) Promote integrity, accountability and the proper management of public affairs and public property.

Article 20

Prohibition of limitations on the enjoyment of the right to development

States Parties recognize that the enjoyment of the right to development may not be subject to any limitations except insofar as they may result directly from the exercise of the limitations on other human rights applied in accordance with international law.

Article 21

Impact assessments

1. States Parties undertake to take appropriate steps, individually and jointly, including within international organizations, to establish legal frameworks for conducting prior and ongoing assessments of actual and potential risks and impacts of their national laws, policies and practices and international legal instruments, policies and practices, and of the conduct of legal persons that they are in a position to regulate to ensure compliance with the provisions of the present Covenant.

2. States Parties shall take into account any further guidelines, best practices or recommendations that the Conference of States Parties may provide with respect to impact assessments.

Article 22

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Covenant. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for privacy online and offline;

(b) Comply with internationally accepted norms to respect and protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with the present article shall be disaggregated, as appropriate, and used by the State Party to help assess the implementation of its obligations under the present Covenant and to identify and address the obstacles to the full realization of the right to development.

3. States Parties shall assume responsibility for the dissemination of these statistics in a manner consistent with the objective of fully realizing the right to development for all.

Article 23

International peace and security

1. States Parties reaffirm their existing obligations under international law to promote the establishment, maintenance and strengthening of international peace and security in consonance with the principles and obligations contained in the Charter of the United Nations, including the peaceful settlement of disputes.

2. To that end, in accordance with international law, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament under strict and effective international control so that the world's human, ecological, economic and technological resources can be used for the full realization of the right to development for all.

3. States Parties undertake to promote peace and inclusive societies within their territories for the full realization of the right to development for all.

Article 24

Sustainable development

States Parties, individually and jointly, undertake to ensure that:

(a) Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realization of sustainable development, in a manner consistent with their obligations under international law;

(b) Their decisions and actions do not compromise the ability of present and future generations to realize their right to development;

(c) The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable development are made fully consistent with the provisions of the present Covenant and other obligations under international law for realizing sustainable development.

Article 25

Harmonious interpretation

1. All the aspects of the right to development set forth in the present Covenant are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant. To that end, States Parties reaffirm that the United Nations and its specialized agencies are under an obligation to promote the right to development.

3. Subject to the provisions of the Vienna Convention on the Law of Treaties, the provisions of the present Covenant shall not affect the rights and obligations of any State Party deriving from any existing international law. The present paragraph is not intended to create a hierarchy between the present Covenant and other international law.

Part IV

Article 26

Conference of States Parties

1. A Conference of States Parties is hereby established.

2. The Conference of States Parties shall keep under regular review the effective implementation of the Covenant and any related legal instruments that the Conference of States Parties may in the future adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Covenant. To that end, the Conference of States Parties shall:

(a) Periodically examine voluntary reports by States Parties on the implementation of their obligations under the Covenant and the obstacles that they face in the realization of the right to development, in the light of the object and purpose of the Covenant. In this regard, the Conference of States Parties may refer such reports to the implementation mechanism contemplated under article 28 of the present Covenant;

(b) Promote and facilitate the open exchange of information on measures adopted by States Parties to address the realization of the right to development, taking into account the differing circumstances, responsibilities and capabilities of States Parties and their respective obligations under the Covenant;

(c) Promote, develop and periodically refine, in accordance with the provisions of the present Covenant, the methodologies and best practices for States Parties to assess the status of the realization of the right to development;

(d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and governmental and non-governmental bodies;

(e) Consider and adopt regular reports on the status of implementation of the Covenant, and ensure their publication;

(f) Make recommendations on any matters relevant to the implementation of the Covenant, and ensure their publication;

(g) Exercise such other functions within the scope of the Covenant as are required for the achievement of the object and purpose, as well as the aims, of the Covenant.

3. The first session of the Conference of States Parties shall be convened by the Secretary-General of the United Nations no later than six months after the entry into force of the present Covenant. At its first session, the Conference of States Parties shall adopt its own rules of procedure, which shall include decision-making for matters within the scope of its mandate that are not already stated in the Covenant.

4. The Conference of States Parties shall meet in public sessions, except as otherwise determined by it, in accordance with its rules of procedure.

5. The Conference of States Parties shall invite the United Nations High Commissioner for Human Rights to its public sessions for an interactive dialogue in pursuance of the latter's mandate to promote and protect the realization of the right to development and enhance support from relevant bodies of the United Nations system for this purpose.

6. The Conference of States Parties shall also invite the mandate holders of the United Nations mechanisms and procedures dedicated to the promotion of the right to development for an interactive dialogue.

7. All States not party to the present Covenant, specialized agencies, funds and programmes of the United Nations system, other international organizations, United Nations human rights mechanisms, regional human rights bodies, national human rights institutions and non-governmental organizations with consultative status with the Economic and Social Council may participate as observers in the public sessions of the Conference of States Parties. The Conference of States Parties may, in accordance with its rules of procedure, consider requests from, or may invite, other stakeholders to participate as observers.

8. The Conference of States Parties shall be held annually.

9. Special sessions of the Conference of States Parties shall be held at such other times as it may deem necessary, or at the request of any State Party, in accordance with its rules of procedure.

10. The Conference of States Parties shall transmit its reports to the General Assembly and the Economic and Social Council.

Article 27

Protocols to the Covenant

1. The Conference of States Parties may adopt protocols to the present Covenant.

2. The text of any proposed protocol shall be communicated to States Parties at least six months before consideration.

3. The requirements for entry into force shall be established by that instrument.

4. Decisions under any protocol shall be taken only by the States Parties to the protocol concerned.

Article 28

Establishment of an implementation mechanism

1. At its first session, the Conference of States Parties shall establish an implementation mechanism to facilitate, coordinate and assist, in a non-adversarial and non-punitive manner, the implementation and promotion of compliance with the provisions of the present Covenant.

2. The implementation mechanism shall transmit its reports annually to the Conference of States Parties.

3. The implementation mechanism shall consist of independent experts, consideration being given to, *inter alia*, gender balance and equitable geographical representation, as well as to an appropriate representation of different legal systems. Experts shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Covenant.

4. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the implementation mechanism and shall convene its initial meeting.

5. With the approval of the General Assembly, the members of the implementation mechanism shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the implementation mechanism's responsibilities.

6. The members of the implementation mechanism shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

7. The implementation mechanism shall:

(a) Make suggestions and general recommendations based on the examination of reports and information referred to it by the Conference of States Parties. Such suggestions and general recommendations shall be included in the report of the implementation mechanism together with comments, if any, from States Parties;

(b) Review obstacles to the implementation of the Covenant at the request of the Conference of States Parties;

(c) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the Covenant;

(d) Undertake any other functions within the scope of the Covenant that may be vested by the Conference of States Parties.

8. The Conference of States Parties shall adopt rules of procedure for the operation of the implementation mechanism.

Part V

Article 29

Signature

The present Covenant shall be open for signature by all States and international organizations at United Nations Headquarters in New York as of _____.

Article 30

Consent to be bound

1. The present Covenant shall be subject to ratification, approval or acceptance by signatory States.
2. Notwithstanding the obligations of international organizations existing under international law and the present Covenant, the consent of signatory international organizations to be bound by the present Covenant shall be expressed through an act of formal confirmation.
3. The present Covenant shall be open for accession by any State or international organization that has not signed the Covenant.

Article 31

International organizations

1. International organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Covenant. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Covenant shall apply to such organizations within the limits of their competence.
3. For the purposes of article 32, paragraph 1, and article 34, paragraphs 2 and 3, any instrument deposited by an international organization shall not be counted.
4. International organizations may not exercise a right to vote in the Conference of States Parties or for the purposes of article 34, paragraph 1.

Article 32

Entry into force

1. The present Covenant shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or international organization ratifying, formally confirming or acceding to the Covenant after the deposit of the twentieth such instrument, the Covenant shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 33

Reservations

1. Reservations may be withdrawn at any time.
2. Reservations incompatible with the object and purpose of the present Covenant shall not be permitted.

Article 34

Amendments

1. Any State Party may propose an amendment to the present Covenant and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of States Parties favour such a meeting, the Secretary-General shall convene

the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties that have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of the present article that relates exclusively to articles 26, 27 or 28 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 35

Denunciation

A State Party may denounce the present Covenant by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 36

Dispute settlement between States Parties

Any dispute between two or more States Parties with respect to the interpretation or application of the present Covenant that has not been settled by negotiation may, upon agreement by the parties to the dispute, be referred to the International Court of Justice for a decision, unless another mode of dispute settlement is agreed upon by them.

Article 37

Accessible format

The text of the present Covenant shall be made available in accessible formats.

Article 38

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Covenant.

Article 39

Authentic texts

1. The Arabic, Chinese, English, French, Russian and Spanish texts of the present Covenant shall be equally authentic.

2. In witness thereof, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Covenant.

III. Fifty-fourth session

A. Resolutions

54/1. Situation of human rights in Afghanistan

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

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

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Afghanistan, and that the people of Afghanistan are entitled to freely determine their political status and to freely pursue their economic, social and cultural development,

Reaffirming also that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Deeply deploring the suffering of the people of Afghanistan, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance, and stressing also the urgent and imperative need to ensure accountability by bringing perpetrators of crimes involving violations and abuses of international human rights law and violations of international humanitarian law to justice,

Recalling its thirty-first special session on the serious human rights concerns and situation in Afghanistan, its resolutions S-31/1 of 24 August 2021, 48/1 of 7 October 2021, in which the Council appointed a special rapporteur to monitor the situation of human rights in Afghanistan, 50/14 of 8 July 2022 and 51/20 of 7 October 2022, and all relevant resolutions adopted by the General Assembly and the Security Council on the situation in Afghanistan, on children and armed conflict, and on women and peace and security,

Recalling also the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Afghanistan, the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Special Representative of the Secretary-General for Children and Armed Conflict, those by several special procedures of the Human Rights Council and treaty bodies on reports of human rights abuses in Afghanistan committed by the Taliban, and the press statement on Afghanistan issued by the Security Council on 24 May 2022,

Deeply concerned about the situation of human rights in Afghanistan, in particular the continued human rights violations and abuses and violations of international humanitarian law, including those involving summary or extrajudicial executions, arbitrary detentions, forced displacement, collective punishment, cruel, inhuman or degrading treatment of detainees, sexual and gender-based violence, violence against peaceful protesters, reprisals, raids on offices of non-governmental organizations and civil society groups, and violations and abuses, committed by the Taliban and other actors, of the human rights of all women, children, older persons, journalists and media workers, human rights defenders and members of their families, lawyers, judges, prosecutors, prisoners, internally displaced persons, former government officials and former armed forces members, members of ethnic and religious minorities and persons in situations of vulnerability,

Expressing alarm at the findings of the United Nations Assistance Mission in Afghanistan in its report on extrajudicial killings, arbitrary arrest and detention, torture and ill-treatment and enforced disappearance carried out against individuals affiliated with the former Government of Afghanistan and its security forces, and over the findings of the United Nations Assistance Mission in Afghanistan in its report on the treatment of detainees in Afghanistan, which included torture, ill-treatment and illegal use of force during arrests and in custody, in some cases leading to the death of detainees,

Expressing serious concern about the grave, institutionalized, widespread and systematic oppression of all women and girls in Afghanistan by the Taliban that stems, inter alia, from edicts, policies and practices targeting women and girls, the undermining of legal protections and accountability mechanisms for sexual and gender-based violence, and the ongoing denial of human rights,

Underlining the vital role of women in the delivery of life-saving assistance and basic services, and expressing grave concern at the Taliban-imposed ban on women from Afghanistan working for the United Nations in Afghanistan and for international and national non-governmental organizations, which severely impacts the effective delivery of life-saving assistance and basic services, putting at risk the lives of millions of Afghans, especially those in female-headed households,

Expressing deep concern at the economic, climate, mental health, humanitarian and food security crises in Afghanistan, including the increasing level of acute food insecurity and malnutrition, and the deprivation of women's ability to make a living that have undermined the enjoyment of a full range of economic, social and cultural rights of the people of Afghanistan, including of women and children, and emphasizing the need to address the critical funding gap in the humanitarian response across Afghanistan,

Recalling with grave concern the assessment of the Special Rapporteur on the situation of human rights in Afghanistan regarding the historical persecution of Hazaras and persons belonging to other ethnic and religious minorities, as well as the Special Rapporteur's assessment that attacks, frequently claimed by Islamic State in Iraq and the Levant-Khorasan, appear to be systematic in nature and reflect elements of an organizational policy, thus bearing the hallmarks of international crimes, including crimes against humanity,¹³ and noting the assessment of the High Commissioner that their human rights situation appears to be worsening,

Noting the concerns about the situation of children, who continue to be affected by hardship following decades of conflict, insecurity, conflict-related violence, recruitment and use of children by armed forces and groups in hostilities in violation of applicable international law, sexual and gender-based violence in all its forms, killing and maiming of children, abduction of children and other violations of international law, including human rights violations and abuses, and who, in addition to restrictions on the right to education, suffer from the effects of the humanitarian crisis, which drives harmful, discriminatory, oppressive and violent practices, such as child, early and forced marriage, abuse and economic and sexual exploitation, the sale of children and organs, forced and child labour, trafficking in persons and unsafe migration,¹⁴

Recognizing that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, and underlining the important role played by local journalists and media workers in continuing to carry out essential work, including documenting and reporting, in challenging circumstances,

Reaffirming the need to prevent and redress human rights violations and abuses in a manner consistent with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

¹³ A/HRC/51/6, para. 67.

¹⁴ Ibid., para. 71.

Deeply concerned about the continuing, systematic and all-encompassing erosion of respect for the human rights of all women and girls in Afghanistan by the Taliban, including the imposition of restrictions that limit the enjoyment of the rights to education, the highest attainable standard of physical and mental health, work, freedom of movement, freedom of expression, freedom of opinion and freedom of peaceful assembly and association, and women's full, equal and meaningful participation in public life, and emphasizing that these restrictions are inconsistent with the obligations of Afghanistan under international human rights law and international humanitarian law and the commitment made by the Taliban to the people of Afghanistan,

Expressing deep concern at the continued prevalence of violence and discrimination against women and girls in Afghanistan, in all their different forms and manifestations, which may amount to the crime against humanity of persecution on the grounds of gender, including sexual and gender-based violence in all its forms, child, early and forced marriage, and multiple and intersecting forms of discrimination against women and girls, emphasizing that discrimination and violence against women and girls violate, abuse and impair their enjoyment of human rights, and stressing that perpetrators of crimes involving human rights violations and abuses must be brought to justice and the critical need for victims and survivors to be provided with effective redress, support and remedies,

Reaffirming that the full, equal and meaningful participation, inclusion and empowerment of all women and girls in all spheres of life, including in planning and decision-making with regard to governance, mediation, confidence-building and conflict prevention and resolution, as well as their involvement in all efforts to maintain and promote peace and security, are essential for sustainable peace and full and complete economic and social development, as well as the realization and enjoyment of all human rights of all persons in Afghanistan,

Expressing deep concern that the Taliban have introduced judicially sanctioned corporal punishments and death penalties, noting that sentences such as stoning people to death or burying them under a wall constitute torture or other cruel, inhuman or degrading treatment or punishment, and expressing deep concern also at reports of non-judicially sanctioned corporal punishments,

Recalling the importance of protecting cultural heritage from deliberate damage and looting,

Recalling also the obligations of Afghanistan under international human rights law and international humanitarian law as expressed in, inter alia, the treaties and conventions to which it is a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

Recalling further that Afghanistan has been a State party to the Rome Statute of the International Criminal Court since 1 May 2003,

Expressing deep concern at the displacement in Afghanistan, acknowledging the efforts of numerous States to evacuate and relocate people wishing to leave Afghanistan, emphasizing the need to support neighbouring countries that are generously sheltering large numbers of refugees and other people from Afghanistan deserving international protection, while reiterating the importance of protecting their rights, protecting them against refoulement and treating them in a dignified manner, and recalling the principle of burden- and responsibility-sharing,

Acknowledging the efforts of neighbouring and other countries to facilitate the delivery of humanitarian assistance to Afghanistan, in collaboration with the United Nations and other international agencies and partners,

Emphasizing that sustainable peace in Afghanistan can only be achieved through an inclusive, just, durable and realistic political settlement that reflects the choice of the people

of Afghanistan and upholds the enjoyment of human rights of all persons, including for all women and girls, children and persons belonging to minorities,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development and a multiplier right that supports the empowerment of all women and girls to exercise their human rights, including the right to participate in the conduct of public affairs and in economic, social and cultural life and to fully, equally and meaningfully participate in the decision-making processes that shape society, and recognizing also the transformative potential of education for every girl,

Noting the efforts by religious actors from neighbouring and other countries to promote the human right of women and children to have access to quality education in Afghanistan, emphasizing the need to support efforts aiming at the realization of the right to education without discrimination of any kind, and recalling the importance of secular curricula in that regard,

Reaffirming the equal right of every child to education without discrimination of any kind, and expressing concern at the continuation of the multiple and intersecting forms of discrimination that girls face,

Reaffirming also that human rights, democracy and the rule of law create an environment in which countries can promote development, protect individuals from discrimination and ensure equal access to justice for all,

Noting that many human rights have been under concerted attack in Afghanistan in the past two years after 20 years of political, economic and social achievements of the people of Afghanistan,

Reiterating its support for the work of the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General for Afghanistan in fulfilling their mandates under Security Council resolutions 2626 (2022) of 17 March 2022 and 2678 (2023) of 16 March 2023, including their human rights monitoring and reporting and engagement with all relevant political actors in Afghanistan and stakeholders, including relevant authorities as needed,

Recognizing the need to help to address the substantial challenges facing the economy of Afghanistan, including through efforts to restore the banking and financial systems and efforts to enable the use of assets belonging to the Central Bank of Afghanistan for the benefit of the people of Afghanistan, including all women and girls,

Emphasizing the importance of the safety and security of United Nations personnel, including those working on human rights, and of diplomatic and consular personnel of States Members of the United Nations and of national and international humanitarian personnel, including women workers,

Welcoming the report of the High Commissioner, the reports of the United Nations Assistance Mission in Afghanistan and the ongoing work and the reports of the Special Rapporteur, as well as his report with the Working Group on discrimination against women and girls,¹⁵ and acknowledging the access and cooperation provided,

1. *Continues to condemn in the strongest possible terms* all human rights violations and abuses and violations of international humanitarian law committed in Afghanistan, in particular those involving summary or extrajudicial executions, arbitrary detention, violence against peaceful protestors, journalists and media representatives, in particular women journalists and media representatives, as well as former judges, prosecutors and other magistrates, civil servants and law enforcement and military personnel, reprisals, raids on offices of non-governmental organizations and civil society groups, including women's rights organizations, violations and abuses of the human rights of all women, girls, children, persons with disabilities, persons belonging to ethnic and religious minorities and other marginalized groups, and the targeting of those who have worked for the Government of Afghanistan and of former military personnel;

¹⁵ [A/HRC/53/21](#).

2. *Strongly condemns* the Taliban-imposed ban on women of Afghanistan working for the United Nations in Afghanistan and national and international non-governmental organizations and all other forms of interference in non-governmental assistance activities, including aid delivery, which undermine the enjoyment of human rights and are inconsistent with humanitarian principles;

3. *Calls for* an immediate end to all human rights violations and abuses and violations of international humanitarian law in Afghanistan, for strict respect for all human rights and fundamental freedoms, including the right to life, the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, the right to a fair trial, the right to an effective remedy, the right to an adequate standard of living, including adequate food, housing and safe drinking water and sanitation, the rights to education, work and the highest attainable standard of physical and mental health, including sexual and reproductive health and reproductive rights, the rights to freedom of peaceful assembly, of religion or belief and of expression and the right to liberty of movement and freedom to leave the country, and for the protection of civilians and critical civilian infrastructure, in particular medical and educational facilities in the country;

4. *Reaffirms* its unwavering commitment to the full and equal enjoyment of all human rights by all women, girls and all children in Afghanistan, including the right to freedom of movement, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to work and the right of access to justice on an equal basis with others, and the importance of protecting women, girls and all children from violations and abuses, and in this regard notes that, according to the Convention on the Rights of the Child, a child is anyone under the age of 18;

5. *Expresses grave concern* at continuing reports of serious human rights violations and abuses and violations of international humanitarian law committed against children, including killing and maiming, sexual and gender-based violence in all its forms, exploitation, the recruitment and use of children by armed forces and groups in hostilities in violation of applicable international law, attacks on students, teachers, schools and universities, the unlawful military use of educational facilities and the denial of humanitarian access;

6. *Condemns* all forms of discrimination against women and girls, including women and girls with disabilities, and reminds all parties that all forms of sexual and gender-based violence, including violence against women and girls, the sexual slavery of boys (*bacha bazi*) and child, early and forced marriage, constitute violations and abuses of human rights and fundamental freedoms;

7. *Expresses deep concern* at the lack of accountability for the human rights violations and abuses and violations of international humanitarian law committed in Afghanistan;

8. *Calls upon* the Taliban to reverse their policies and practices that currently restrict the human rights of people in Afghanistan, to make them consistent with the international human rights obligations of Afghanistan, including policies and practices that unduly restrict the human rights and fundamental freedoms of women and girls, including freedom of movement and the rights to education, work and public participation, and those that discriminate against persons belonging to ethnic or religious minority groups, including Hazaras, and to prohibit and prevent discrimination and violence against them and ensure their representation in all decision-making processes affecting their lives;

9. *Calls for* opportunities for and access to inclusive and equitable quality education at all levels for women and girls, for the immediate and unconditional reopening of schools for girls of all ages, and for equal and quality education for children at all levels;

10. *Also calls for* respect for and the promotion and protection of the right of everyone to take part in cultural life, including the ability to have access to and to enjoy cultural heritage, and for the protection of tangible and intangible cultural heritage consistent with article 15 of the International Covenant on Economic, Social and Cultural Rights and the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two optional protocols thereto, and urges all parties to refrain from any unlawful military use and the targeting of cultural property;

11. *Reiterates* the urgency of a prompt, independent and impartial review of or investigation into all alleged violations and abuses of human rights and violations of international humanitarian law to end impunity, ensure accountability and bring perpetrators to justice;

12. *Also reiterates* its call for an Afghan-led and Afghan-owned process for the establishment of a participative, inclusive and representative government, including with regard to gender and all ethnic and religious minorities, ensuring the full, equal and meaningful participation of women and youth in decision-making positions and processes;

13. *Urges* the international community to adjust further its engagement with any stakeholders in Afghanistan with regard to respect for the human rights and fundamental freedoms of all Afghans, including women, girls, children, persons with disabilities and persons belonging to marginalized groups, including ethnic and religious minorities, and respect for the rule of law, freedom of expression, including for journalists and media workers, with specific attention to human rights defenders, and respect for the obligations of Afghanistan under international human rights law;

14. *Reiterates* the need to address the profound challenges facing Afghanistan, including through efforts to provide assistance in the fulfilment of human rights obligations arising from international treaties that Afghanistan has ratified, and to offer support and advice to civil society;

15. *Underscores* the need for and calls for further improvement in the living conditions of the people of Afghanistan, and emphasizes the need to provide basic social services at the national, provincial and local levels, in particular education, clean water, sanitation, digital connectivity, adequate housing and public health services, with special attention to the needs of all women, girls and disadvantaged and marginalized groups, including persons belonging to minority groups and persons with disabilities;

16. *Expresses deep concern* at the humanitarian situation, calls upon the international community to offer greater support, including in the context of the food security crisis and the ongoing protection crisis, and to enhance efforts to bridge the funding gap, and urges all parties to allow immediate, safe and unhindered humanitarian access, including across conflict lines, to ensure that humanitarian assistance reaches all those in need, in particular internally displaced persons and those in situations of vulnerability, and to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, including women workers;

17. *Encourages* all stakeholders in Afghanistan to continue engagement and cooperation with the United Nations, including with the United Nations Assistance Mission in Afghanistan, the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations entities;

18. *Reiterates* its call for the reinstatement of the Ministry of Women's Affairs and of an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to protect and promote all human rights, receive complaints from the public, monitor places of detention and bring issues to the attention of the de facto authorities;

19. *Calls for* the provision of an enabling environment for civil society actors, especially women's and women-led organizations and leaders whose work is impacted by restrictions targeting women, and the media to carry out their activities without hindrance or fear of reprisal, the investigation of cases of intimidation and attacks against members of civil society, including women's rights organizations, and journalists and media workers, bringing perpetrators to justice, and measures to promote respect for freedom of expression and access to information and support, both offline and online;

20. *Expresses deep concern* at continuing reports of serious human rights violations and abuses committed against artists and musicians, including attacks, arrests, detentions, the destruction of artistic images and artefacts, including murals, and musical instruments, and bans and restrictions on the arts and music;

21. *Acknowledges* the specific access provided to the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls;

22. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Afghanistan for a period of one year, and requests the Special Rapporteur to present a report to the Human Rights Council at its fifty-fifth session, to provide an oral update to the Council at its fifty-seventh session and to present a report to the General Assembly at its seventy-ninth session, in accordance with their respective programmes of work;

23. *Requests* the Special Rapporteur, with the support of other relevant special procedure mandate holders and treaty bodies and with temporary, specific and relevant expertise to be provided by the Office of the High Commissioner, to prepare a report on the phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls, building on the report submitted to the Human Rights Council at its fifty-third session,¹⁶ and to present it to the Council at its fifty-sixth session, to be followed by an enhanced interactive dialogue;

24. *Decides* that, in order to provide the support necessary to the mandate holder, the mandate holder shall benefit from additional dedicated and specific resources and expertise to be provided by the Office of the High Commissioner, as defined by the Human Rights Council in its resolution 51/20, with further additional resources and expertise for strengthening documentation and preservation, including for information and communications technology licensing and security, and for Dari and Pashto language capacity;

25. *Calls upon* all relevant actors in Afghanistan to cooperate fully with the Special Rapporteur, the special procedures of the Human Rights Council and the treaty bodies, and other international bodies seized of the situation in Afghanistan, to grant them unhindered access to the country without delay and to provide them with all necessary information and support to allow for the proper fulfilment of their mandates, and to ensure that civil society organizations, human rights defenders, victims, survivors, their families and other individuals have unhindered access to the above-mentioned bodies and mechanisms without fear of reprisal, intimidation or attack;

26. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary for the effective fulfilment of the mandate;

27. *Also requests* the Office of the High Commissioner to present, during an enhanced interactive dialogue also including the Special Rapporteur's oral update requested in paragraph 22 above, a comprehensive report, including a stocktaking of accountability options and processes for human rights violations and abuses in Afghanistan;

28. *Urges* all relevant special procedure mandate holders and invites treaty bodies to closely monitor and reflect on the situation of human rights in Afghanistan within the scope of their respective mandates;

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

*46th meeting
11 October 2023*

[Adopted without a vote.]

54/2. Responding to the human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan

The Human Rights Council,

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

¹⁶ Ibid.

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 and protection of all human rights and fundamental freedoms, and recalling that the Sudan has the responsibility to act in accordance with international humanitarian law, as well as to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity,

Recalling the obligations of all parties to the conflict under international humanitarian law and the obligations of the Sudan under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural 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 elevate the value of human rights, and that all parties must continue to comply with their respective obligations, including as applicable during the ongoing armed conflict,

Recalling also the commitments made on 11 May 2023 by the Sudanese Armed Forces and the Rapid Support Forces under the Jeddah Declaration of Commitment to Protect the Civilians of Sudan, including with regard to allowing and facilitating principled humanitarian relief, and the affirmation by the parties of their responsibility to respect international humanitarian law and international human rights law,

Reaffirming Human Rights Council resolutions S-32/1 of 5 November 2021 and S-36/1 of 11 May 2023, 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 General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and that States Members of the United Nations are required to uphold the highest standards in the promotion and protection of human rights,

Recalling also Security Council resolutions 1564 (2004) of 18 September 2004 and 1593 (2005) of 31 March 2005,

Recalling further all other 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 Secretary-General, the High Commissioner and the Special Adviser to the Secretary-General on the Prevention of Genocide,

Recalling the common call for all parties to the conflict to immediately cease hostilities, to adhere to a ceasefire and to allow for full, safe and unhindered humanitarian access into and across the Sudan, and for the establishment of an inclusive civilian and democratic political process, made by all relevant actors of the international community and international forums, including the Security Council, the Secretary-General, the High Commissioner, the African Union, the Intergovernmental Authority on Development and the League of Arab States,

Noting with appreciation all relevant communiqués and resolutions of the African Union, the Intergovernmental Authority on Development and the League of Arab States issued since the start of the armed conflict on 15 April 2023,

Welcoming the ongoing engagement by the High Commissioner and his designated Expert with respect to the current armed conflict in the Sudan, with a view to addressing the dire human rights and humanitarian situation,

Mindful of the joint statement made on 15 August 2023 by the Principals of the Inter-Agency Standing Committee, which, inter alia, called upon the parties to the conflict to end the fighting, protect civilians, grant safe and unfettered access to the United Nations and remove bureaucratic impediments; and to refrain from attacking civilians, looting humanitarian supplies, targeting aid workers, civilian assets and infrastructure, including health centres and hospitals, and blocking humanitarian assistance,

Noting with appreciation other initiatives and associated communiqués, including the Neighbouring States Summit, intended to respond to the ongoing armed conflict in the Sudan,

Noting the ongoing investigation by the Office of the Prosecutor of the International Criminal Court into alleged international crimes committed in Darfur in the context of the current armed conflict,

1. *Strongly condemns* the continuing armed conflict between the Sudanese Armed Forces and the Rapid Support Forces and their associated and allied forces and all alleged human rights violations and abuses and violations of international humanitarian law committed in this context, and welcomes the similar condemnations expressed by the Peace and Security Council of the African Union, the African Commission on Human and Peoples' Rights and the Quartet Group of Countries for the Resolution of the Situation in the Republic of Sudan of the Intergovernmental Authority on Development;

2. *Expresses its grave concern* at the ongoing dire humanitarian and human rights crisis in the Sudan, which has continued to deteriorate since the start of the current armed conflict on 15 April 2023 and has displaced more than 5 million people both throughout the Sudan and into other States as refugees, and left more than 20 million people in the Sudan in need of food assistance and nearly 25 million in need of immediate humanitarian assistance;

3. *Condemns* the human rights abuses and atrocities reportedly committed in the Darfur region of the Sudan, principally but not exclusively by members of the Rapid Support Forces and allied militia, including those involving acts of sexual and gender-based violence, ethnically motivated attacks on civilians, looting, and the burning and destruction of villages and towns across Darfur, and expresses its deep concern at the clear parallels visible between these developments and the developments that preceded previous atrocities in Darfur;

4. *Expresses its grave concern* at reported acts of sexual and gender-based violence, the indiscriminate use of force against civilians by both parties to the conflict, reported acts of indiscriminate aerial bombardments by the Sudanese Armed Forces resulting in civilian deaths and the destruction of civilian homes and critical infrastructure, the recruitment and use of children in armed conflict, principally by the Rapid Support Forces, and reported acts of mistreatment and life-threatening conditions faced by detainees held by both parties;

5. *Condemns* the attacks on and looting of humanitarian convoys and aid agencies across several areas of the Sudan, including by the Rapid Support Forces in Khartoum, and the continued undue restrictions imposed by the parties to the conflict on humanitarian access, with their dire consequences for people in need, including bureaucratic and administrative impediments, such as visa and travel permit delays, and cumbersome customs procedures imposed by the Sudanese authorities and Sudanese Armed Forces, and the presence of armed forces in hospitals;

6. *Also condemns* the breaches by both parties of previously agreed ceasefires and of the Jeddah Declaration of Commitment to Protect the Civilians of Sudan, signed by both the Sudanese Armed Forces and the Rapid Support Forces on 11 May 2023;

7. *Strongly deplures* the reported killings, attacks, arbitrary detention of and acts of intimidation, and retaliation against humanitarian and health workers, human rights defenders, community leaders, public servants or local government workers, journalists and other media workers, students and lawyers and other civil society actors, and against members of international organizations and the diplomatic community in the Sudan, which has a direct impact on the capacity of the international community to respond to the human rights and humanitarian crisis in the Sudan;

8. *Reiterates* its call for an immediate and complete ceasefire by all parties, without preconditions, the rapid establishment of full, safe and unhindered humanitarian

access, the establishment of an independent monitoring mechanism of the ceasefire, 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;

9. *Calls upon* the parties to the conflict in the Sudan to demonstrate the utmost restraint and to refrain from any human rights violations or abuses or violations of international humanitarian law; to adhere fully to the commitments made in the Jeddah Declaration; to agree and adhere fully to and enforce local and national ceasefires, including to allow the evacuation of civilians without preconditions; and to allow full, safe and unhindered humanitarian access to civilians, in particular the most vulnerable and hardest to reach;

10. *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 civilians to move freely to access the basic services and humanitarian assistance they need;

11. *Strongly urges* all parties to take immediate and specific measures to put an end to and prevent further acts of sexual and gender-based violence, including rape, sexual slavery and sexual exploitation and abuse, by members of their respective forces or allied groups, and to ensure access to services for survivors, and stresses the importance of ensuring accountability for those who commit acts of sexual and gender-based violence, and also of ensuring a survivor-centred approach when responding to such acts;

12. *Welcomes* the leadership role of the African Union and the Intergovernmental Authority on Development in responding to the situation in the Sudan, including the initiative of the African Union to convene an expanded mechanism of interested regional and international partners for the crisis in the Sudan, and underscores the importance and urgency of continued and coordinated involvement of all international, regional and State actors in reaching a durable and sustainable peace in the Sudan and supporting the establishment of an inclusive civilian and democratic political process resulting in a transition to civilian-led government;

13. *Also welcomes* the communiqué issued by the African Union Peace and Security Council, following the Heads of State and Government meeting on the Sudan on 27 May 2023, which inter alia demanded the warring parties to immediately declare a ceasefire, without any preconditions; to stop mobilization and the bringing in of reinforcements; and to disengage to agreed positions, in order to end the suffering of the Sudanese people; to embrace the peaceful resolution of disputes; to grant unhindered humanitarian access; and to resume the political transition process culminating in the conduct of elections, towards a democratic, civilian-led government; emphasized that no sustainable military solution to the conflict is feasible; and adopted the African Union Roadmap for the Resolution of the Conflict in Sudan, calling upon the international community to support its implementation;

14. *Further welcomes* resolution 563 by the African Commission on Human and Peoples' Rights, adopted on 4 August 2023, which inter alia called for an immediate and unconditional ceasefire by the warring parties and for talks to bring a definitive end to the current armed conflict, and also condemned the atrocities being committed in Darfur, including killings and rape, and the destruction of properties and livelihoods targeting in particular people on the basis of their ethnicity, affecting mostly members of the Masalit ethnic group;

15. *Welcomes* the communiqués issued by the Quartet Group of Countries for the Resolution of the Situation in the Republic of Sudan of the Intergovernmental Authority on Development, which inter alia committed to working closely with the international community to put in place a robust monitoring and accountability mechanism that would be instrumental in bringing perpetrators to justice;

16. *Commends* the bravery and work of Sudanese and regional relief and aid workers operating in the Sudan and along its borders in challenging and dangerous circumstances to provide life-saving support to communities, and the efforts of neighbouring countries that have hosted and provided assistance to refugees fleeing ongoing violence, and

recalls the importance that all States under international law adhere to the principle of non-refoulement;

17. *Stresses* that ensuring accountability for human rights violations and abuses and violations of international humanitarian law is central to any solution to the ongoing crisis in the Sudan, as well as to efforts to address the root causes of armed conflict and prevent further instability in the Sudan, and underscores the urgency of initiating prompt, full, independent, impartial, transparent and credible investigations into all alleged abuses and violations by all parties to the conflict, to end impunity and to hold accountable those responsible through robust and credible criminal justice processes;

18. *Decides* to urgently establish an independent international fact-finding mission for the Sudan, comprising three members with expertise in international human rights law and international humanitarian law, to be appointed as soon as possible by the President of the Human Rights Council for an initial duration of one year, with the following mandate:

(a) To investigate and establish the facts, circumstances and root causes of all alleged human rights violations and abuses and violations of international humanitarian law, including those committed against refugees, and related crimes in the context of the ongoing armed conflict that began on 15 April 2023, between the Sudanese Armed Forces and the Rapid Support Forces, as well as other warring parties;

(b) To collect, consolidate and analyse evidence of such violations and abuses, including those affecting women and children, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international best practices, in view of any future legal proceedings;

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

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

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

(f) To give the Human Rights Council an oral update on its work at its fifty-sixth session, followed by an interactive dialogue, and a comprehensive report thereon at its fifty-seventh session, to be followed by an enhanced interactive dialogue that should include the participation of, inter alia, the United Nations High Commissioner for Human Rights, representatives of the African Union and the Special Adviser to the Secretary-General on the Prevention of Genocide;

(g) To submit the above report to the General Assembly at its seventy-ninth session;

(h) To cooperate and share best practice with other international, regional and domestic accountability initiatives, as and when these are established, as appropriate;

(i) To include in its work a specific focus on the human rights and humanitarian situations in the areas of greatest concern, such as Khartoum and the Darfur region of the Sudan;

19. *Also decides* that the additional mandate and corresponding resources provided to the designated Expert of the High Commissioner pursuant to Human Rights Council resolution S-36/1 with respect to documentation since 15 April 2023 should be wholly transferred to and integrated into the above mandate;

20. *Further decides* that the participation of the High Commissioner in the above-mentioned enhanced interactive dialogue will supersede and replace the oral update to be given by the High Commissioner and the associated interactive dialogue to be held at its fifty-seventh session pursuant to Human Rights Council S-36/1;

21. *Requests* the fact-finding mission, the Office of the High Commissioner and the designated Expert to coordinate to ensure that the mission is able to make use of all relevant information, analysis and reporting, with due consideration to their respective and distinct mandates;

22. *Decides* that the fact-finding mission should give due regard to ensuring the complementarity of its efforts with those of other actors, in particular the Secretary-General and his Special Representative for the Sudan, the High Commissioner, the Office of the High Commissioner and the designated Expert, as well as the African Union and other appropriate regional and international entities, drawing on the expertise of, inter alia, the United Nations Organization, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and the League of Arab States, and international, regional, State and civil society actors to the extent practicable;

23. *Requests* the immediate operationalization of the mandate of the fact-finding mission by the President of the Human Rights Council, and requests the Secretary-General to provide all the resources and expertise, including on international human rights law, including with respect to women and children, and international humanitarian law, 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;

24. *Calls upon* the parties to the conflict to cooperate fully with the fact-finding mission in the performance of its work, and calls upon the international community to support fully the implementation of its mandate;

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

*46th meeting
11 October 2023*

[Adopted by a recorded vote of 19 to 16, with 12 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, Malaysia, Maldives, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Viet Nam

Abstaining:

Bangladesh, Benin, Cameroon, Gabon, Gambia, India, Kazakhstan, Kyrgyzstan, Malawi, Nepal, South Africa and Uzbekistan]

54/3. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016, 36/3 of 28 September 2017, 39/5 of 27 September 2018, 42/9 of 26 September 2019, 48/5 of 7 October 2021 and 51/13 of 6 October 2022,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with

the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Extremely alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the countries affected,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Reaffirming the need to refrain from undertaking any activities that threaten peace, security and the self-determination of peoples and constitute obstacles to the enjoyment of human rights,

Acknowledging that the increasing involvement of private military and security companies in humanitarian action poses concerns with regard to security, both as a public good and as a State function,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Calls upon* States to ensure that private military and security companies in their territory are required to operate under contractual obligations, monitoring and controls that

comply with national laws and relevant international humanitarian and human rights obligations;

7. *Encourages* States that import the consultancy and security services provided by private companies, including in the extractive industries, to establish national regulatory mechanisms for the registering and licensing of those companies, for accountability of the companies and their personnel and for remedies for violations resulting from their activities in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

8. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

9. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* mercenary activities in any country, in particular in areas of conflict, and the threat they pose to the integrity of and to respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur, and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Recognizes* that mercenary activity is a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the mercenary or mercenaries, and upon those who have planned and ordered their criminal activity;

13. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

14. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

15. *Notes* the work and contributions of the Working Group, and takes note of its most recent report;¹⁷

16. *Encourages*, in that context, continued cooperation and dialogue in the interaction among the Working Group, Member States and other relevant stakeholders, including inter alia, with regard to the use of sources of information, verification of facts on the ground and the issuance of communications, among other aspects,

17. *Acknowledges* that the active involvement of private military and security companies in the humanitarian space may create additional risks, when safeguards and checks are not in place to prevent their excessive use of force, of violations of human rights and international humanitarian law, and undermines humanitarian principles;

18. *Requests* the Working Group and other experts to broaden their active participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

¹⁷ A/HRC/54/29.

19. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of international law and the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term “mercenary” drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,¹⁸ and also the evolving phenomenon of mercenaries and its related forms;

20. *Also requests* in this regard the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations in all parts of the world, including instances of protection and financing provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;

21. *Further requests* the Working Group to continue to study and identify new sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination, and to consult in this regard with Member States and regional and international organizations, academia, civil society, as well as with other relevant stakeholders;

22. *Urges* all States and other stakeholders to cooperate fully with the Working Group in the fulfilment of its mandate;

23. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

24. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to continue to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

25. *Decides* to continue its consideration of this matter under the same agenda item at its fifty-seventh session.

*46th meeting
11 October 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, 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 and Morocco]

¹⁸ E/CN.4/2004/15.

54/4. Mandate of Independent Expert on the promotion of a democratic and equitable international order

The Human Rights Council,

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

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order,

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

Reaffirming that everyone 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,

Reiterating the importance of working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order, and that a democratic and equitable international order fosters the full realization of all human rights for all, including the right to development;

2. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;¹⁹

3. *Decides* to renew the mandate of Independent Expert on the promotion of a democratic and equitable international order for a period of three years, in conformity with the terms set forth by the Human Rights Council in its resolution 18/6 of 29 September 2011;

4. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of the mandate, and to provide all the necessary information requested by the Independent Expert in order to facilitate the effective fulfilment of the duties of the mandate holder;

5. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Independent Expert;

6. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as South Centre, and with other relevant stakeholders from all regions;

7. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution, and to contribute to its implementation;

8. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

¹⁹ [A/HRC/54/28](#).

9. *Requests* the Independent Expert to report regularly to the Human Rights Council and 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 in accordance with its programme of work.

46th meeting
11 October 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, China, 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:

Chile, Costa Rica and Mexico]

54/5. Ensuring quality education for peace and tolerance for every child

The Human Rights Council,

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

Recognizing that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms, as well as to the promotion of understanding, peace, gender equality and friendship among all people, ethnic, national, religious and linguistic minorities and Indigenous Peoples, and recalling in that regard the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and its Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, the United Nations Declaration on Human Rights Education and Training and the Declaration of Principles on Tolerance of the United Nations Educational, Scientific and Cultural Organization,

Recalling also the proclamation by the General Assembly in its resolution 59/113 of 10 December 2004 of the World Programme for Human Rights Education, structured in consecutive five-year phases, in order to advance implementation of human rights education programmes in all sectors, including for children,

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,

Recognizing the fundamental contribution of the enjoyment of the right to education to the achievement of peace and security, acknowledging that investment in universal, free, accessible, equitable and inclusive quality education and training is an important investment that States should make to ensure the immediate and long-term development of children, and

reiterating that access to inclusive, equitable and quality formal and non-formal education is a crucial factor in enabling children to acquire relevant skills and to build their capacities,

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, discrimination and violence based on any ground, particularly sexual and gender-based 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's and girls' privacy needs, and menstrual health and hygiene supplies; discriminatory laws; gender stereotypes; patriarchal social norms; and lack of empowerment, including on economic grounds, especially when education is not free,

Underlining in this regard the importance of the implementation of 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 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,

Strongly condemning the recurring attacks on students, teachers, schools and universities and the military use of educational facilities, as such actions expose students and education personnel to harm and deny large numbers of children and students their right to quality education, and so deprive communities of the foundations on which to build their future,

Recognizing the need for States to foster an enabling and secure environment, online and offline, to ensure safe access to education, and recalling the international humanitarian law obligations involving the protection of schools and educational facilities in situations of armed conflict,

Strongly condemning the recruitment and use of children in hostilities by non-State armed groups, including terrorist groups, and all violations and abuses committed by States and armed groups, including terrorist groups, against children in all circumstances, including those involving killing, maiming, abduction and rape, and all other forms of violence, including sexual and gender-based violence, and noting that such violations and abuses may amount to war crimes or crimes against humanity,

Recalling that States should take all feasible measures to implement effective measures for the social, physical and psychological recovery of those children who have been so recruited or used by non-State armed groups, including terrorist groups, and for their reintegration into society, in particular through education, taking into account the particular situation of vulnerability and specific protection needs of children, as well as the rights and specific needs of girls, and recognizing that such measures benefit all children by reducing stigma and promoting an environment where they are stakeholders in their own recovery,

Acknowledging that sexual violence in these situations disproportionately affects girls, noting with concern that girl victims of child, early and forced marriage or other sexual exploitation or harmful practices, including girls belonging to ethnic or religious minorities, as well as survivors of sexual and gender-based violence, within armed groups, including terrorist groups, may be vulnerable to ostracization or further human rights violations and abuses, including sexual violence and abuse in their communities, and recognizing in that regard the need to ensure that all social, physical and psychological response and recovery programmes adopt a comprehensive approach to address the root causes of gender inequality and deploy an adequate number of women as part of their personnel to ensure that girls feel secure and comfortable in their access to the support available,

Recognizing the State's responsibility to ensure children's protection and care as is necessary for their well-being, taking into account the rights of all members of the family and the duties of parents, legal guardians or other persons legally responsible for children, and to this end to take all appropriate legislative and administrative measures to address all forms of violence against children,

Recognizing also that the family has the primary responsibility for the nurturing and protection of children, in the best interests of the child, and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding, in which the rights of all members of the family are recognized,

Acknowledging that ensuring a respectful, supportive child-rearing environment free from violence supports the realization of children's individual personalities and fosters the development of social, responsible and actively contributing citizens in the local community and larger society, and recognizing that the protection of the child from violence is a key strategy for reducing and preventing all forms of violence in societies and for promoting freedom, justice and peace in the world,

Recognizing that promoting peace and tolerance through education, including human rights education and training, is an objective that should be advanced in all States in cooperation with civil society, including non-governmental organizations, and individuals, and that the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the United Nations human rights system have an important role to play in this regard,

Believing that human rights education and training is essential to the effective realization of human rights and fundamental freedoms and contributes significantly to promoting tolerance, non-discrimination, equality, preventing conflict and human rights violations and abuses, and enhancing political freedom, participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind,

Noting the global rise in disinformation, misinformation, hate speech and online harassment, which threatens the realization of the right to education, democracy and peace, and recognizing that it is necessary to strengthen efforts to enhance media and information literacy globally,

Recognizing the importance of quality education and the roles that parents, legal guardians, schools, civil society, sports associations, youth, women, peacebuilders and, where relevant, the private sector, academia, think tanks, the media, including Internet-based platforms such as social media, and cultural and religious leaders play in promoting tolerance and peaceful coexistence to support peacebuilding efforts and sustaining peace,

Underlining the potential contributions of persons belonging to ethnic, religious and confessional communities and religious leaders to conflict prevention, resolution, reconciliation, reconstruction and peacebuilding and to addressing the root causes of conflict, stressing the positive contribution of initiatives promoting tolerance and peaceful coexistence, including through education, and welcoming efforts by religious leaders to promote interreligious dialogue and understanding,

Believing that quality education for peace and tolerance for every child should promote peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs and cultures, and effectively address the conditions conducive to the spread of terrorism and violent extremism conducive to terrorism and that make individuals and groups, in particular children, more vulnerable to the effects of terrorism and to recruitment by terrorists,

1. *Affirms* that human rights and fundamental freedoms must be protected, including the rights of the child;

2. *Urges* States to place greater emphasis on and expand their activities promoting peace and tolerance through quality education for every child, consistent with international human rights law and applicable standards, and to ensure that peace and tolerance are fostered at all levels;

3. *Recognizes* the respective human rights obligations of States, and urges them to ensure that equal rights and appropriate standards of protection are provided to every child, so that every child, regardless of status and without discrimination of any kind, can enjoy a safe and supportive environment, consistent with international law;

4. *Urges* States to support quality education for peace, including by designing and implementing policies whereby education systems promote sustainable development and gender equality, help to prevent all forms of violence and instil the principles of tolerance and respect for others and cultural diversity, non-discrimination, and the freedom of religion or belief;

5. *Calls upon* all States:

(a) To continue to take all appropriate measures to prevent and protect children, including in and out of school, both in person and in digital contexts, from all forms of violence;

(b) To support quality education for peace and to instil the principles of tolerance and respect for others, including by implementing the World Programme for Human Rights Education and by designing and implementing policies whereby education systems promote inter alia human rights, sustainable development and gender equality, help to prevent all forms of violence, including sexual and gender-based violence, and instil the principles of tolerance and respect for others and for cultural diversity, and the freedom of religion or belief;

(c) To ensure that children affected by armed conflict and children associated, or allegedly associated, with armed groups or terrorist groups are treated primarily as victims and not perpetrators and have equal access to inclusive and equitable quality education, with the best interests of the child as a primary consideration, and to take measures that are focused on recovery and reintegration, in an environment that fosters the physical and mental health, self-respect and dignity of the child, in accordance with relevant provisions of international humanitarian law and international human rights law, as applicable, in particular the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict;

(d) To create quality and meaningful child-friendly spaces with a particular emphasis on integrating a gender perspective in order to provide nurturing environments where children have access to mental health and psychosocial support and learning activities, with inclusive safe spaces and learning environments serving as a referral mechanism to other services as appropriate, and to help to restore a sense of normality and continuity;

6. *Urges* States and the international community, and encourages civil society and other relevant stakeholders, to take measures, as appropriate, including through education, such as human rights education and training, awareness-raising initiatives and the media, to promote peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs and cultures and to effectively address conditions conducive to the spread of terrorism and violent extremism conducive to terrorism and that make children more vulnerable to the effects of terrorism and to recruitment by terrorists;

7. *Invites* States to take into account relevant recommendations made by the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Committee on the Rights of the Child, and other human rights bodies and mechanisms, on ensuring accessible, inclusive, equitable and quality education for every child, including children affected by armed conflict or associated with armed groups or terrorist groups;

8. *Decides* to convene a panel discussion on accessible, inclusive, equitable and quality education for peace and tolerance for every child, especially children in the most vulnerable situations, at its fifty-seventh session, and requests the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion, inviting States, civil society organizations, United Nations agencies, funds and programmes, the private sector, academia and other relevant stakeholders to address the implementation of the obligations of States under relevant provisions of international human rights law and international humanitarian law and to discuss challenges and best practices in this regard, and to make the panel discussion fully accessible;

9. *Requests* the Office of the High Commissioner to prepare a comprehensive report, in an accessible format, with specific recommendations on how to develop accessible, inclusive, equitable and quality education for peace and tolerance for every child, especially children in the most vulnerable situations, in line with the provisions of the present resolution, and how to incorporate it into educational programmes, in consultation with all relevant stakeholders, including the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, other relevant United Nations agencies, funds and programmes, the Special Representative of the Secretary-General for Children and Armed Conflict, the Committee on the Rights of the Child, relevant special procedures of the Human Rights Council, regional organizations and human rights bodies and civil society, and to present the report to the Council at its fifty-ninth session;

10. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned comprehensive report, to consider the outcome of the panel discussion and to closely cooperate with all relevant stakeholders, including States, international and regional organizations, relevant special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations agencies, funds and programmes within their respective mandates, national human rights institutions, civil society, the private sector and academia, and to make the comprehensive report available in an accessible and child-friendly format;

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

46th meeting
11 October 2023

[Adopted without a vote.]

54/6. Centrality of care and support from a human rights perspective

The Human Rights Council,

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

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling that gender equality is recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, as well as in the 2030 Agenda for Sustainable Development,

Recalling also all relevant resolutions of the Human Rights Council, the Commission on Human Rights and the General Assembly and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, and recalling further the recent proclamation by the General Assembly of the International Day of Care and Support,²⁰ as well as relevant conventions and recommendations adopted by the International Labour Organization on the issue of discrimination against women,

Recalling further that all human rights are universal, indivisible, interdependent and interrelated, that gender equality must be promoted in a comprehensive and systematic manner, and that persistent discrimination against all women and girls within families, economies and societies has a debilitating impact on the equal enjoyment of their human rights in all aspects of life,

²⁰ Resolution 77/317.

Recalling that the Universal Declaration of Human Rights proclaims that childhood is entitled to special care and assistance, and that the Convention on the Rights of the Child provides that States parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child, and to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children and support to their families, and considering that States should promote awareness among parents and caregivers of the need to respect children's human rights and the right of all children to live within their families and their communities,

Recognizing that older persons face a number of particular barriers to their enjoyment of human rights, including lack of access to quality health support, long-term care and support and palliative care, accessibility and unpaid care work, and emphasizing the importance of promoting inclusive, age-sensitive communities and environments and of providing a range of support services that promote the dignity, autonomy and independence of older persons to enable them to remain in their homes as they age, respecting their individual preferences,

Taking into account the fact that support and care systems, comprising disability-inclusive policies and services, are essential for persons with disabilities to fully and effectively participate in society, with choices equal to others, to live with dignity, autonomy and independence, and to live independently in the community, as recognized in the Convention on the Rights of Persons with Disabilities,

Deeply concerned that, owing to gender stereotypes and negative social norms, care work, whether paid or unpaid, is performed either solely or largely by women and girls, accordingly, exacerbating existing structural inequalities,

Recognizing that an equal and fair distribution of care is a prerequisite to ensuring that women fully enjoy, on an equal basis, economic, social and cultural rights, in particular the right to education, the right to work, the enjoyment of just and decent conditions of work, freedom of association, the right to organize and to bargain collectively, an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health, and the right to take part in cultural life, and civil and political rights, such as the right to participate in political and public life,

Recognizing also that various international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, 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 various international labour standards and commitments establish legally binding obligations that should guide States to address the issue of unpaid care work,

Expressing concern that the difficulties, intensity and gendered distribution of unpaid care work create and perpetuate inequalities in the enjoyment of human rights, contribute to the perpetuation of the feminization of poverty and hinder gender equality, which prevents the full enjoyment of human rights, and constitute a barrier to women's full, equal and meaningful involvement in the labour market, and to women's economic opportunities, autonomy and entrepreneurial activities, restrict women's ability to participate in decision-making processes and to exercise leadership positions, and pose significant constraints on women's and girls' education and training and their access to health services, including for sexual and reproductive health services, in particular for women and girls in vulnerable situations, women and girls in contexts of poverty, migrant women, rural women, Indigenous women, women of African descent, women with disabilities, older women, single mothers and widows, women deprived of liberty and refugee women, among others,

Emphasizing that the Beijing Platform for Action established as a strategic objective the promotion of the harmonization of work and family responsibilities and the commitment to recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate, as contained in target 5.4 of the Sustainable Development Goals,

Stressing the need to adopt measures to adequately recognize and value care work in all its forms, and to redistribute it on a fair and equal basis, including by adopting measures to identify and measure the economic value of unpaid care work, and to reduce certain forms of care work while protecting access to quality care and support by those who require them and ensuring access to human rights-based care and support by persons with disabilities, children, older persons and other persons who require them,

Stressing also the need to adopt measures, with an intersectional approach, to recognize, value and redistribute on an equal and fair basis paid and unpaid care work, and to reduce unpaid care work, currently still disproportionately performed by women and girls, by promoting the equal sharing of responsibilities among family members, and among families, communities, the private sector and States, by prioritizing, inter alia, sustainable and accessible infrastructure, transport, social protection policies, affordable and quality social services, including care and support services and products, child care, and labour standards that provide for decent work and gender equality for all workers, including maternity, paternity or parental leave, equal pay for work of equal value, safe and healthy working conditions and freedom from violence and harassment in the world of work, including gender-based violence and harassment, freedom of association and the right to organize and bargain collectively,

Deeply concerned that the coronavirus disease (COVID-19) crisis has exacerbated pre-existing forms of inequality and systemic discrimination faced by women and girls, including patriarchy, racism, stigma, xenophobia and socioeconomic inequalities, and has increased the occurrence of sexual and gender-based violence and harassment, women's and girls' disproportionate share of unpaid care and domestic work, as well as loss of employment and livelihoods, particularly among women who work in the informal sector,

Highlighting the need to invest in the care economy and to create robust, resilient and gender-responsive, disability-inclusive and age-sensitive care and support systems with full respect for human rights, with a view to recognizing, valuing, reducing and redistributing unpaid care, domestic work and support,

1. *Recognizes* the importance of respecting, protecting and fulfilling the human rights of paid and unpaid caregivers and care and support recipients;

2. *Expresses deep concern* at the unequal distribution and organization of care and support work and their impact on the rights of all women and girls, in society and in the economy;

3. *Recognizes* that the equal distribution of care and support work and resulting distribution of time is a fundamental basis to achieve gender equality;

4. *Urges* States:

(a) To implement all measures necessary to recognize and redistribute care work among individuals, as well as families, communities, the private sector and States, in a manner that promotes gender equality and the enjoyment of human rights by all;

(b) To increase investment in care and support policies and infrastructure to ensure universal access to affordable and quality services for all, including childcare, and health and support services for persons with disabilities and older persons, and to ensure universal access to paid maternity, paternity and parental leave and social protection for all workers, including for both informal workers and those in non-standard forms of employment;

(c) To encourage and support research and surveys aimed at producing data disaggregated by income, sex, age, race, ethnicity, migratory status, civil status, disability, geographic location and other characteristics relevant in national contexts, and statistics on the extent and distribution of time use and care work and its providers and recipients, through regular time-use surveys and the establishment of satellite accounts to assess the contribution of such work to national income, and to quantify unpaid care work, and to include it in the gross national product for the purpose of designing, financing and assessing policies in this area;

(d) To adopt all measures necessary to enable the full, equal, meaningful and inclusive participation of women, persons with disabilities and older persons, as well as

children, in decision-making relevant to care and support, in both private and public life, including social dialogue and collective bargaining by paid care workers;

(e) To raise awareness about the negative impact of gender, disability and age stereotypes in providing care and receiving care and support, and to develop programmes and policies to eliminate such stereotypes;

5. *Decides:*

(a) To request the United Nations High Commissioner for Human Rights to organize a two-day expert workshop, in an accessible format, with inputs from interested States, international organizations, the private sector and civil society, particularly women's organizations, including grass-roots women's organizations, organizations of persons with disabilities, child rights organizations, older persons and their representative organizations and representatives of employers' and workers' organizations, to address the human rights of women, persons with disabilities, children and older persons as caregivers, as well as receivers of care and support, and for their self-care from a gender equality and human rights perspective, with the objective of evaluating experiences, good practices and main challenges regarding the effective recognition of the rights of caregivers and those receiving care and support;

(b) Also to request the High Commissioner, based on the discussions at the aforementioned expert workshop and in consultation with States Members of the United Nations and other interested parties, to prepare a comprehensive thematic study on the human rights dimension of care and support, summarizing and compiling international standards and good practices and main challenges at the national level in care and support systems, and including recommendations on promoting and ensuring the human rights of caregivers and care and support recipients, requiring contributions to be submitted in an accessible format, and further to request that such stakeholder contributions, the study itself and an easy-to-read-version of it be made available on the website of the Office of the United Nations High Commissioner for Human Rights, in an accessible format, prior to the fifty-eighth session of the Human Rights Council;

6. *Also decides* to review progress in the implementation of the present resolution as a matter of priority at its future sessions.

46th meeting
11 October 2023

[Adopted without a vote.]

54/7. World Programme for Human Rights Education

The Human Rights Council,

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

Reaffirming that, according to the Universal Declaration of Human Rights and as stipulated in 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 in other international human rights instruments, States are duty-bound to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113 A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education, and resolution 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should promote human rights education and learning,

Reaffirming the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 of 19 December 2011,

Recalling previous Human Rights Council resolutions on the World Programme, the most recent being resolution 51/2 of 6 October 2022,

Recalling also that the World Programme is an ongoing initiative, structured in consecutive phases, to advance the implementation of human rights education programmes in all sectors, and that States should continue the implementation of previous phases while taking the measures necessary to implement the current phase,

Recognizing that the World Programme focused, in its first phase, on the integration of human rights education into the primary and secondary school systems, in its second phase, on human rights education in higher education and human rights training for teachers and educators, civil servants, law enforcement officials and military personnel, in its third phase, on the implementation of the first two phases and on promoting human rights training for media professionals and journalists, and in its fourth phase, on youth, and aligning that phase with the 2030 Agenda for Sustainable Development, specifically target 4.7 of the Sustainable Development Goals, while strengthening all previous phases of the World Programme,

Believing that human rights education and training are essential to the effective realization of human rights and fundamental freedoms, including in the context of advances in digital technologies, climate change and other environmental crises, and gender equality, and contribute significantly to the promotion of equality, the prevention of conflict and human rights violations and abuses, and the enhancement of participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion or belief, disability, age, political or other opinion, national or social origin, property, birth or other status,

Recognizing the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance, and the essential role of education, including human rights education, that is sensitive to and respects cultural diversity, especially among youth and children, in the prevention and eradication of all forms of intolerance and discrimination,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the consultation on the target sectors, focus areas or thematic human rights issues for the fifth phase of the World Programme for Human Rights Education;²¹

2. *Encourages* States and relevant stakeholders to, during the fifth phase of the World Programme, strengthen efforts to advance the implementation of the four previous phases, especially by:

(a) Advancing implementation by focusing in particular on women, girls and children, and engaging with groups and individuals in vulnerable situations, in accordance with the objective of the 2030 Agenda for Sustainable development of “leaving no one behind”, and consolidating the work done;

(b) Providing human rights education and training for educators in formal and non-formal education and training, in particular those working with children and youth;

(c) Undertaking related research and mapping, sharing good practices and lessons learned, and sharing information among all actors;

(d) Applying and strengthening sound educational methodologies based on good practices and assessed through continued evaluation;

(e) Fostering dialogue, cooperation, networking and information-sharing among relevant stakeholders;

(f) Furthering the integration of human rights education and training into school and training curricula;

(g) Strengthening follow-up to the implementation of all previous phases of the World Programme;

(h) Harnessing information and communications technology to ensure inclusive human rights education and training;

²¹ [A/HRC/54/37](#).

3. *Decides* that the fifth phase of the World Programme will continue to focus on youth, while expanding to include children as priority sectors, with special emphasis on human rights and digital technologies, the environment and climate change, and gender equality, and to align the fifth phase with the 2030 Agenda for Sustainable Development and specifically with target 4.7 of the Sustainable Development Goals, taking into account the synergies between the different concepts and educational methods mentioned therein;

4. *Calls upon* States and, where applicable, relevant governmental authorities and other stakeholders to increase their efforts to implement, disseminate and promote universal respect for and understanding of the United Nations Declaration on Human Rights Education and Training;

5. *Encourages* States to develop, as appropriate, comprehensive and sustainable national plans of action for human rights education and training, with dedicated resources;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, from within existing resources, and taking into account the report of the High Commissioner and future relevant consultations, a plan of action for the fifth phase of the World Programme (2025–2029), in consultation with States, relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization, national human rights institutions and civil society, including non-governmental organizations, and to submit the plan of action to the Human Rights Council for its consideration at its fifty-seventh session;

7. *Recommends* that the Secretary-General ensure that an adequate component of United Nations assistance, to be provided at the request of Member States to develop their national systems of promotion and protection of human rights, is available to support human rights education and training;

8. *Decides* to consider this issue at its fifty-seventh session in accordance with its programme of work.

*46th meeting
11 October 2023*

[Adopted without a vote.]

54/8. Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

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 International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, and other relevant international human rights law and international humanitarian law instruments,

Reaffirming also the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, and recalling in this regard the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity as effective international instruments for the prevention and punishment of genocide, war crimes and crimes against humanity,

Recalling the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in which article 24, paragraph 2, sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and in the preamble reaffirms the right to freedom to seek, receive and impart information to that end,

Recalling also the set of principles for the protection and promotion of human rights through action to combat impunity,²² and the updated version of those principles,²³

Recalling further General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009, 21/15 of 27 September 2012, 33/19 of 30 September 2016, 42/17 of 26 September 2019 and 51/23 of 7 October 2022, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, and 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, and General Assembly resolution 68/165 of 18 December 2013, on the right to the truth,

Reaffirming Human Rights Council resolution 18/7 of 29 September 2011, in which the Council decided to establish the mandate of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Recalling the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies²⁴ and his follow-up report of 2011 on the same topic,²⁵ including the relevant recommendations contained therein, as well as his reports issued in 2006, 2012, 2013 and 2014²⁶ outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

Acknowledging that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of gross violations of human rights and serious violations of international humanitarian law,

Recalling General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council, inter alia, stressed that a comprehensive approach to transitional justice, including the promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law, access to justice and good governance, further extending legitimate State authority and preventing countries from lapsing or relapsing into conflict,

Noting with appreciation the active engagement of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in assisting States to address gross human rights violations and serious violations of international humanitarian law, in cooperation with and at the request of States,

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

²² E/CN.4/Sub.2/1997/20/Rev.1, annex II.

²³ E/CN.4/2005/102/Add.1.

²⁴ S/2004/616.

²⁵ S/2011/634.

²⁶ A/61/636-S/2006/980 and Corr.1, A/66/749, S/2013/341, A/68/213/Add.1 and A/69/181.

Recognizing that the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence will continue to deal with situations in which there have been gross violations of human rights and serious violations of international humanitarian law,

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations of human rights, to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels, and to promote reconciliation,

Emphasizing the importance of a comprehensive approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, the vetting of public employees and officials, memorialization initiatives and processes to achieve shared narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish national independent oversight of the security sector, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law,

1. *Takes note with appreciation* of the reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence submitted to the Human Rights Council at its forty-eighth, fifty-first and fifty-fourth sessions,²⁷ as well as those submitted to the General Assembly at its seventy-fifth, seventy-sixth and seventy-seventh sessions,²⁸ and calls upon States to take into due consideration the recommendations contained therein when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law within their national context;

2. *Welcomes* the work undertaken by the Special Rapporteur in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant actors from all regions for his thematic reports, and the undertaking of country visits;

3. *Also welcomes* the cooperation of those States that have received the Special Rapporteur in their country, those that have accepted requests for visits by the Special Rapporteur and those that have extended invitations to the Special Rapporteur to visit their country, as well as those that have responded to his requests for information;

4. *Decides* to extend for a period of three years the mandate of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, whose tasks will include:

(a) To contribute to and, where applicable, facilitate, upon request, the provision of technical assistance or advisory services on the issues pertaining to the mandate;

(b) To gather relevant information on national situations, including on normative frameworks, national practices and experiences, such as truth and reconciliation commissions and other mechanisms, relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and to study trends, developments and challenges, and to make recommendations thereon;

(c) To identify, exchange and promote good practices and lessons learned, and to identify potential additional elements with a view to recommending ways and means to improve and strengthen the promotion of truth, justice, reparation and guarantees of non-recurrence;

²⁷ [A/HRC/48/60](#), [A/HRC/51/34](#) and [A/HRC/54/24](#).

²⁸ See [A/75/174](#), [A/76/180](#) and [A/77/162](#).

(d) To develop a regular dialogue and to cooperate with, inter alia, Governments, international and regional organizations, national human rights institutions and non-governmental organizations, and relevant United Nations bodies and mechanisms;

(e) To make recommendations concerning, inter alia, judicial and non-judicial measures when designing and implementing strategies, policies and measures for addressing gross violations of human rights and serious violations of international humanitarian law;

(f) To explore further the contribution of transitional justice to the prevention of gross violations of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence;

(g) To conduct country visits and to respond promptly to invitations from States;

(h) To participate in and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;

(i) To raise awareness concerning the value of a systematic and coherent approach when dealing with gross violations of human rights and serious violations of international humanitarian law, and to make recommendations in this regard;

(j) To integrate a gender perspective throughout the work of the mandate;

(k) To integrate a victim-centred approach throughout the work of the mandate;

(l) To work in close coordination, while avoiding unnecessary duplication, with the Office of the United Nations High Commissioner for Human Rights, other relevant entities of the United Nations Secretariat, relevant United Nations agencies, funds and programmes, intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council and other relevant actors;

5. *Urges* all States to cooperate with and to assist the Special Rapporteur so that his mandate can be carried out effectively, including by responding favourably and rapidly to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and to provide him in a timely manner with all the necessary information requested by him;

6. *Requests* the Special Rapporteur to continue to report annually to the Human Rights Council and to the General Assembly;

7. *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 his mandate;

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

*46th meeting
11 October 2023*

[Adopted without a vote.]

54/9. Working Group on the rights of peasants and other people working in rural areas

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, the International Covenant on Civil and Political Rights and all relevant international human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and the need of peasants and other people working in rural areas, including

women and girls, to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Welcoming with appreciation the constructive negotiation, participation and active engagement at the five sessions of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, and welcoming the report of the Working Group on its fifth session,²⁹

Recalling General Assembly resolution 73/165 of 17 December 2018 and Human Rights Council resolution 39/12 of 28 September 2018, in which the Assembly and the Council adopted the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, recognizing the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution to ensuring the right to adequate food and food security, which are fundamental to attaining the internationally agreed development goals, including in the 2030 Agenda for Sustainable Development,

Recalling also the United Nations Decade of Family Farming (2019–2028), which has raised the profile of the role of family farming in contributing to the achievement of food security and improved nutrition,³⁰ and the International Year of Camelids, in 2024, recognizing that camelids constitute the main means of subsistence for millions of poor families that live in the most hostile ecosystems on the planet, and contribute to the fight against hunger, the eradication of extreme poverty, the empowerment of women and the sustainable use of terrestrial ecosystems,³¹ as well as General Assembly resolution 77/172 of 14 December 2022 on sustainable mountain development,

Recalling further the Rome Declaration on Nutrition, which recognizes the important role played by family farmers and smallholders, notably women farmers, and its Framework for Action, which calls for, in its recommendation 9, the strengthening of local food production and processing, especially by smallholders and family farmers, giving special attention to women's empowerment, and recalling also the United Nations Decade of Action on Nutrition (2016–2025) and its work programme calling for maximizing the participation of all actors and ensuring that the needs of all people, including peasant farmers, are addressed,

Taking note with appreciation of general comment No. 26 (2022) on land and economic, social and cultural rights, of the Committee on Economic, Social and Cultural Rights, and general recommendation No. 34 (2016) on the rights of rural women, of the Committee on the Elimination of Discrimination against Women,

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,

Recognizing the essential contribution of peasants and other people working in rural areas to, inter alia, the fight against hunger and the preservation and improvement of biodiversity, as well as the need to respect, promote, protect and fulfil their human rights,

Recognizing also the contribution of peasants and other people working and living in rural areas in all regions of the world to development and in ensuring the rights to food, food security, nutrition and a clean, healthy and sustainable environment, which are fundamental to attaining the Sustainable Development Goals and implementing the 2030 Agenda,

Noting with concern that the growing economic and financial burden caused by the coronavirus disease (COVID-19) pandemic has further exacerbated existing inequalities and exposed others, in particular for rural women and girls, and has increased poverty and hunger, reversed hard-won developmental gains and reduced the chances of achieving the Sustainable Development Goals,

²⁹ [A/HRC/39/67](#).

³⁰ See General Assembly resolution 72/239.

³¹ See General Assembly resolution 72/210.

Stressing the urgent need to mitigate and tackle the negative impact of the COVID-19 pandemic on the enjoyment and realization of economic, social and cultural rights, especially for the poor and those in vulnerable and marginalized situations, and to address exacerbated inequalities,

Recognizing that livelihoods in rural areas, particularly of rural women and girls, are disproportionately affected by poverty, violence and climate change, as well as by a lack of development, access to safe drinking water and sanitation, access to scientific progress and recognition of peasants' contribution to science,

Concerned about peasants ageing around the world and youth increasingly migrating to urban areas and turning their backs on agriculture owing to the lack of incentives and the drudgery of rural life, and recognizing the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for rural youth,

Recognizing that peasants and other people working in rural areas are often disproportionately affected by global financial and economic crises, environmental degradation, biodiversity loss, pollution, desertification, and the impact of global climate change, drought and other natural disasters,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 80 per cent of people suffering from hunger live in rural areas, particularly in developing countries, and 50 per cent are small-scale and traditional farm holders, as well as subsistence peasants and other people working in rural areas, and that they are especially vulnerable to food insecurity, malnutrition, discrimination and exploitation,

Recalling Human Rights Council resolution 5/1 on institution-building of the Council and resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* Governments, specialized agencies, bodies and organizations of the United Nations system, intergovernmental and non-governmental organizations to promote the effective and comprehensive dissemination and implementation of the rights of peasants and other people working in rural areas, and the implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas;

2. *Decides* to establish, for a period of three years, a working group on the rights of peasants and other people working in rural areas, consisting of five independent experts, with balanced geographical representation, to be appointed by the Human Rights Council at its fifty-fifth session, with the following mandate:

(a) To promote the effective and comprehensive dissemination and implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, while identifying challenges and gaps in its implementation at the national, regional and international levels, and to make recommendations in this regard;

(b) To identify, exchange and promote good practices and lessons learned on the implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, and to seek and receive information from all relevant sources, including Governments, the rights holders as defined in article 1 of the Declaration, national human rights institutions, civil society, other relevant special procedures of the Human Rights Council, the treaty bodies, the Office of the United Nations High Commissioner for Human Rights, specialized agencies, funds, programmes, bodies and organizations of the United Nations system, and regional mechanisms;

(c) To work in close coordination with the Office of the High Commissioner, the special procedures and other human rights mechanisms, the treaty bodies, other relevant United Nations agencies, funds and programmes, international organizations and regional mechanisms;

(d) To facilitate and contribute to the exchange of technical assistance, capacity-building, transfer of technologies and international cooperation in support of national efforts, actions and measures to better implement the United Nations Declaration on

the Rights of Peasants and Other People Working in Rural Areas, in consultation with the rights holders as defined in article 1 of the Declaration;

(e) To submit an annual report to the Human Rights Council and to the General Assembly on its work and activities, containing its conclusions and recommendations, according to their respective programmes of work;

3. *Calls upon* all States and all stakeholders to cooperate fully with the Working Group on the rights of peasants and other people working in rural areas in the performance of its mandate and to consider implementing the recommendations made by the Working Group in its reports submitted under the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all financial and human resources necessary to enable it to carry out its mandate fully and effectively, and to provide all the support necessary to facilitate, in a transparent manner, the convening of the Working Group;

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

*46th meeting
11 October 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), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Germany, Honduras, India, Kazakhstan, Kyrgyzstan, Luxembourg, Malawi, Malaysia, Maldives, Mexico, Morocco, Nepal, Pakistan, Paraguay, Qatar, 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

Abstaining:

Czechia, Finland, France, Georgia, Lithuania, Montenegro and Romania]

54/10. Mandate of Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

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, the Vienna Declaration and Programme of Action and the Declaration on the Right to Development,

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

Recalling its resolution 5/1 on institution-building of the Human Rights Council and resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, both of 18 June 2007, and emphasizing that the mandate holder is to discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 9/1 of 24 September 2008, 18/11 of 29 September 2011, 21/17 of 27 September 2012, 27/23 of 26 September 2014 and 36/15 of 28 September 2017, and all resolutions of the Commission on Human Rights on this subject,

Cognizant 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, as contained in General Assembly resolution 53/144 of 9 December 1998,

Recalling General Assembly resolution 70/1 of 25 September 2015, by which the Assembly adopted the 2030 Agenda for Sustainable Development, including target 12.4 of the Sustainable Development Goals to achieve, by 2020, the environmentally sound management of hazardous wastes and substances throughout their life cycle, in accordance with the agreed international frameworks, as well as targets 3.9 and 6.3 of the Sustainable Development Goals, and affirming the interlinkages and integrated nature of all the Goals,

Recalling also Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 28 July 2022, in which they recognized the human right to a clean, healthy and sustainable environment,

Expressing concern at the key finding of the United Nations Environment Programme contained in the summary for policymakers of the Global Chemicals Outlook II that the global goal to minimize the adverse impacts of chemicals and waste will not be achieved by 2020,

Recalling Human Rights Council resolution 42/21 of 26 September 2019 on the protection of the rights of workers exposed to hazardous substances and wastes, in which the Council encouraged States, business enterprises and other actors to implement the 15 principles on human rights and the protection of workers from exposure to toxic substances, through their respective legal and policy frameworks, to help them to protect workers from unsafe exposure to hazardous substances and to provide remedies for violations and abuses of workers' rights,

Reaffirming that the way hazardous substances and wastes are managed throughout their life cycle, including manufacturing, distribution, use and final disposal, may have an adverse impact on the full enjoyment of human rights,

Welcoming the work carried out, in accordance with his mandate, by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, including on the right to science in the context of toxic substances, and noting his reports on plastics and human rights;³² Indigenous Peoples and toxics;³³ mercury, small-scale gold mining and human rights;³⁴ detoxification and decarbonization, and the need for integrated solutions;³⁵ shipping, toxics and human rights;³⁶ human rights issues relating to all business enterprises, both transnational and other, regarding the environmentally sound management and disposal of hazardous substances and wastes; and the human right to a safe, clean, healthy, sustainable and non-toxic environment,³⁷

1. *Takes note* of the report submitted by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the Human Rights Council at the present session,³⁸ and requests the Special Rapporteur, in accordance with his mandate, to continue to provide detailed, up-to-date information on the adverse consequences for the full enjoyment of human rights of managing and disposing of hazardous substances and wastes in an unlawful manner, which may include information on:

- (a) The adverse consequences for persons in vulnerable situations;
- (b) The science-policy interface with regard to transparency about the risks associated with the life cycle of hazardous substances and wastes, including threats to the right to freedom of expression, which includes the freedom to seek, receive and impart information, and the right to enjoy the benefits of scientific progress;
- (c) The developments, gaps and shortcomings in the effectiveness of international regulatory mechanisms concerning hazardous substances and wastes and their impact on the

³² A/76/207.

³³ A/77/183.

³⁴ A/HRC/51/35.

³⁵ A/HRC/54/25.

³⁶ A/HRC/54/25/Add.2.

³⁷ A/HRC/49/53.

³⁸ A/HRC/54/25.

enjoyment of human rights, including with respect to emerging chemicals and waste management and disposal issues;

(d) Human rights issues relating to all business enterprises, both transnational and other, regarding the environmentally sound management and disposal of hazardous substances and wastes;

2. *Decides* to extend the mandate of Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes for a period of three years, and invites the mandate holder to report to the Human Rights Council in accordance with its programme of work and annually to the General Assembly;

3. *Encourages* the Special Rapporteur to continue his close cooperation with the United Nations Environment Programme, the United Nations Environment Assembly, relevant specialized agencies of the United Nations system, such as the World Health Organization and the International Labour Organization, and the secretariats of the international environmental conventions, with a view to mainstreaming human rights into their work and to avoiding duplication;

4. *Requests* the Special Rapporteur to participate in relevant United Nations and other international forums on issues relevant to the mandate, as appropriate, including in sessions of the United Nations Environment Assembly, the Conferences of the Parties to the Basel, Rotterdam and Stockholm conventions, and the Conference of the Parties to the Minamata Convention on Mercury, and in the sessions of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment and in the diplomatic conference that may adopt it, in order to mainstream human rights into these discussions;

5. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and bodies and with the secretariats of the relevant international conventions as part of a multidisciplinary, in-depth approach to addressing existing problems with a view to finding lasting solutions for the management of such substances and wastes so that he may present to the Human Rights Council, in accordance with its programme of work, an annual report on the implementation of the resolutions that it has adopted, as well as specific recommendations and proposals concerning the steps that should be taken immediately in order to address the adverse implications for human rights of hazardous substances and wastes;

6. *Encourages* all States, United Nations agencies and other relevant international organizations, civil society actors, including non-governmental organizations, as well as the public and the private sectors and all other stakeholders to engage in a process of consultation, dialogue and cooperation with the Special Rapporteur to enable him to provide guidance in accordance with his mandate;

7. *Encourages* the Special Rapporteur, in accordance with his mandate and with support and assistance from the Office of the United Nations High Commissioner for Human Rights, to continue to provide Governments with appropriate opportunities to respond to allegations that are transmitted to him and are referred to in his report and to have their observations reflected in his report to the Human Rights Council;

8. *Reiterates* its appeal to States and other stakeholders to facilitate the work of the Special Rapporteur by providing him with information and inviting him to undertake country visits;

9. *Requests* the Special Rapporteur to inform States, United Nations agencies and other relevant international organizations, civil society and other stakeholders of the impact on human rights of the environmentally sound management and disposal of hazardous substances and wastes, including in the implementation of the 2030 Agenda for Sustainable Development, to seek views and contributions from Governments, United Nations agencies and other relevant international organizations, civil society and other stakeholders in accordance with his mandate, to investigate national, regional and international efforts in respect of the Sustainable Development Goals and to undertake thematic research on the effective implementation of the 2030 Agenda;

10. *Requests* the Special Rapporteur to provide, upon request, technical assistance and advice to States and other actors on the implementation of the Special Rapporteur's recommendations, and also on the legal and policy framework for compliance with international human rights law and international environmental law;

11. *Requests* the Special Rapporteur, in fulfilling the mandate, to mainstream a gender and age perspective by paying special attention to the human rights and fundamental freedoms of women and girls and by mainstreaming the human rights of children and other persons in vulnerable situations;

12. *Reiterates* its appeal to the Secretary-General and to the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all assistance necessary for the successful fulfilment of his mandate;

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

46th meeting
11 October 2023

[Adopted without a vote.]

54/11. Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006 and 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,

Recalling also Human Rights Council resolution 15/26 of 1 October 2010, establishing the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,

Recalling further Human Rights Council resolution 36/11 of 28 September 2017 establishing a new mandate for the open-ended intergovernmental working group for a period of three years, and its resolution 45/16 of 6 October 2020, in which the Council renewed the mandate to elaborate the content of an international regulatory framework, without prejudging the nature thereof, to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies,

Noting that the working group held its first session from 20 to 23 May 2019 and its second session from 26 to 29 April 2021 and duly reported to the Human Rights Council on its outcomes,³⁹

Noting also that the working group held its third session from 9 to 13 May 2022,⁴⁰ at which it introduced a revised zero draft instrument on an international regulatory framework on the regulation, monitoring of and oversight over the activities of private military and security companies,

Welcoming the progress report on the fourth session of the open-ended intergovernmental working group, held from 17 to 21 April 2023,⁴¹ which elaborated on a revised second draft instrument,

³⁹ See [A/HRC/42/36](#) and [A/HRC/48/65](#).

⁴⁰ See [A/HRC/51/40](#).

⁴¹ [A/HRC/54/42](#).

Recognizing the ongoing need to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and private security companies by mainstreaming a victim-centered approach,

Noting relevant national, regional and international standards and tools, including those prepared by various stakeholders,

1. *Decides* to renew the mandate of the open-ended intergovernmental working group for a period of three years, with a mandate to continue to elaborate the content of an international regulatory framework, without prejudging the nature thereof, in efforts to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and private security companies, informed by the revised zero draft instrument and revised second draft instrument on an international regulatory framework on the regulation, monitoring of and oversight over the activities of private military and security companies, as prepared by the Chair-Rapporteur, and further inputs from Member States and other stakeholders, and factoring in the work done under the previous mandate;

2. *Also decides* that the open-ended intergovernmental working group shall meet for five working days, in hybrid format, and submit an annual progress report to the Human Rights Council in conformity with its annual programme of work;

3. *Acknowledges* the importance of providing the open-ended intergovernmental working group with the expertise and expert advice necessary to fulfil its mandate, and decides that the working group shall invite experts and all relevant stakeholders to participate in its work;

4. *Invites* the contributions of Governments, relevant special procedure mandate holders and mechanisms of the Human Rights Council, treaty bodies, regional groups, intergovernmental organizations, representatives of civil society and industry, and other stakeholders with relevant expertise, including the Co-Chairs of the Montreux Document Forum and the International Code of Conduct Association;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate;

6. *Decides* to remain seized of this important matter.

46th meeting
11 October 2023

[Adopted without a vote.]

54/12. Human rights and Indigenous Peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and Indigenous Peoples,

Reaffirming its support for achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks, jurisprudence and policies as the Declaration applies to Indigenous Peoples,

Appreciating the current efforts being made to promote, protect and fulfil the rights of Indigenous Peoples, recalling the commitment made at the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples to consider ways to enhance the participation of Indigenous Peoples' representatives and institutions duly

established by themselves, in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of Indigenous Peoples' representatives and institutions duly established by themselves in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and its Expert Mechanism on the Rights of Indigenous Peoples, as well as the Permanent Forum on Indigenous Issues,

Taking note of the outcome document of the Dialogue Meeting on Enhanced Indigenous Peoples' Participation at the United Nations organized by Indigenous organizations and institutions and held in Quito from 27 to 30 January 2020,

Recalling the summary report prepared by the Office of the United Nations High Commissioner for Human Rights on the half-day intersessional interactive dialogue held on 15 July 2019 on ways to enhance the participation of Indigenous Peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them,⁴² and the report of the Office of the High Commissioner of the intersessional round table held on 16 July 2021 on ways to enhance the participation of Indigenous Peoples' representatives and institutions in meetings of the Council on issues affecting them,⁴³

Acknowledging the importance of the United Nations Voluntary Fund for Indigenous Peoples for supporting the participation of Indigenous Peoples' representatives and institutions duly established by themselves, in meetings concerning them,

Taking note of the study of the Expert Mechanism on the Rights of Indigenous Peoples on the impact of militarization on the rights of Indigenous Peoples,⁴⁴ and of the report of the Expert Mechanism entitled "Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: establishing effective monitoring mechanisms at the national and regional levels for the implementation of the Declaration",⁴⁵ and encouraging States to consider implementing the advice therein,

Taking note also of the report of the Special Rapporteur on the rights of Indigenous Peoples entitled "Green financing – a just transition to protect the rights of Indigenous Peoples",⁴⁶ in which the Special Rapporteur encouraged all States to consider the recommendations contained in the report, and recognizing the efforts made by the Special Rapporteur to engage Indigenous Peoples in the preparation of annual and country reports,

Recalling the report of the Office of the High Commissioner on the annual half-day panel discussion on the rights of Indigenous Peoples, held on 28 September 2022, concerning the impact of social and economic recovery plans in the context of the coronavirus disease (COVID-19) pandemic on Indigenous Peoples, with a special focus on food security,⁴⁷

Taking note of general recommendation No. 39 (2022) on the rights of Indigenous women and girls, of the Committee on the Elimination of Discrimination against Women, as well as general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, of the Committee on the Rights of the Child, and encouraging States to consider the advice therein and also to translate them into Indigenous languages,

Stressing the need to pay particular attention to the rights and needs of Indigenous women, children, young persons, older persons, persons with disabilities and persons in vulnerable situations, and to intensify efforts to prevent and eliminate all forms of violence and discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference on Indigenous Peoples, which was adopted by consensus by the General Assembly in 2014,⁴⁸

⁴² [A/HRC/44/35](#).

⁴³ [A/HRC/49/69](#).

⁴⁴ [A/HRC/54/52](#).

⁴⁵ [A/HRC/EMRIP/2023/3](#).

⁴⁶ [A/HRC/54/31](#).

⁴⁷ [A/HRC/53/43](#).

⁴⁸ General Assembly resolution 69/2.

Recognizing that Indigenous Peoples are among the first to face the direct consequences of climate change owing to their close relationship with and protection of the environment and its resources, and welcoming the role of Indigenous Peoples and particularly the engagement of Indigenous women and girls, who have faced the adverse impacts of climate change with resilience, in achieving the objective of the United Nations Framework Convention on Climate Change, the purpose and goals of the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Recognizing also the increasing impact of climate change on the enjoyment of human rights and its specific impact on the enjoyment of rights and ways of life of Indigenous Peoples around the world, and recalling the preamble to the Paris Agreement and to decision 1/CP.21 on the adoption of the Paris Agreement⁴⁹ acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of Indigenous Peoples, paragraph 135 of decision 1/CP.21 recognizing the need to strengthen knowledge, technologies, practices and efforts of Indigenous Peoples related to addressing and responding to climate change, and paragraph 36 of the outcome document of the World Conference on Indigenous Peoples,

Recognizing further that many ecosystems, including water-based ecosystems, are threatened by poor management and unsustainable development and face increased uncertainty and risks owing to climate change and other factors, and urging States to recognize, respect and promote approaches led by Indigenous Peoples to ecosystem management, and the right of Indigenous Peoples to the conservation and protection of the environment and the productive capacity of their lands or territories and resources as set out in article 29 of the United Nations Declaration on the Rights of Indigenous Peoples, through their full and effective participation,

Mindful that Indigenous Peoples face significant barriers to the enjoyment of their right to the improvement of their economic and social conditions, including in the area of housing, as set out in article 21 of the United Nations Declaration on the Rights of Indigenous Peoples, owing to different factors, such as historical colonization and dispossession, disproportionately high rates of homelessness, and vulnerability to forced evictions, land-grabbing and the adverse impacts of climate change, and acknowledging the need to ensure that Indigenous Peoples can live in peace, security and dignity and enjoy the right to the improvement of their economic and social conditions, including in the area of housing, without discrimination,

Emphasizing that transnational corporations and other business enterprises have the responsibility to respect all human rights and should put in place human rights due diligence processes to identify, prevent, mitigate and account for how they address their impact on human rights, as well as paying particular attention to their impact on collective rights of Indigenous Peoples, and reaffirming the primary responsibility of States to respect, protect and fulfil human rights and their duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including transnational corporations and other business enterprises, by, inter alia, regulating these business enterprises and ensuring access to effective remedies in cases of abuse,

Noting with appreciation the establishment of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-fourth session, with the equal participation of representatives of Indigenous Peoples and parties to the Framework Convention, to advance the objectives and implementation of its functions, and noting the second three-year workplan of the Platform for the period 2022–2024,

Recognizing the importance of ensuring the full and effective participation of Indigenous Peoples in decision-making processes for the implementation of the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity,

Bearing in mind the importance of supporting the empowerment and building the capacity of Indigenous women, young persons, older persons, persons with disabilities,

⁴⁹ FCCC/CP/2015/10/Add.1.

persons in vulnerable situations and children, in accordance with their age and maturity, including for their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target their well-being, in particular in the areas of universal and equitable access to quality public services, adequate housing, health services, mental health, food security and improved nutrition, including through family farming and fishing, education, including intercultural and multilingual education, employment, and the transmission of languages and traditional knowledge, innovations and practices, and also the importance of taking measures to promote awareness and understanding of their rights,

Taking note with appreciation of resolution WHA76.16 entitled “The health of Indigenous Peoples” adopted on 30 May 2023 by the World Health Assembly at its seventy-sixth session,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of Indigenous Peoples,⁵⁰ and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of Indigenous Peoples, in plain language and Easy Read formats, containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, highlighting challenges and main achievements, and to follow up on the effectiveness of the Declaration;

2. *Welcomes* the work of the Special Rapporteur on the rights of Indigenous Peoples, and encourages all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by giving serious consideration to responding favourably to the requests of the mandate holder for visits, furnishing all available information requested in his or her communications and reacting promptly to his or her urgent appeals;

3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report for 2023⁵¹ and its intersessional activities;

4. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to continue to provide all human, technical and financial assistance necessary for the Expert Mechanism to fulfil its mandate fully and effectively, including webcasting services for its annual meetings, with communication access real-time translation, as well as the timely translation into all official languages of the United Nations and distribution of its reports to the Human Rights Council and the pre-session translation of its studies and reports, in accordance with Council resolution 33/25 of 30 September 2016;

5. *Strongly encourages* all relevant stakeholders, including States and Indigenous Peoples, to attend and participate actively in the sessions of the Expert Mechanism, to submit contributions to its studies and reports and to engage in dialogue with it, including during its intersessional activities;

6. *Acknowledges* the efforts of States, Indigenous Peoples, United Nations entities and other stakeholders to engage with the Expert Mechanism under its current mandate, and strongly encourages them to continue to do so, including to facilitate dialogue, when agreeable to all parties, and to provide technical assistance and advice in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, as well as the implementation by States of accepted recommendations and concluding observations related to Indigenous Peoples arising from the universal periodic review and the treaty bodies, respectively;

7. *Encourages* all parties to consider the Expert Mechanism’s initiation of country engagements at the request of States and Indigenous Peoples, to seize the opportunity for dialogue provided by such requests and to facilitate country engagement mission arrangements to enable the Expert Mechanism to implement its mandate comprehensively;

⁵⁰ [A/HRC/54/39](#).

⁵¹ [A/HRC/54/64](#).

8. *Urges* States and invites other public and/or private potential donors to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of Indigenous Peoples worldwide and within the United Nations system and to support the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

9. *Recalls* the proclamation of the period 2022–2032 as the International Decade of Indigenous Languages to draw attention to the critical loss of Indigenous Peoples' languages and the urgent need to preserve, revitalize and promote Indigenous Peoples' languages, including sign languages, and to take urgent steps to that end at the national and international levels,⁵² also recalls the establishment, in conjunction with Indigenous Peoples, of the Global Task Force for Making a Decade of Action for Indigenous Languages, and calls upon States, United Nations entities and other stakeholders to promote the effective and meaningful participation of Indigenous Peoples in leading and holding activities to mark the Decade at the national and international levels;

10. *Takes note* of the Global Action Plan for the International Decade of Indigenous Languages, and calls upon States and United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, to take concrete measures to implement it at the local and national levels, in conjunction with Indigenous Peoples, including by seeking to ensure the full and meaningful participation of Indigenous Peoples in the design and subsequent implementation of strategies, initiatives, policies and legislation and by engaging in fruitful and sustained dialogue with other relevant stakeholders;

11. *Recalls* the right of Indigenous Peoples to establish their own media in their own languages and to have access to all forms of non-Indigenous media without discrimination, as set out in article 16 (1) of the United Nations Declaration on the Rights of Indigenous Peoples, and calls upon States to promote and examine national policies, practices and funding programmes on Indigenous media, including on capacity-building and content production in Indigenous languages by Indigenous content producers and media professionals, especially Indigenous women, and to foster international cooperation, knowledge-sharing and cooperation among Indigenous media and other partners, including mainstream media and Governments;

12. *Encourages* States to translate, interpret and disseminate the United Nations Declaration on the Rights of Indigenous Peoples into Indigenous languages, including Indigenous sign languages, as appropriate, and to cooperate with the Office of the High Commissioner, the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism to translate their reports and make them accessible to Indigenous Peoples, including by producing them in plain language and Easy Read formats;

13. *Decides* that the theme of the annual half-day panel discussion on the rights of Indigenous Peoples, to be held during the fifty-seventh session of the Human Rights Council, will be on laws, policies, judicial decisions and other measures that States have taken, consistent with article 38 of the United Nations Declaration on the Rights of Indigenous Peoples, to achieve the ends of the Declaration, and requests the Office of the High Commissioner to encourage and facilitate the participation of Indigenous women, to make the discussion fully accessible to and inclusive for persons with disabilities, and to prepare a summary report on the discussion for submission to the Council prior to its fifty-ninth session;

14. *Welcomes with appreciation* the four-day expert workshop convened by the Office of the High Commissioner on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council, held from 21 to 24 November 2022, including the discussion and the recommendations resulting from the workshop as contained in the summary report prepared by the Office of the High Commissioner;⁵³

15. *Requests* the Office of the High Commissioner to prepare a stocktaking report, taking into account previous stocktaking exercises included in the reports thereon of the

⁵² See General Assembly resolution 74/135.

⁵³ [A/HRC/53/44](#).

Secretary-General of 2012 and 2020⁵⁴ and in the note by the President of the General Assembly in 2016,⁵⁵ compiling existing procedures on the participation of Indigenous Peoples at the United Nations and highlighting existing gaps and good practices, and to present the report to the Human Rights Council at its fifty-seventh session;

16. *Decides* to continue to discuss and develop further steps and measures necessary to enable and to facilitate the participation of Indigenous Peoples' representatives and institutions duly established by themselves in the work of the Human Rights Council, and in this regard:

(a) *Decides* to organize a two-day intersessional meeting before the fifty-seventh session of the Human Rights Council and another two-day intersessional meeting before the fifty-eighth session, in order to allow States, relevant United Nations agencies, funds and programmes, international organizations, Indigenous Peoples from the seven Indigenous sociocultural regions, national human rights institutions and civil society organizations to hold a dialogue on concrete ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council;

(b) *Requests* the President of the Human Rights Council to appoint one State co-facilitator and one Indigenous co-facilitator for each intersessional meeting;

(c) *Decides* that the co-facilitators, together with the Office of the High Commissioner, shall be responsible for the preparation of a joint report on the discussions and outcomes of the meetings, including specific recommendations, and for its presentation to the Council before its fifty-ninth session;

(d) *Requests* the Office of the High Commissioner to provide, for the above-mentioned two-day intersessional meetings, all the services and facilities necessary to make the discussions fully accessible to persons with disabilities;

17. *Invites* the United Nations Voluntary Fund for Indigenous Peoples, within the Fund's rules and established procedures, to facilitate the participation of Indigenous Peoples' representatives and institutions duly established by themselves, in the above-mentioned intersessional meetings, promoting balanced regional, gender and intergenerational representation;

18. *Encourages* the Expert Mechanism to continue its discussions on the issue of enhancing the participation of Indigenous Peoples' representatives and institutions duly established by themselves, in the relevant meetings of the Human Rights Council on issues affecting them;

19. *Encourages* States to give due consideration to the rights of Indigenous Peoples and to all forms of violence and discrimination, including multiple and intersecting forms of discrimination, faced by Indigenous Peoples and individuals, including setbacks and aggravated barriers caused by the coronavirus disease (COVID-19) pandemic, in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

20. *Urges* States to take appropriate measures to protect Indigenous children, in particular girls and young persons, from all forms of violence, and to ensure that all human rights violations and abuses against them are investigated, that perpetrators are held accountable, that appropriate preventive measures are put in place and that there is access to effective remedies and reparations;

21. *Calls upon* States to duly recognize, observe and enforce existing treaties, agreements and other constructive arrangements concluded between States and Indigenous Peoples in order to advance and achieve the realization of the rights of Indigenous Peoples, and encourages new ones as a method for implementing the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples;

⁵⁴ [A/HRC/21/24](#) and [A/75/255](#).

⁵⁵ [A/70/990](#).

22. *Acknowledges* the efforts made by the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues to improve complementarity and to avoid duplication among their reports, encourages them to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of Indigenous Peoples, including in treaties and the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference on Indigenous Peoples, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms and the human rights treaty bodies, within their respective mandates;

23. *Requests* the President of the Human Rights Council to organize the participation of Indigenous Peoples' representatives and institutions duly established by themselves from the seven Indigenous sociocultural regions, in consultation with the Expert Mechanism on the Rights of Indigenous Peoples and with the support of the Office of the High Commissioner, for the interactive dialogues with the Special Rapporteur on the rights of Indigenous Peoples and with the Expert Mechanism on the Rights of Indigenous Peoples at the fifty-seventh session of the Council;

24. *Encourages* the development of a process and a mechanism to facilitate the international repatriation of Indigenous Peoples' cultural objects and human remains, in cooperation with Indigenous Peoples and through the continued engagement of the United Nations Educational, Scientific and Cultural Organization in particular, the World Intellectual Property Organization, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues, States and all other relevant parties in accordance with their mandates;

25. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding Indigenous Peoples, in the application of treaties;

26. *Welcomes* the contribution of the universal periodic review to the realization of the rights of Indigenous Peoples, encourages effective follow-up to accepted review recommendations concerning Indigenous Peoples, and invites States to include, as appropriate, information on the situation of the rights of Indigenous Peoples, including measures taken to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, during their reviews;

27. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by, inter alia, engaging in good faith and sustained dialogue with Indigenous Peoples as well as with civil society, academia, local governments, United Nations bodies and other relevant stakeholders, as well as by adopting and implementing measures, including national action plans, legislation or other frameworks, as required, in consultation and cooperation with Indigenous Peoples, taking into account the use of their languages, and welcomes the fact that several States have developed or are in the process of developing national action plans and domestic legislation for the implementation of the Declaration with the full and meaningful participation of Indigenous Peoples;

28. *Calls upon* States in all regions that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization to consider doing so, taking into account its contribution to the promotion and protection of the rights of Indigenous Peoples;

29. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing Indigenous issues, and recognizes the importance of such institutions developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

30. *Encourages* States, according to their relevant national context and characteristics, to collect and securely disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographical location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of Indigenous Peoples and individuals,

to combat and eliminate all forms of violence and discrimination, including multiple and intersecting forms of discrimination, against them, to include the specific needs and priorities of Indigenous Peoples in COVID-19 recovery plans, to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda and to work with Indigenous Peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change;

31. *Reaffirms* the importance of promoting the political, social and economic empowerment of Indigenous women and girls, including Indigenous women and girls with disabilities, by, inter alia, ensuring access to quality and inclusive education, including intercultural and multilingual education, and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers that they face, including violence, and of promoting their participation in relevant decision-making processes at all levels and in all areas while respecting and protecting their traditional and ancestral knowledge, noting the importance of the United Nations Declaration on the Rights of Indigenous Peoples for Indigenous women and girls, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

32. *Condemns* the increase in cases of intimidation, harassment and reprisals against Indigenous human rights defenders and Indigenous leaders, including Indigenous women, as well as Indigenous Peoples' representatives attending United Nations meetings and United Nations mandate holders working on the rights of Indigenous Peoples, and expresses its concern at the practice of some countries, including those hosting meetings on Indigenous issues, of intentionally or in a discriminatory manner delaying or denying entry visas to United Nations mandate holders or Indigenous Peoples' representatives, or applying additional travel restrictions to them that interfere, inter alia, with their ability to participate in such meetings or to return;

33. *Urges* States, in conjunction with Indigenous Peoples, to take all measures necessary and emergency responses, with a gender perspective, to ensure the rights, protection and safety of Indigenous Peoples and Indigenous human rights defenders and leaders, including Indigenous women human rights defenders, and to ensure that all human rights violations and abuses against them are investigated, that the perpetrators are held accountable, that appropriate preventive measures are put in place, and that there is access to effective remedies and reparation, including guarantees of non-recurrence;

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

*46th meeting
11 October 2023*

[Adopted without a vote.]

54/13. Human rights of older persons

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind the United Nations Principles for Older Persons, the Political Declaration and Madrid International Plan of Action on Ageing, 2002, and all relevant General Assembly resolutions, including resolutions 65/182 of 21 December 2010, 66/127 of 19 December 2011, 70/164 of 17 December 2015, 75/131 of 14 December 2020, 76/138 of 16 December 2021 and 77/190 of 15 December 2022,

Recalling that the 2030 Agenda for Sustainable Development stresses the need to ensure that no one is left behind, and in this regard recognizing the essential contribution that older persons make to the functioning of societies and to the achievement of the 2030 Agenda,

Recalling also Human Rights Council resolutions 21/23 of 28 September 2012, 24/20 of 27 September 2013, 33/5 of 29 September 2016, 42/12 of 26 September 2019, 48/3 of 7 October 2021 and 51/4 of 6 October 2022 on the human rights of older persons, and all other relevant Council resolutions, including resolutions 39/18 of 28 September 2018 and 44/7 of 16 July 2020,

Recognizing the work of the Independent Expert on the enjoyment of all human rights by older persons and the Open-ended Working Group on Ageing, and the contributions and support by the Office of the United Nations High Commissioner for Human Rights,

Taking note with appreciation of the report of the Independent Expert on the enjoyment of all human rights by older persons on violence against and abuse and neglect of older persons,⁵⁶

Noting with appreciation the work of the special procedures of the Human Rights Council on older persons, and taking note of the relevant reports of, inter alia, the Independent Expert, 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 the rights of persons with disabilities and the Special Rapporteur on the rights of Indigenous Peoples,

Recognizing that older persons face a number of particular challenges in the enjoyment of their human rights, including, among others, in the areas of prevention of and protection against violence, abuse and neglect, social protection, food and housing, the right to work and access to the labour market, equality and non-discrimination, access to justice, new technologies, education, training, health support, long-term care and support, palliative care, lifelong learning, participation, accessibility, equal pay for equal work, and unpaid care work,

Emphasizing the importance of promoting inclusive, age-friendly communities and environments and of providing a range of support services that promote the dignity, autonomy and independence of older persons, to enable older persons to remain in their homes as they age, with due regard to individual preferences,

Noting that new and emerging technologies, and assistive technology, while respecting the autonomy of older persons, can enable and promote the inclusion, participation and engagement of older persons in all areas of society, including the political, economic and social spheres, which can be an important contributor in preventing violence against and abuse and neglect of older persons,

Recognizing that ageism is a widely prevalent and prejudicial attitude that is a significant risk factor for abuse of older persons, and that age stereotypes play a key role in perpetuating abuse of older persons as well as in hindering their access to appropriate care and support and their free, full, active, inclusive and meaningful participation in all public decision-making processes, including the development of laws, policies and other measures to address violence and abuse, and their access to remedies and redress,

Recognizing also that all forms of violence against and abuse and neglect of older persons are pervasive around the world, and that an increase in violence against older persons has been seen during ongoing crises, such as the coronavirus disease (COVID-19) pandemic, armed conflicts and climate change,

Noting with concern that violence against older persons remains overlooked and that the limited understanding of the phenomenon has far-reaching consequences for the mental and physical well-being of millions of older persons worldwide,

Noting the conclusions of the Independent Expert that “most definitions recognize five forms of abuse of older persons, namely: (a) physical abuse; (b) psychological or

⁵⁶ [A/HRC/54/26](#).

emotional abuse; (c) sexual abuse; (d) financial or material abuse; and (e) neglect”, and noting also that “the Independent Expert recognizes an additional form, namely hate speech against older persons”,⁵⁷

Stressing that ageism and age discrimination are a root cause of and barrier to effectively combating violence against and abuse and neglect of older persons,

Noting that all forms of violence against and abuse and neglect of older persons can take place in all settings, including public and private settings, both online and offline,

Noting with concern that older women often face discrimination, including multiple and intersecting forms of discrimination, and are at greater risk of violence, abuse and neglect, compounded by their gender, age, race or disability or on other grounds, which affects the enjoyment of their human rights,

Noting that the lack of data on the prevalence of abuse of older persons generates considerable gaps in preventing human rights violations and that the actual numbers of older persons who suffer from abuse or violence are assumed to be significantly higher than the existing data show and that, due to the ageing of the world population, the number of victims will grow rapidly in the future if no measures are taken to effectively address the problem,

Noting also the fragmentation of international human rights law with regard to older persons and that there are no specific provisions addressing violence against and abuse and neglect of older persons and the unique risks faced by older persons, especially older women, in vulnerable situations in the current human rights framework,

Taking note with appreciation of the report of the United Nations High Commissioner for Human Rights on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons,⁵⁸ and noting the findings contained in the report on the gaps, limitations and deficiencies in the existing international human rights framework and that, in the report, the High Commissioner stresses the need to move expeditiously towards developing and adopting a coherent, comprehensive and integrated human rights framework,

Noting with appreciation the convening of a multi-stakeholder meeting, held on 29 and 30 August 2022, at which the report of the High Commissioner on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons was discussed, and taking note of the summary report thereon, which includes recommendations on closing the existing gaps that negatively affect the lives of older persons,⁵⁹

Taking note with appreciation of decision 13/1 adopted by the Open-ended Working Group on Ageing at its thirteenth session on the identification of possible gaps in the protection of the human rights of older persons and how best to address them, and its request to co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at its fourteenth session, in March 2024,

1. *Condemns in the strongest possible terms* the persistence and pervasiveness of all forms of violence against and abuse and neglect of older persons worldwide, and reaffirms that all older persons should be able to live free from violence, abuse and neglect;

2. *Expresses deep concern* that all forms of discrimination and violence against older persons impair the full enjoyment by older persons of their human rights and fundamental freedoms and hinder their full, effective and meaningful participation in public and private life;

3. *Recognizes* that the challenges relating to the enjoyment of civil, political, economic, social and cultural rights by older persons, including, among others, in the areas of prevention of and protection against violence, abuse and neglect, social protection, food and housing, the right to work and access to the labour market, equality and non-discrimination, access to justice, new technologies, education, training, health support,

⁵⁷ Ibid., para. 12.

⁵⁸ A/HRC/49/70.

⁵⁹ A/HRC/52/49.

long-term care and support, palliative care, unpaid care work, lifelong learning, participation, accessibility and equal pay for equal work, and the need to address them, require in-depth analysis and adequate action;

4. *Calls upon* all States to prohibit all forms of discrimination against older persons and to adopt and implement non-discriminatory policies, national strategies, action plans, legislation and regulations, including in response to violence, abuse and neglect, and to promote and ensure the full realization of all human rights and fundamental freedoms for older persons in, inter alia, employment, social protection, housing, education and training, access to technologies and the provision of financial, social, health-care, long-term support and palliative care services, while systematically providing for consultation with and the participation of older persons themselves, and their representative organizations;

5. *Calls upon* all stakeholders, including States, the entities of the United Nations system, civil society, national human rights institutions and the private sector to combat ageism as a root cause of violence, abuse and neglect, as well as to eliminate violence, abuse and neglect in all their forms and to adopt a human rights-based approach in all programmes, campaigns and activities relating to ageing and older persons;

6. *Calls upon* all States to establish and/or enhance effective redress mechanisms and to ensure access to justice for, on an equal basis with others, all older persons who become victims and survivors of violence, abuse and neglect and for older persons subjected to discrimination based on age, gender, race or disability or on other grounds, including legal aid and support, as well as accessible and age-responsive legal proceedings;

7. *Also calls upon* all States to take measures to raise awareness in society, including among public officials, the private sector and older persons themselves, about the meaning and consequences of violence against and abuse and neglect of older persons and about existing legal provisions and judicial remedies;

8. *Calls upon* States to collect and analyse data disaggregated, as appropriate, by age, gender, disability, marital status, area of residence and other relevant criteria, in order to identify and render visible inequalities and discriminatory patterns, including structural aspects of discrimination, and to analyse the effectiveness of measures taken to promote equality, as well as to provide information on all forms of violence, abuse and neglect and their root causes, including ageism and discrimination, including multiple and intersecting forms of discrimination;

9. *Invites* the Independent Expert on the enjoyment of all human rights by older persons to continue to raise awareness of the challenges that older persons face in the realization of their human rights in her annual reports;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to convene a meeting of human rights experts, fully accessible to persons with disabilities, with the participation of the Independent Expert and expert representatives of Member States, the treaty bodies and the special procedures, regional mechanisms, the United Nations system, academia, national human rights institutions and civil society, including with the meaningful and effective participation of older persons and their representative organizations, to discuss and draw up recommendations on the human rights obligations of States regarding violence against and abuse and neglect of older persons in all settings, to prepare a summary report, to be made available in accessible formats, including plain language and Easy Read, containing the conclusions and recommendations of the meeting, and to submit the report to the Human Rights Council by its fifty-seventh session.

*46th meeting
11 October 2023*

[Adopted without a vote.]

54/14. Enforced or involuntary disappearances

The Human Rights Council,

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

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right to liberty and security of person, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolutions 7/12 of 27 March 2008 and 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances, as well as Council decision 25/116 of 27 March 2014, and Council resolutions 21/4 of 27 September 2012, 27/1 of 25 September 2014, 36/6 of 28 September 2017 and 45/3 of 6 October 2020,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States, Assembly resolution 61/177 of 20 December 2006, by which it adopted the International Convention for the Protection of All Persons from Enforced Disappearance, which came into force on 23 December 2010, and Assembly resolutions 70/160 of 17 December 2015, 74/161 of 18 December 2019 and 76/158 of 16 December 2021,

Recalling further that no one shall be subjected to enforced disappearance and that no exceptional circumstance whatsoever, whether a state of war or a threat of war, internal political instability or any public emergency, may be invoked as justification for enforced disappearances,

Welcoming the fact that 98 States have signed the Convention and that 72 States have ratified or acceded to it, and recognizing that its implementation is a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

Recalling the thirtieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance and the report of the Working Group on Enforced or Involuntary Disappearances thereon, in which it highlighted the contribution of the Declaration to progress in international law on enforced disappearances, the establishment of the Working Group and the tenth anniversary of the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning the harassment, blackmail, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons, including by the use of information and communications technology,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, provides for the guarantee of access to information concerning the whereabouts of the person deprived of liberty to any person with a legitimate interest in such information, and sets out obligations for the State party to take appropriate measures in this regard,

Taking note with interest of the recommendation made by the Working Group that more assistance should be provided to family members, including women, and members of civil society in order to enable them to report alleged cases of enforced disappearance to the Working Group, given that, in a large number of cases, the underreporting of cases of enforced disappearance remains a major problem owing to various reasons, including, inter alia, fear of reprisal, weak administration of justice, poverty and illiteracy,

Noting with interest the project for a world congress to promote the ratification of the Convention discussed by the Committee on Enforced Disappearances at its twenty-fifth session,

Taking note with interest of the most recent thematic reports prepared by the Working Group, including on new technologies and enforced disappearances,

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity as it is defined by the Rome Statute of the International Criminal Court,

Welcoming the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances, as well as the decision of the Assembly in its resolution 65/196 of 21 December 2010 to proclaim, pursuant to the recommendation made by the Human Rights Council in its resolution 14/7 of 17 June 2010, 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, and its call upon Member States, the United Nations system and other international and regional organizations, national human rights institutions, civil society and other relevant stakeholders to observe these days,

Acknowledging that many States cooperate with the Working Group, including by responding to its communications and seeking its technical assistance on matters relating to enforced disappearance,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and resolution 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, both of 18 June 2007, and stressing that mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so as a matter of priority, and also to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, and in that regard encourages all States to prepare for and participate in the upcoming world congress to promote the ratification of the Convention, to be held in 2024;

2. *Calls upon* States to cooperate with the Working Group on Enforced or Involuntary Disappearances and to respond favourably to its request for visits;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States interested in becoming parties to the Convention, while recognizing that a significant number of States support universal ratification;

4. *Takes note* of the reports of the Working Group, and encourages States to give due consideration to the comments and recommendations contained therein;

5. *Welcomes* the important work undertaken by the Working Group to address all situations of enforced disappearance;

6. *Encourages* the Working Group to continue to explore issues regarding enforced disappearances and to continue to submit reports to the Human Rights Council, in accordance with its mandate, which should be made available in all official languages to facilitate their dissemination;

7. *Welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, as well as with other relevant special procedures and treaty bodies, within the framework of their respective mandates, and encourages them to continue their cooperation in the future;

8. *Decides* to extend the mandate of the Working Group on Enforced or Involuntary Disappearances for a further period of three years, in conformity with the terms set forth in Human Rights Council resolution 7/12;

9. *Calls upon* States that have not provided substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

10. *Encourages* the Working Group, in accordance with its working methods, to continue to provide the States concerned with relevant and detailed information on allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the States concerned to cooperate with the Working Group;

11. *Requests* the Secretary-General to continue to provide the Working Group with all financial and human resources necessary to enable it to carry out fully its mandate;

12. *Decides* to continue its consideration of the question of enforced disappearances in accordance with its programme of work.

46th meeting
11 October 2023

[Adopted without a vote.]

54/15. Human rights and unilateral coercive measures

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,

Reaffirming Human Rights Council resolution 52/13 of 3 April 2023 and General Assembly resolution 77/214 of 15 December 2022,

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

Recalling General Assembly resolution 70/1 entitled “Transforming our world: the 2030 Agenda for Sustainable Development” of 25 September 2015, which strongly urged States 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,

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, the rule of law, development, international relations, trade, investment and cooperation,

Reaffirming that no State may use or encourage the use of 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,

Recognizing that unilateral coercive measures in the form of economic, financial, trade and delivery sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Alarmed by the fact that most current unilateral coercive measures have been imposed, at great cost, in terms of the human rights of the poorest and of the persons in vulnerable situations, on developing countries by developed countries,

Underlining that under no circumstances should people be deprived of their basic means of survival or their personal belongings and property based on their nationality,

Recognizing that unilateral coercive measures may result in social problems and raise 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, the rule of law, mutual respect and the peaceful settlement of disputes,

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

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

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 the norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented, complied and overcomplied with 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 developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Alarmed by the expanding use of secondary sanctions, civil and criminal penalties for alleged circumvention and the means of enforcement of primary sanctions regimes, which are contrary to international law, give rise to overcompliance strategies of States, businesses and civil society and indiscriminately affect the whole population of targeted countries and impede humanitarian work and deliveries, including those made pursuant to Security Council resolutions,

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, and that violation of this right is contrary to the spirit and principles of the Charter and hinders the development of international cooperation and the maintenance of peace,

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,

Recalling also article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides, inter alia, that in no case may a people be deprived of its own means of subsistence, including but not limited to food and medicines,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger, the right to an adequate standard of living, food, education, work and housing and the right to development,

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 that unilateral coercive measures are major obstacles to the implementation of the Declaration on the Right to Development,

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

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

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

Recognizing the importance of developing a methodology to account for and continue to make visible the impact of unilateral coercive measures on the enjoyment of human rights,

Highlighting the need to monitor human rights violations associated with unilateral coercive measures and to promote accountability,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes and supports* the work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, including her thematic and country visit reports;

2. *Also welcomes and supports* the launch of the sanctions research platform;

3. *Further welcomes* the report of the Special Rapporteur;⁶⁰

4. *Decides* to extend for a period of three years the mandate of Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, as set out in Human Rights Council resolution 27/21 of 26 September 2014;

5. *Welcomes* the initiative of the Special Rapporteur to develop and launch a uniform and universal tool for monitoring and assessing the impact of unilateral coercive measures and overcompliance on human rights;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to human rights and unilateral coercive measures, to pursue further work in this area in full cooperation with the Special Rapporteur in her various activities, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of the mandate;

7. *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;

8. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her tasks, to supply all necessary information requested by the mandate holder, and to respond favourably to her requests to visit their countries to enable her to fulfil her mandate effectively;

9. *Urges* all United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of the mandate;

10. *Decides* to continue its consideration of the issue of human rights and unilateral coercive measures in accordance with its programme of work.

*46th meeting
11 October 2023*

⁶⁰ [A/HRC/54/23](#).

[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, 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:

Costa Rica and Mexico]

54/16. Preventable maternal mortality and morbidity and human rights

The Human Rights Council,

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

Recognizing that preventing maternal mortality and morbidity is one of the human rights priorities for all States, and reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

Recalling previous Human Rights Council resolutions on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and their review conferences and outcome documents, and reaffirming also the resolutions and agreed conclusions of the Commission on the Status of Women and the resolutions of the Commission on Population and Development,

Recalling the commitment contained in Sustainable Development Goal 3 to reduce the global maternal mortality ratio to less than 70 per 100,000 live births by 2030, and deeply concerned that the ratio in 2020 was still more than three times higher than that target,

Welcoming the efforts of the World Health Organization, the United Nations Population Fund and other United Nations agencies, funds and programmes, within their respective mandates, to prevent maternal mortality and to prevent and treat maternal morbidity,

Recognizing the importance of strengthening coordination among all relevant United Nations agencies and civil society organizations, in accordance with their respective mandates, and the need for States to respect, protect and fulfil sexual and reproductive health and reproductive rights, to reduce preventable mortality and morbidity,

Reaffirming that States have an obligation to take steps to achieve the full realization of 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 discrimination, coercion and violence,

Noting that the World Health Organization has identified severe bleeding and infections, mostly after childbirth, high blood pressure during pregnancy, complications from

delivery and unsafe abortion as the leading causes of maternal mortality and that United Nations treaty bodies have highlighted the connection between lack of emergency obstetric services, high rates of unsafe abortion and maternal mortality and morbidity,

Recognizing that preventable maternal mortality and morbidity are a human rights concern and that preventable deaths and grievous injuries sustained by women and girls during pregnancy, childbirth and the prenatal and postnatal periods are not inevitable events, but rather a direct result of, inter alia, discriminatory laws and practices, harmful gender norms and practices, a lack of functioning health systems and services, a lack of access to health services, in particular in rural and remote areas and the poorest urban areas, and a lack of accountability,

Expressing concern at the disproportionate impact of poverty, global economic crises, underdevelopment, austerity measures, unemployment, malnutrition, climate change, biodiversity loss, pollution, environmental degradation, conflict, natural hazards and health emergencies on women's and girls' enjoyment of human rights, including those relating to sexual and reproductive health and well-being, which may exacerbate existing structural inequalities and contribute to maternal mortality and morbidity,

Stressing the interlinkages between poverty, malnutrition, lack of, inadequate or inaccessible health services, early childbearing, child, early and forced marriage, gender-based violence against women and girls, sociocultural barriers, marginalization, illiteracy and gender inequality as root causes of maternal mortality and morbidity,

Deeply concerned about the insufficient resources for eliminating preventable maternal mortality and morbidity in many countries, which is compounded by low levels of development assistance for sexual and reproductive health, including maternal health,

Recognizing that all women and girls are subject to multiple, intersecting and systemic forms of discrimination throughout their lives based on, inter alia, gender, age, race, ethnicity, indigeneity, religion or belief, physical and mental health, disability, civil status, socioeconomic background and migration status, in private and public spaces, both online and offline, and that substantive equality requires the elimination of the root causes of structural discrimination against them, including deep-rooted patriarchal and gender stereotypes, negative social norms, sociopolitical and economic inequalities and systemic racism, as well as traditional understandings of gender roles that perpetuate unequal power relations, discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage,

Recognizing also that a human rights-based approach to the elimination of preventable maternal mortality and morbidity is underpinned by the principles of, inter alia, equality, accountability, engagement, participation, accessibility, transparency, empowerment, sustainability, non-discrimination and international cooperation and requires the provision of available, accessible, including affordable, acceptable and quality sexual and reproductive health information and services, including maternal health information and services,

Recognizing further that the underlying determinants of health, such as equitable access to affordable and safe drinking water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, access to health-related education and information and quality and essential health services, are essential to ensuring the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to eliminating preventable maternal mortality and morbidity,

Recognizing that violations of 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, and those involving inadequate emergency obstetric services, obstetric violence and unsafe abortion can cause high levels of maternal morbidity, including obstetric fistula, uterine prolapse, post-partum depression and infertility, leading to ill health and death among women and girls of childbearing age in many regions of the world,

Recognizing also that sexual and reproductive health and reproductive rights are integral to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that comprehensive sexual and reproductive

health information and services must have the interrelated and essential elements of availability, accessibility, including affordability, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, including by addressing multiple and intersecting forms of discrimination,

Recognizing further that the right to seek, receive and impart comprehensive information concerning sexual and reproductive health and reproductive rights issues is essential for the accessibility of services and that unequal access to information by women and girls, including Indigenous women and girls, those from ethnic minorities, those with disabilities and those from other marginalized groups, amounts to discrimination,

Deeply concerned that there are continuing violations of 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, which have a negative impact on rates of maternal mortality and morbidity, and that the full enjoyment of this right remains a distant goal for many women and girls, including adolescents, throughout the world,

Deeply concerned also that women and girls living in vulnerable or marginalized situations, including in humanitarian and conflict settings, are disproportionately exposed to a high risk of human rights violations and abuses, including through sexual and gender-based violence, trafficking in persons, systematic rape, sexual slavery, forced sterilization, forced pregnancy, harmful practices, such as child, early and forced marriage and female genital mutilation, and lack of available, accessible, including affordable, acceptable and quality sexual and reproductive health information and services, evidence-based information and education, including evidence-based comprehensive sexuality education, lack of access to perinatal care, including skilled birth attendance, and emergency obstetric care, poverty, underdevelopment and all types of malnutrition, resulting in heightened risks of unintended and unwanted pregnancy, unsafe abortion and maternal mortality and morbidity,

Deeply concerned further that the coronavirus disease (COVID-19) pandemic has led to overloaded health systems, the reallocation of human and financial resources, including through the de-prioritization of sexual and reproductive health and reproductive rights and the removal of certain services from the list of essential services, the redeployment of midwives, shortages of medical personnel and supplies and disruptions to global supply chains, which has had a negative impact on 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, particularly for women and girls, and has affected the availability of and access to health-care workers, access to maternal and newborn care and other essential maternal and child health support and services; safe abortion when not against national law, and post-abortion care; sexual and reproductive health information and education; contraception; and treatment of sexually transmitted infections, while fear of contracting the virus inhibited some women and girls from visiting health-care facilities, thereby increasing the risk of maternal mortality and morbidity,

Deeply concerned that widespread discrimination against women and girls, including on the basis of age, socioeconomic status, disability, racial or ethnic background, language, religion, health or Indigenous or other status, and multiple and intersecting forms of discrimination substantially heighten their risk of suffering maternal morbidity and that the COVID-19 pandemic further underscored the health impact of social inequalities, exacerbated pre-existing forms of inequality and systemic discrimination faced by women and girls and increased the occurrence of sexual and gender-based violence and harassment, including obstetric violence, child, early and forced marriage and unintended and unwanted pregnancy, in particular among adolescents, thereby also increasing the risk of maternal mortality and morbidity,

Reaffirming that human rights include the right 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 that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy rights, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing that the stigma, shame and isolation associated with specific forms of maternal morbidity can lead to harassment, discrimination, ostracism and violence against women and girls and can prevent them from seeking care, thereby resulting in physical, psychological, economic and social harm to or suffering for women and girls,

Recognizing also that there are large disparities in maternal mortality and morbidity rates not only between but also within countries, in particular in rural and remote areas and the poorest urban areas, and that for women and girls from marginalized groups, pre-existing inequalities and discrimination in their socioeconomic status, as well as multiple and intersecting forms of discrimination during the COVID-19 health crisis, compounded the impact of the pandemic on their lives,

Noting with concern that the risk of maternal mortality is higher for adolescents and highest for adolescent girls under 15 years of age and that complications in pregnancy and childbirth are a leading cause of death and severe morbidity among adolescent girls in developing countries, and recognizing the need to address all social, economic and environmental determinants of health in order to reduce the aforementioned disparities,

Convinced that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity and that the integration of a human rights-based approach to the provision of sexual and reproductive health information and services can contribute positively to the common goal of reducing that rate,

Acknowledging that the failure to prevent maternal mortality and morbidity is one of the most significant barriers to the empowerment of women and girls in all aspects of life, to the full enjoyment of their human rights, to their ability to reach their full potential and to sustainable development in general,

Deeply concerned that maternal morbidity has an intergenerational impact, by reducing girls' opportunities to complete their education, to gain comprehensive knowledge, to participate in the community or to develop employable skills, is likely to have a long-term adverse impact on their physical and mental health and well-being, their employment opportunities and their quality of life and that of their children, and violates the full enjoyment of their rights,

1. *Urges* all States to eliminate preventable maternal mortality and morbidity, to respect, protect and fulfil sexual and reproductive health and reproductive rights and the right to have full control over and decide freely and responsibly on all matters relating to sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including by addressing social and other determinants of health, through the removal of legal barriers and the development and enforcement of policies, best practices and legal frameworks that respect bodily autonomy, and to guarantee universal access to sexual and reproductive health services, evidence-based comprehensive sexuality education, safe and effective methods of modern contraception, emergency contraception, universal access to health care, including quality maternal health care and maternal mental health services, such as skilled birth attendance and emergency obstetric care, safe abortion, when not against national law and post-abortion services and care, and the integration of sexual and reproductive health into national health strategies and programmes for all women and girls, including adolescents;

2. *Calls upon* States to ensure equitable coverage and timely access, by means of national plans, policies and programmes, to health services, in particular emergency obstetric and newborn care, skilled birth attendance and family planning, that are available, accessible, including affordable, acceptable and of quality, in particular in rural and remote areas and the poorest urban areas;

3. *Calls upon* all States and relevant international organizations to take measures and support programmes that are aimed at combating undernutrition in mothers, in particular during pregnancy and breastfeeding;

4. *Urges* States to ensure that response and prevention measures for present and future health emergencies are grounded in human rights standards and integrate an age- and gender-responsive approach, with a combination of emergency and long-term measures,

including in relation to sexual and reproductive health, to be developed and implemented with the full, equal, meaningful and inclusive participation and leadership of women and girls at all levels of decision-making, and to protect individual autonomy and freedoms;

5. *Also urges* States to strengthen health systems, to ensure the integration of sexual and reproductive health services into national health policies and to guarantee that health facilities, goods and services relating to women's and girls' sexual and reproductive health are available, accessible, including affordable, acceptable and of quality, including by facilitating access to telemedicine or telecommunications to support sexual and reproductive health services and the distribution of information about contraceptives and family planning, through toll-free services, and putting in place creative arrangements to support victims and survivors of gender-based violence, for example, hotlines and online services;

6. *Further urges* States to prioritize sexual and reproductive health services, including maternal health services, from the outset of health emergencies and to provide them with sufficient funding, supplies, equipment and infrastructure to ensure that all women and girls have uninterrupted access to such services, without discrimination, including maternal health services, contraception, safe abortion services, when not against national law, and post-abortion care;

7. *Urges* States to ensure the availability, accessibility, including affordability, acceptability and quality of health information and services, including mental health and psychosocial services and sexual and reproductive health-care information and services, free of coercion, discrimination and violence, and to take measures to address any misinformation and disinformation, online and offline, regarding sexual and reproductive health services and barriers to access to such services;

8. *Calls upon* States, also in the context of health emergencies, to ensure the continuity of sexual and reproductive health-care services, including access to maternal and newborn care, and other essential maternal and child health support and services, safe abortion, when not against national law, and post-abortion care, modern forms of contraception, screening and treatment for sexually transmitted infections, preventative vaccination, screening and treatment for cervical cancer, prevention of vertical transmission of HIV, nutrition and mental health services;

9. *Also calls upon* States to ensure a more holistic approach to the humanitarian-development nexus by integrating the prevention and elimination of maternal mortality and morbidity into humanitarian preparedness and response plans, including in the continuum of essential services for sexual and reproductive health and combating gender-based violence in emergencies, with particular attention given to the protection needs of refugee, asylum-seeking, migrant and internally displaced women and girls;

10. *Further calls upon* States to address the underlying determinants of health, such as gender and racial discrimination and socioeconomic factors, including poverty and malnutrition, which render certain women and girls, including adolescents, and especially those facing intersectional discrimination, more vulnerable to maternal morbidity, such as obstetric fistula, uterine prolapse, perinatal distress, post-partum depression and infertility;

11. *Calls upon* States to respect, protect and fulfil 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 to address 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, including affordable, acceptable and of 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 morbidity, while being respectful of the principle of confidentiality;

12. *Urges* States and encourages other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels, utilizing a human rights-based approach, to address the interlinked causes of maternal mortality and morbidity, such as lack of available, accessible, including affordable,

acceptable and quality health services for all, lack of information and education, including evidence-based comprehensive sexuality education, lack of access to medicines, medical equipment and perinatal facilities, all types of malnutrition, poverty, stigma, lack of confidentiality of medical patient records, lack of access to safe drinking water and sanitation, poverty, underdevelopment, shortages in human and material resources facing health-care systems, shortages in humanitarian assistance and funding shortages affecting hospitals, technical assistance, capacity-building and training needs, harmful practices, including child, early and forced marriage and female genital mutilation, early childbearing and gender-based inequalities and discrimination, and to take concrete measures to eliminate all forms of discrimination and violence against all women and girls;

13. *Calls upon* States to promote human rights-based, age- and gender-responsive and disability-inclusive multisectoral and cross-disciplinary coordination of policies, programmes, budgets and services designed to prevent and treat maternal mortality and morbidity, with the active participation of all relevant stakeholders, including civil society, and especially the full, equal, meaningful and inclusive participation of all women and girls, at the national, local and community levels, and to promote social accountability mechanisms to monitor such policies, programmes, budgets and services in order to accelerate the elimination of maternal mortality and morbidity and the achievement of universal access to sexual and reproductive health;

14. *Urges* States to strengthen the capacity and resourcing of health systems and the health workforce, to provide the essential services needed to prevent and treat maternal mortality and morbidity, including through increased budget allocations for health, including sexual and reproductive health-care services, and the deployment and training of midwives, nurses, obstetricians, gynaecologists, doctors, surgeons and anaesthesiologists, in accordance with international medical standards, and to ensure holistic social integration services, including counselling, education, family planning, socioeconomic empowerment, social protection and psychosocial services, so that women and girls living with maternal morbidity can overcome stigma, discrimination, ostracism and economic and social exclusion;

15. *Also urges* States to strengthen their research, data collection and monitoring and evaluation systems to promote reliable, transparent, collaborative and disaggregated data collection on the availability, accessibility, including affordability, acceptability and quality of sexual and reproductive health services for all women and girls, as well as the sexual and reproductive health needs of all women and girls throughout their life cycles, in order to support more comprehensive policies to prevent and address maternal mortality and morbidity;

16. *Further urges* States to strengthen maternal death surveillance and response mechanisms within national health systems to identify and correct systemic failures in access to acceptable and quality sexual and reproductive health services, including community and facility-based maternal health services;

17. *Calls upon* States to build recognition, at the national and international levels, that preventable maternal mortality and morbidity is a human rights issue, including through more targeted research in this area, the allocation of sufficient resources and dedicated efforts to ensure the availability, in particular for women and girls, of information on the overlapping causes of specific maternal mortalities and morbidities and their prevention;

18. *Takes note with appreciation* of the follow-up report of the United Nations High Commissioner for Human Rights on good practices and challenges in the application of a human rights-based approach to the elimination of preventable maternal mortality and morbidity,⁶¹ which was focused on the impact of the COVID-19 pandemic on sexual and reproductive health, including maternal health, and encourages all stakeholders to consider the recommendations contained therein;

19. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and international assistance and cooperation arrangements, including by strengthening technical cooperation to address maternal mortality and morbidity, including through the transfer of expertise,

⁶¹ [A/HRC/54/34](#).

technology and scientific data and by exchanging good practices with developing countries, while honouring existing commitments, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women and girls has on maternal mortality and morbidity;

20. *Urges* States to ensure that laws, policies and practices respect bodily autonomy and privacy rights and the equal right to decide autonomously in matters regarding one's own life and health, by bringing laws and policies concerning sexual and reproductive health and reproductive rights, including international assistance policies, into line with international human rights law and repealing discriminatory laws relating to third-party authorization for health information and health services and combating discriminatory gender stereotypes, norms and behaviour;

21. *Also urges* States to ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws and standards aimed at preventing violations of 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, especially those aimed at preventing maternal mortality and morbidity, such as by informing all women and girls of their rights under relevant normative frameworks, improving legal and health infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

22. *Calls upon* States to ensure gender equality, women's rights and children's rights, and other relevant stakeholders as appropriate to take action, through inclusive public awareness-raising and evidence-based initiatives, including in schools, through the media and online, such as by incorporating curricula on all women's and girls' rights into teacher training courses, including the prevention of sexual and gender-based violence and discrimination, and ensuring universal access to evidence-based comprehensive sexuality education in and out of school settings;

23. *Also calls upon* States to convene and support multi-stakeholder meetings and consultations involving health workers and marginalized women and girls at multiple levels to discuss the application of a human rights-based approach to the elimination of preventable maternal mortality and morbidity, to identify opportunities within national-level processes and to prioritize concrete areas and plans for action;

24. *Notes* the importance of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity,⁶² which provides detailed guidance on the steps required to develop, implement and evaluate policies and programmes on maternal health, following a policy cycle of planning, budgeting, implementation, monitoring, review and oversight and remedies;

25. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare an update to the technical guidance on the application of a human rights-based approach to the elimination of preventable maternal mortality and morbidity, informed by a global analysis from different regional perspectives of good practices, gaps and challenges and the main developments in the area of preventable maternal mortality and morbidity, and to submit the updated technical guidance, in a comprehensive report, accessible to persons with disabilities, including in accessible and Easy Read formats, to the Human Rights Council at its sixtieth session;

26. *Also requests* the Office of the High Commissioner to facilitate the open, transparent and inclusive update of the technical guidance through online consultations with States, relevant entities of the United Nations system, in particular the United Nations Population Fund, the World Health Organization, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, civil society organizations and other relevant stakeholders, such as health providers and women's human rights organizations, including through one expert consultation, to be held in hybrid format in 2025;

⁶² [A/HRC/21/22](#).

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

47th meeting
12 October 2023

[Adopted without a vote.]

54/17. Contribution of the implementation of the objectives of the International Year of the Family and its follow-up processes in the promotion and protection of human rights

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Declaration on the Right to Development, 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 Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

Recalling all General Assembly resolutions concerning the proclamation of, preparations for, and observance and commemoration of the International Year of the Family, including the most recent resolution of the Assembly, 77/191 of 15 December 2022,

Reaffirming that, in accordance with article 16 of the Universal Declaration of Human Rights, the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,

Recognizing that the preparations for and observance of the thirtieth anniversary of the International Year of the Family, in 2024, provide a useful opportunity to continue to raise awareness of the objectives of the International Year of increasing cooperation on family issues at all levels and undertaking concerted action to strengthen family-oriented policies and programmes that promote and protect the human rights of all family members, as part of an integrated and comprehensive approach to development,

Recognizing also that the objectives of the International Year and its follow-up processes, especially those relating to family-oriented policies in the areas of poverty, work-family balance and intergenerational issues, with attention given to the rights and responsibilities of all family members, can contribute to ending poverty, ending hunger, ensuring a healthy life and promoting well-being for all at all ages, promoting lifelong learning opportunities for all, ensuring better education outcomes for children, including early childhood development and education, enabling access to employment opportunities and decent work for parents and caregivers, ensuring the enjoyment of cultural rights and other economic and social rights, achieving gender equality and the empowerment of women and girls, eliminating all forms of violence, in particular against women and girls, and supporting the overall quality of life of families, including those in vulnerable situations, so that family members can fully enjoy human rights and realize their full potential as part of an integrated and comprehensive approach to development,

Reaffirming that States have the primary responsibility to promote, protect and fulfil the human rights and fundamental freedoms of all family members, consistent with their obligations under international human rights law,

Recognizing that the coronavirus disease (COVID-19) pandemic has provided a critical recognition of the need and opportunity to build more effective, inclusive and resilient systems to protect and support families, in particular those in vulnerable situations,

Acknowledging that the preparations for the observance of the thirtieth anniversary of the International Year of the Family, in 2024, should offer an opportunity to focus on megatrends, such as technological change, urbanization, migration, demographic change and climate change and their impact on the functioning and well-being of the family,

1. *Takes note* of the relevant reports of the Secretary-General on the implementation of the objectives of the International Year of the Family and its follow-up processes;

2. *Encourages* States to ensure the meaningful and inclusive participation of all relevant stakeholders, including United Nations entities, civil society, academic institutions and the private sector, in the development and implementation of relevant family-oriented policies and programmes responding to the needs and expectations of all families;

3. *Recognizes* the important role of civil society, including research institutes, academia, family organizations and associations, the private sector and the media, in advocacy, promotion, research and policymaking and, as appropriate, evaluation of family policy development and capacity-building;

4. *Invites* States, the United Nations High Commissioner for Human Rights, the treaty bodies, relevant special procedure mandate holders and other relevant international and regional human rights mechanisms, within their respective mandates and competence, to consider mainstreaming the promotion of family-oriented policies that promote and protect the human rights of all family members as a cross-cutting issue in national development plans and programmes;

5. *Decides* to convene, at its fifty-seventh session, a panel discussion, accessible to persons with disabilities, on the implementation of States' obligations under relevant provisions of international human rights law on the role of the family in supporting the protection and promotion of human rights of its members, to discuss challenges and best practices in this regard, and requests the High Commissioner to prepare a summary report on the discussion, and an Easy Read version thereof, and to submit it to the Human Rights Council at its fifty-eighth session;

6. *Also decides* to organize an expert workshop, accessible to persons with disabilities, before its fifty-ninth session, on the role of the family and family-oriented approaches, policies and programmes in the promotion and protection of human rights and in sustainable development, to highlight best practices from different regions, with the participation of representatives from States, United Nations entities and civil society, and requests the High Commissioner to prepare a summary report on the discussions held at the workshop, and an Easy Read version thereof, and to submit it to the Human Rights Council at its sixtieth session;

7. *Further decides* to remain seized of the matter.

*47th meeting
12 October 2023*

[Adopted without a vote.]

54/18. The right to development

For the text of the resolution, see chapter II.

54/19. Realization of the equal enjoyment of the right to education by every girl

The Human Rights Council,

Guided by the principles and purposes 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 and other relevant international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling all relevant Human Rights Council resolutions, in particular resolution 47/5 of 12 July 2021,

Recalling also that gender equality and the right to education have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Recalling further 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,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that States have the primary responsibility for the promotion and protection of all human rights,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development and contributes to enhancing the adaptive capacity and resilience of individuals and communities in the face of the adverse effects of climate change and environmental degradation, and in this regard encouraging States to effectively implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, underlining the commitment therein to eliminate gender disparities in education, and Goal 5, to achieve gender equality and empower all women and girls,

Recalling the need to ensure that all children enjoy the right to education and are ensured equal access to quality early childhood development, care and pre-primary education so that they are ready for primary education, the need to eliminate gender disparities in education by 2030 and the need to build and upgrade education facilities that are child-focused, disability- and gender-sensitive, provide safe, non-violent, inclusive, accessible and effective learning environments for all and, wherever possible, are climate-resilient,

Noting with appreciation the work carried out by all relevant organs, bodies and mechanisms of the United Nations system within their respective mandates, in particular the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Population Fund, the United Nations Environment Programme and the Office of the United Nations High Commissioner for Human Rights, as well as the efforts of organizations and civil society, to promote all girls' full and equal enjoyment of the right to education,

Deeply concerned that, according to the United Nations Children's Fund, approximately 43.1 million children have been displaced in the past six years due to weather-related disasters, and 95 per cent of those displacements were driven by floods and storms, and that approximately 1 billion children are at risk from the impacts of climate change, which can disproportionately affect the enjoyment of human rights, including the right to education, by all women and girls, in particular the most marginalized, those who are internally displaced, those with disabilities and those living in rural areas,

Deeply concerned also that the effects of climate change can impose additional demands and pressures on households where girls are already disproportionately affected, including through ingrained gender inequalities, stereotypes and structural discrimination that may prevent many girls from gaining access to and completing at least 12 years of quality education,

Deeply concerned further that natural disasters and disasters driven by climate change are increasing in severity and occurring almost five times as frequently as 50 years ago, disrupting the education of 40 million children per year through effects such as school closures, reduced funding and resources and the provision of education by State actors,

Deeply concerned that, according to the United Nations Educational, Scientific and Cultural Organization, 122 million girls are out of school, 11.1 million girls are at risk of

dropping out of school, 15.2 million girls will never enter a classroom, 18.7 million school-age children will be affected by natural disasters and climate change and, if current trends continue, by 2025, natural disasters, including those related to climate change, could be a contributing factor in preventing approximately 12.5 million girls from completing their education each year,

Noting with deep concern that girls in vulnerable situations affected by the negative effects of climate change and environmental degradation face higher barriers to the enjoyment of their right to education, such as forced displacement, child, early and forced marriage, sexual and gender-based violence, including in school and in online spaces and during their journeys to and from school, threats of attack and violence related to attending school, lack of security and essential facilities that meet the needs of female students and learners and women teachers and lack of infrastructure that meets and responds to the needs of girls, as well as lack of empowerment, including economic empowerment,

Deeply concerned that those facing the greatest threats from the negative effects of climate change and environmental degradation are often those from the most vulnerable and marginalized communities, especially girls, and are the least empowered and the least well equipped in terms of education, capacity and resources,

Reiterating that access to quality education is essential for girls, including adolescent girls, those who are the most marginalized, those living with disabilities, those living in poverty, those living in rural areas and those who are on the move, in order to promote, protect and fulfil their human rights, and to protect them from the potentially harmful impacts of climate change and environmental degradation,

Deeply concerned that the lack of access safe and adequate water and sanitation services, including for menstrual health and hygiene management, especially in schools and in vulnerable situations and situations of displacement due to the adverse effects of climate change, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education and to the enjoyment of the highest attainable standard of physical and mental health, and that widespread silence and stigma surrounding menstruation and menstrual hygiene mean that women and girls often lack basic information and education thereon, are excluded and stigmatized and are thereby prevented from enjoying their human rights and realizing their full potential, including gaining access to at least 12 years of quality education,

Recognizing that education and access to technology and the Internet can play a key role in prevention, mitigation and life-saving actions during natural disasters, including those related to climate change and other environmental issues, by educating girls, adolescent girls and young women on how to prepare, respond, utilize technology and take action during climate crises and disasters, and stresses that equal access to inclusive, equitable and quality education provides them with opportunities, capacities and understanding that enable women's full, equal, effective and meaningful participation and strengthens the voice, agency and leadership of women and girls in climate, environmental and disaster risk reduction action,

Recognizing also that the right to education is a multiplier right that supports the empowerment of all women and girls to claim their human rights, including the right to participate in the conduct of public affairs, such as dealing with climate and environmental action and disaster risk reduction, as well as in economic, social and cultural life, and to fully, equally and meaningfully participate in the decision-making processes that shape society, and the transformative potential of education for every girl,

Recognizing further the transformative potential of access to free, safe, inclusive and quality education and lifelong learning in developing girls into powerful leaders and agents of change for tackling and responding to the impacts of climate change, as girls' education has been identified as one of the most important socioeconomic determinants in reducing vulnerability to climate change, with every additional year of schooling for girls leading to significant improvements in a country's overall resilience to climate-related disasters,

Determined to give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind,

1. *Reaffirms* that the right to education, enshrined in international human rights law, can help to enable the realization of many other human rights, in particular for girls;

2. *Recognizes* that the realization of the equal enjoyment of the right to education by every girl is crucial to achieving the Sustainable Development Goals, in particular Goals 4 and 5, by promoting tolerance, increasing all girls' agency and autonomy and empowering their full, equal and meaningful participation in society;

3. *Also recognizes* the critical role of access to at least 12 years of safe, free inclusive and quality education, including informal education, for all girls which increases girls' agency, autonomy and empowerment and can contribute to their involvement in addressing climate change and other environmental issues;

4. *Welcomes* the education and gender equality focus in the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in the United Arab Emirates from 30 November to 12 December 2023, in particular with the inclusion of thematic days on gender equality and youth, children, education and skills;

5. *Urges* all States:

(a) To strengthen and intensify their efforts to take deliberate, concrete and targeted steps for every girl to fully realize the equal enjoyment of the right to education, to eliminate legal, administrative, financial, structural, physical, communication, social and cultural barriers that hinder girls' equal enjoyment of the right to education and to appropriately ensure non-discrimination in the admission of any child at all levels of education, in particular when designing policy measures, programmes and resource allocations;

(b) To review, repeal and eliminate, as appropriate, laws, policies and practices that negatively affect the right to education of every girl, in accordance with international human rights obligations, including discriminatory laws, policies, practices or customs, barriers resulting from traditions or the misuse of religion, financial barriers, violence, including sexual violence and harassment on the way to and from school and in the school environment, including online, the worst forms of child labour, early pregnancy, harmful practices, such as female genital mutilation, gender stereotypes, child, early and forced marriage and barriers to menstrual hygiene management;

(c) To recognize that discriminatory gender norms deny girls the enjoyment of their right to education, prevent them from fulfilling their leadership potential as agents of change and undermine opportunities to tackle climate change, environmental degradation and loss of biodiversity;

(d) To ensure that all girls, including married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education before, during and after climate-related disasters, and in this regard to design, implement and, where applicable, revise educational policies to allow them to remain in and return to school, providing them with access to sexual and reproductive health-care services, as well as social services and financial and psychosocial support;

(e) To strengthen efforts to address climate change and environmental degradation in and through education, by building resilient school systems that equip all learners with the knowledge, skills and agency to adapt to the challenges of a changing climate and act as agents of change for their future, including by promoting science, technology, engineering and mathematics subjects for all girls;

(f) To ensure that educational institutions teach all children the basic foundational skills of literacy, numeracy and lifelong learning, to allow them to progress, and equip them with the skills, qualifications and support to transition from education into work, in particular by supporting girls and adolescents to have equal access to good quality employment, including within the fields of environment and science;

6. *Calls upon* States:

(a) To promote the progressive realization of girls' right to education by providing them with equal access to at least 12 years of safe, quality and inclusive education, by implementing appropriate measures, as applicable, including in situations of crisis and

unusually severe weather or climate conditions that cause devastating impacts on communities and ecosystems, including the use of schools as shelters, and during extreme weather events, such as floods, cyclones, typhoons or earthquakes;

(b) To strengthen and intensify their efforts to prevent and eliminate all forms of school-related gender-based violence and harassment against girls, including in crisis situations and extreme weather or climate conditions, and to hold accountable those responsible for such acts;

(c) To promote and protect the rights of women and girls, including married and/or pregnant adolescents and young mothers, as well as single mothers, to equal access to quality education through an enhanced emphasis on free and quality primary and secondary education and by providing targeted support for girls as they reach adolescence, when gender-specific barriers start to multiply and increase the risk of girls dropping out of school;

7. *Also calls upon* States, as part of efforts to support the realization of the equal enjoyment of the right to education by all, to integrate education sector resilience objectives into national climate plans and policies and to develop an inclusive action plan for equal access for women and girls to more sustainable and resilient education systems;

8. *Encourages* States to consider investments in smart learning and teaching methods, including offline educational tools, which could sustain the educational and learning process, especially during and after extreme weather events, such as cyclones, flash floods and typhoons;

9. *Also encourages* States to assist in efforts to build capacity, through training and financial support for developing countries, towards alleviating the impact of climate change and environmental degradation on the equal enjoyment of the right to education by every girl;

10. *Further encourages* States to strengthen the collection and use of more and better data, including on the impacts of climate change, to support girls' access to skills development and technical and vocational education and training, and integrate climate and environmental education into curricula and vocational education and across subjects to enable them to become future leaders and decision makers, including in countries transitioning to sustainable economies and to tackle gender-based discrimination against girls, which can prevent this;

11. *Encourages* States to support the global initiative of the Greening Education Partnership in its aims to harness the role of quality education in tackling climate change and environmental degradation and build inclusive resilient education systems, which is an important contribution in the realization of the equal enjoyment of the right to education by all;

12. *Also encourages* States to increase financing, investments and international cooperation to provide equal opportunities for all girls to complete at least 12 years of free, equitable, inclusive and quality education and be equipped with the knowledge, skills and agency for climate action, including by scaling up and strengthening national, regional and international initiatives, as appropriate, such as the United Nations Girls' Education Initiative, the Out-of-School Children Initiative, the Global Partnership for Education, Education Cannot Wait and the United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, and to explore additional innovative mechanisms based on models combining public and private resources, while taking appropriate action to ensure that all education providers are qualified and adequately trained, and to give due respect to human rights, including the right to education;

13. *Encourages* States and the international community to scale up the emergency response to crises in the education sector to ensure that children and youth are safe and learning, if they are displaced from school, and can return to school when conditions allow, including by ensuring that Education Cannot Wait and the Global Partnership for Education are obtaining the necessary funding to respond to natural disasters and emergencies;

14. *Urges* States to support the efforts of developing countries, in particular the least developed countries, to progressively realize the right to education, in particular efforts to ensure the right to education of every girl, by allocating appropriate resources, including financial and technical resources, in support of country-led national education plans;

15. *Requests* States to engage with relevant national human rights institutions, civil society, women's rights organizations, organizations of persons with disabilities, local communities, the private sector and other stakeholders in developing strategies to harness the power of education to tackle climate change, environmental degradation and loss of biodiversity, by empowering women, youth, families and religious, cultural and education leaders, as well as community leaders, including members of racial and ethnic minorities, persons with influence and authority within communities and all other concerned civil society groups;

16. *Encourages* the Office of the United Nations High Commissioner for Human Rights and relevant special procedures of the Human Rights Council to give the required attention to realizing the equal enjoyment of the right to education by every girl in carrying out their mandates and in their reporting and to work collectively towards its realization through practical and efficient steps;

17. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, funds and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Education Cannot Wait, the special procedures of the Human Rights Council, the treaty bodies, civil society organizations and other stakeholders, to prepare a report on how climate change can have an impact on the realization of the equal enjoyment of the right to education by every girl, highlighting how the realization of the equal enjoyment of the right to education by every girl can contribute to the climate change agenda and making recommendations, for submission to the Human Rights Council at its fifty-seventh session;

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

47th meeting
12 October 2023

[Adopted without a vote.]

54/20. Situation of human rights in Burundi

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 international human rights instruments,

Recalling Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017, 36/19 of 29 September 2017, 39/14 of 28 September 2018, 42/26 of 27 September 2019, 45/19 of 6 October 2020, 48/16 of 8 October 2021 and 51/28 of 7 October 2022, as well as all relevant resolutions of the General Assembly and the Security Council,

Recalling also the Arusha Peace and Reconciliation Agreement for Burundi, which is rooted in the principles of human rights and transitional justice and provides the foundation for lasting peace, justice, national reconciliation, security and stability in Burundi,

Reaffirming full respect for the sovereignty, political independence, territorial integrity and national unity of Burundi,

Reaffirming also that States have the obligation to respect, protect and fulfil all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with international human rights law and international humanitarian law, as applicable,

Considering that the international community and the United Nations system, including the Human Rights Council and its mechanisms, can play a critical role in

strengthening the protection of human rights, preventing human rights violations and abuses and mitigating the risks of escalation of conflicts and deterioration in humanitarian situations,

Welcoming the report of the Special Rapporteur on the situation of human rights in Burundi submitted to the Human Rights Council at its present session,⁶³

Noting with appreciation the progress made with regard to regional and international participation, the fight against trafficking in persons and the repatriation of Burundian refugees, while stressing the importance of guaranteeing security and social integration to returnees as stated by the Special Rapporteur in his report,⁶⁴ and also noting the commitments made towards realizing further improvements in the areas of human rights, good governance and the rule of law,

Expressing deep concern about the ongoing human rights violations and abuses in Burundi, and regretting the lack of cooperation of the Government of Burundi with the Human Rights Council and its mechanisms, including the Special Rapporteur, and with the Human Rights Committee, and the lack of progress in reopening the country office of the Office of the United Nations High Commissioner for Human Rights,

1. *Strongly condemns* all human rights violations and abuses committed in Burundi, including those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, acts of torture and other cruel, inhuman or degrading treatment or punishment, and sexual and gender-based violence, and calls for an immediate end to these violations and abuses and for the full respect of all human rights and fundamental freedoms;

2. *Urges* the Government of Burundi to guarantee the rights to freedom of opinion, expression, peaceful assembly and association, and deplores the reduced space for civil society, citizen activism, political participation and a free and fair judiciary, encourages the Government to consolidate the progress made in the field of the media, and stresses the need for the Government to provide a safe and enabling environment for civil society, human rights defenders, journalists, bloggers and other media workers, including women working in these professions, to carry out their work independently, without intimidation or undue interference, and to release all those who are still in detention for doing their work in defence of human rights;

3. *Condemns* the widespread impunity for all human rights violations and abuses, and urges the Government of Burundi to hold all perpetrators, regardless of their affiliation or status, including members of defence and security forces and of the ruling party's youth league, the Imbonerakure, accountable for their actions, and to ensure that victims can seek justice and legal redress, and encourages the Government to reconsider its decision to withdraw from the Rome Statute of the International Criminal Court;

4. *Calls upon* the Government of Burundi to guarantee the independence of the judiciary from the executive branch;

5. *Also calls upon* the Government of Burundi to provide the National Independent Human Rights Commission with all the means necessary to perform its function of promoting and protecting human rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to ensure its independence;

6. *Further calls upon* the Government of Burundi to fully implement the recommendations made by the Special Rapporteur on the situation of human rights in Burundi and the Commission of Inquiry on Burundi in their reports, as well as those accepted in the context of the universal periodic review, and to cooperate fully with the special procedures of the Human Rights Council and relevant treaty bodies;

7. *Calls upon* the Government of Burundi to refrain from all acts of intimidation or reprisal against human rights defenders, including those who are cooperating with international human rights mechanisms and the Human Rights Council;

⁶³ A/HRC/54/56.

⁶⁴ Ibid., para. 86.

8. *Encourages* the Government of Burundi to engage in a genuine and inclusive spirit with all Burundian stakeholders, operating from both inside and outside the country, to effectively address the multiple, deep-rooted challenges that Burundi is experiencing and to sustainably reintegrate returnees into Burundian society;

9. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Burundi for a further period of one year, and requests the Special Rapporteur to present to the Human Rights Council, at its fifty-sixth session, an oral update on the situation of human rights in Burundi, and also to submit to the Council, at its fifty-seventh session, and to the General Assembly, at its seventy-ninth session, a comprehensive report;

10. *Urges* the Government of Burundi to cooperate fully with the Special Rapporteur, including by permitting unhindered access to the country, providing him with all the information necessary to properly fulfil the mandate, and facilitating cooperative exchanges and synergies with the National Independent Human Rights Commission, in line with the public commitments made by the current administration to advance human rights and re-engage with the international community;

11. *Also urges* the Government of Burundi to constructively cooperate with the Office of the United Nations High Commissioner for Human Rights, in particular its Regional Office for Central Africa, and to present a timeline for the reopening of the country office of the Office of the High Commissioner in Burundi, and to continue to cooperate with the United Nations country team in Burundi;

12. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance and all resources necessary to fulfil the mandate with all its functions, as outlined by the Human Rights Council in its resolution 48/16;

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

*47th meeting
12 October 2023*

[Adopted by a recorded vote of 20 to 10, with 17 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Kazakhstan, 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), Cameroon, China, Cuba, Eritrea, Gabon, Pakistan, Somalia and Sudan

Abstaining:

Bangladesh, Benin, Côte d'Ivoire, Gambia, India, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Qatar, Senegal, South Africa, United Arab Emirates, Uzbekistan and Viet Nam]

54/21. Right to privacy in the digital age

The Human Rights Council,

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

Reaffirming the human rights and fundamental freedoms enshrined in 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,

Recalling all previous General Assembly and Human Rights Council resolutions on the right to privacy in the digital age, as well as other relevant resolutions,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, and welcoming also the work of

various special procedure mandate holders of the Human Rights Council on the right to privacy and their contributions to the promotion and protection of the right to privacy,

Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

Recognizing that the right to privacy is intrinsically linked to the effective protection of every individual's personal data,

Recognizing also that the right to privacy can enable the enjoyment of other rights, the free development of an individual's personality and identity and an individual's ability to participate in political, economic, social and cultural life,

Reaffirming that the same rights that people have offline must also be protected online, including the right to privacy, and noting that the accelerated synchronization of online and offline spaces can affect individuals, including their right to privacy,

Noting that algorithmic or automated decision-making processes online can affect the enjoyment of individuals' rights offline,

Recognizing the need to further discuss and analyse, on the basis of international human rights law, issues relating to the promotion and protection of the right to privacy in the digital age, procedural safeguards, effective domestic oversight and remedies and the impact of surveillance on the enjoyment of the right to privacy and other human rights, as well as the need to examine the principles of non-arbitrariness, lawfulness, legality, necessity and proportionality in relation to surveillance practices and to consider potential discriminatory effects,

Noting that the rapid pace of technological development enables individuals all over the world to use information and communications technology, and at the same time enhances the capacity of Governments, business enterprises and individuals to undertake surveillance, interception, hacking and data collection, which may violate or abuse human rights, in particular the right to privacy, and is therefore an issue of increasing concern,

Noting also that violations and abuses of the right to privacy in the digital age can affect all individuals, with particular effects on women, children, persons with disabilities and older persons, as well as persons in vulnerable situations and marginalized groups, and that the processing of personal data must be subject to human rights safeguards and restrictions, especially the data of persons in vulnerable situations,

Noting further that women and girls experience gender-specific violations and abuses of their right to privacy, both online and offline, as well as violations or abuses that have gender-specific impacts, and recognizing that the way in which many digital platforms are designed, commercialized, maintained and governed can give rise to disinformation, misinformation and hate speech, which can exacerbate gender stereotypes, result in sexual and gender-based violence and undermine the data protection and the fulfilment of all women's and girls' rights, in particular their right to privacy,

Noting that children can be particularly vulnerable to abuses and violations of their right to privacy, including through cyberbullying, cyberstalking and sexual abuse and exploitation, and noting also that States parties must implement the Convention on the Rights of the Child in relation to the digital environment, including the importance of privacy to children's agency, dignity and safety, and for the exercise of their rights,

Acknowledging the need to exercise human rights due diligence in the conception, design, use, acquisition, transfer, sale, deployment and further development of new and emerging technologies, such as those that involve artificial intelligence, as they can, without appropriate safeguards, impact the enjoyment of the right to privacy and other human rights, and that the risks to these rights can and should be avoided or minimized, including by taking measures to ensure a safe, transparent, accountable, secure and high-quality data

infrastructure, by exercising due diligence and periodic reviews of already deployed technologies to assess, prevent and mitigate adverse human rights impacts, and by providing effective remedies, including judicial remedies, and redress mechanisms and establishing human oversight,

Recognizing that, despite its positive effects, the use of digital technologies and artificial intelligence systems that require the processing of large amounts of data, often relating to personal data, including on an individual's behaviour, social relationships, private preferences and identity, including metadata, can pose serious risks to the right to privacy, in particular when employed for identification, tracking, profiling, facial recognition, behavioural prediction or the scoring of individuals,

Noting that the use of data extraction and algorithms to target content towards online users may undermine user agency and access to information online, as well as the right to freedom of opinion and expression, and can result in intensifying threats from misinformation, disinformation and hate speech, in particular on social media platforms, which may lead to violence, including political violence, and recalling in this regard the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

Noting with concern the intrusiveness and impact of data-gathering practices, the related impacts and harms stemming from surveillance and the increasing use of algorithms involved in the application of artificial intelligence systems,

Noting with concern also that certain predictive algorithms and the increasing use of facial recognition and surveillance technologies are likely to result in discrimination, in particular when data used in the training of algorithms are not accurate, relevant and representative and audited against encoded bias,

Noting that the use of artificial intelligence may, without human rights safeguards, pose the risk of reinforcing discrimination, including structural inequalities, especially when processing sensitive data, and recognizing that racially and otherwise discriminatory outcomes must be prevented in the design, development, implementation and use of new and emerging digital technologies,

Noting with concern reports indicating lower accuracy of biometric data identification, including facial recognition technologies that show racial identification biases and prejudices against women, including when non-representative training data are used, and that the use of digital technologies can reproduce, reinforce and even exacerbate racial and gender inequalities, and recognizing in this context the importance of effective remedies,

Acknowledging that, while metadata may provide benefits, certain types of metadata, when aggregated, can reveal personal information that can be no less sensitive than the actual content of communications and can give an insight into an individual's behaviour, including their movements, social relationships, political activities, private preferences and identity, and as such recalling that service providers should take steps to minimize, obscure or delete metadata and to reduce the traceability of users' metadata in order to strengthen the protections afforded by encryption and protect the right to privacy,

Recognizing that a lack of access to affordable and reliable technologies and services remains a critical challenge in many developing countries, especially to bridging the digital divides, including both between and within countries and the gender digital divide, and to accelerating progress towards development in its various forms, including achieving the Sustainable Development Goals, and stressing in this regard that many States, including developing countries, all over the world need support to bridge these digital divides and to meet the Sustainable Development Goals,

Recognizing also the need to ensure that international human rights law is respected, including by conducting human rights impact assessments in the conception, design, development, deployment, evaluation, regulation and technical standard-setting of data-driven technologies, and to ensure that they are subject to adequate safeguards and oversight,

Expressing concern that individuals, in particular children, often do not and/or cannot provide their free, explicit and informed consent to the collection, processing and storage of

their data or to the reuse, sale or multiple resale of their personal data, as the collecting, processing, use, storage and sharing of personal data, including sensitive data, have increased significantly in the digital age, and that if personal and sensitive data are disclosed, exceptional damage, injury or hardship may be caused to individuals,

Noting in particular that surveillance of digital communications must be consistent with international human rights obligations and must be conducted on the basis of a legal framework, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that any interference with the right to privacy must be consistent with the principles of legality, necessity and proportionality, bearing in mind what is reasonable with regard to the pursuance of legitimate aims, and recalling that States that are parties to the International Covenant on Civil and Political Rights must take the steps necessary to adopt laws or other measures as may be necessary to give effect to the rights recognized in the Covenant,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms, journalists and other media workers may frequently face threats and harassment and suffer insecurity, as well as unlawful or arbitrary interference with their right to privacy, as a result of their activities,

Noting with deep concern also the use of technological tools developed by the private surveillance industry by private or public actors to undertake surveillance, hacking of devices and systems, including through the use of malware or spyware, interception and disruption of communications, and data collection, interfering with the professional and private lives of individuals, including those engaged in the promotion and defence of human rights and fundamental freedoms, journalists and other media workers, in violation or abuse of their human rights, specifically the right to privacy,

Recalling that business enterprises, including technology companies, have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, and welcoming the work of the Office of the High Commissioner on the application of these principles on digital technologies,

Emphasizing that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity, are important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of opinion and expression and to freedom of peaceful assembly and association, and recognizing that States must promote such measures and refrain from employing unlawful or arbitrary surveillance techniques, which may include forms of hacking and restrictions on accessing and using encryption technology,

Stressing the need to ensure that national security and public health measures, including the use of technology to monitor and contain the spread of infectious diseases, are in full compliance with the obligations of States under international human rights law and adhere to the principles of lawfulness, legality and legitimacy with regard to the aim pursued, necessity and proportionality and the need to protect human rights, including the right to privacy, as well as to protect personal data in the response to health or other emergencies, and stressing also the need to delete or anonymize the data gathered once they ceased to fulfil the purposes for which they were collected,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights;

2. *Recalls* that States should ensure that any interference with the right to privacy is consistent with the principles of legality, necessity and proportionality;

3. *Also recalls* the increasing impact of new and emerging technologies, such as those developed in the fields of surveillance, artificial intelligence, automated

decision-making and machine-learning, and of profiling, tracking and biometrics, including facial recognition, without human rights safeguards, present to the full enjoyment of the right to privacy and other human rights, and acknowledges that some applications may not be compatible with international human rights law;

4. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

5. *Also affirms* that, in order to protect, respect and promote the right to privacy, personal data should only be collected for specified, explicit and legitimate purposes and must be processed lawfully, fairly and in a transparent manner;

6. *Highlights* that every person should be able to ascertain which public authorities or private individuals or bodies control or may control their personal data, and that any interference with data protection must be lawful, in accordance with international human rights law, including the principles of legality, proportionality, necessity and non-discrimination;

7. *Acknowledges* that risks to the right to privacy and other human rights can and should be minimized by adopting adequate regulations or other appropriate mechanisms, in accordance with applicable obligations under international human rights law, in the conception, design, use, acquisition, transfer, sale, deployment and further development of new and emerging digital technologies, such as artificial intelligence, by ensuring a safe, secure and high-quality data infrastructure, by exercising due diligence to assess, prevent and mitigate adverse human rights impacts, and by establishing human oversight, as well as redress mechanisms;

8. *Stresses* that States must comply with their human rights obligations and that business enterprises, including technology companies, should respect the right to privacy and other human rights when collecting, processing, sharing and storing personal data by, inter alia, adopting data protection policies and safeguards;

9. *Also stresses* that remote biometric surveillance systems, including facial recognition, raise serious concerns with regard to their proportionality, given their highly intrusive nature and broad impact on large numbers of people;

10. *Calls upon* all States:

(a) To respect and protect the right to privacy, including in the context of digital communications and new and emerging digital technologies;

(b) To take measures to end violations and abuses of the right to privacy and to create the conditions to prevent such violations and abuses, including by ensuring that relevant national legislation complies with their obligations under international human rights law, especially in the case of persons in vulnerable situations or marginalized groups;

(c) To review, on a regular basis, their procedures, practices and legislation regarding the surveillance of communications, including mass surveillance and the interception and collection of personal data, as well as regarding the use of profiling, automated decision-making, machine learning and biometric technologies, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;

(d) To respect international human rights obligations, including the right to privacy, when States intercept digital communications of individuals and/or collect personal data, when they share or otherwise provide access to data collected through, inter alia, information- and intelligence-sharing agreements and when they require disclosure of personal data from third parties, including business enterprises;

(e) To ensure that any measures taken to counter terrorism and violent extremism conducive to terrorism that interfere with the right to privacy are consistent with the principles of legality, necessity and proportionality and comply with their obligations under international law;

(f) To ensure that biometric identification and recognition technologies, including facial recognition technologies by public and private actors, do not enable arbitrary or

unlawful surveillance, including of those exercising their right to freedom of peaceful assembly;

(g) To ensure that digital or biometric identity programmes are designed, implemented and operated after appropriate technical, regulatory, legal and ethical safeguards are in place and in full compliance with the obligations of States under international human rights law;

(h) To develop or maintain and implement adequate legislation, with effective sanctions and remedies, that protects individuals against violations and abuses of the right to privacy, namely through the collection, processing, retention or use of personal data by individuals, Governments, business enterprises or private organizations without the individual's free, explicit and informed consent or unless otherwise lawful, in accordance with international human rights law;

(i) To consider adopting or maintaining data protection legislation, regulations and policies, including on digital communication data, that comply with their international human rights obligations and that could include provisions on sensitive personal data protection and the establishment of national independent authorities with the powers and resources to monitor data privacy practices, investigate violations and abuses and receive communications from individuals and organizations, and to provide appropriate effective remedies;

(j) To consider adopting or reviewing legislation, regulations or policies to ensure that all business enterprises, including social media enterprises and other online platforms, fully incorporate the right to privacy and other relevant human rights into the design, development, deployment and evaluation of technologies, including artificial intelligence, to take appropriate steps to improve and encourage corporate accountability, and to provide individuals whose rights may have been violated or abused with access to an effective remedy, including reparation and guarantees of non-repetition;

(k) To further develop or maintain in this regard preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect all individuals, including where there are particular effects for women, children, persons in vulnerable situations or marginalized groups;

(l) To develop, review, implement and strengthen gender-responsive policies and programmes that contribute to the empowerment of all women and girls and promote and protect the right of all individuals to privacy in the digital age;

(m) To provide effective and up-to-date guidance to business enterprises on how to respect human rights by advising on appropriate methods, including human rights due diligence, and on how to consider effectively issues of gender, vulnerability and/or marginalization, and to consider appropriate measures that would enable business enterprises to adopt adequate voluntary transparency measures with regard to requests by State authorities for access to private user data and information;

(n) To refrain from the use of surveillance technologies in a manner that is not compliant with international human rights obligations, including when used against human rights defenders, journalists and other media workers, and to take specific actions to protect against violations of the right to privacy, including by regulating the sale, transfer, use and export of surveillance technologies;

(o) To promote accessible, inclusive quality education and lifelong education opportunities for all to foster, inter alia, digital and data literacy and the technical skills, including by providing online safety training, guidance and awareness-raising, required to protect effectively their privacy, and to ensure the availability of appropriate training for relevant stakeholders in this area;

(p) To refrain from requiring business enterprises to take steps that interfere with the right to privacy in an arbitrary or unlawful way, and to protect individuals from harm, including that caused by business enterprises through data collection, processing, storage and sharing and profiling, and the use of automated processes and machine learning;

(q) To enhance efforts to combat discrimination resulting from the use of artificial intelligence systems, including by exercising due diligence to assess, prevent and mitigate the adverse human rights impacts of their deployment;

11. *Encourages* all business enterprises, in particular business enterprises that collect, store, use, share and process data:

(a) To review their business models and ensure that their design and development processes, business operations, data collection and data processing practices are in line with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, and to emphasize the importance of conducting human rights due diligence of their products, in particular of the role of algorithms and ranking systems;

(b) To inform users, in a clear and age-appropriate way that is easily accessible, including for persons with disabilities, about the collection, use, sharing and retention of their data that may affect their right to privacy, to refrain from doing so without their consent or a legal basis, and to establish transparency and policies that allow for the free, informed and meaningful consent of users;

(c) To integrate the right to privacy and other relevant human rights into internal policymaking, product engineering, business development, staff training and other relevant internal processes;

(d) To implement administrative, technical and physical safeguards to ensure that data are processed lawfully, to ensure that such processing is necessary in relation to the purposes of the processing and that the legitimacy of such purposes, and the accuracy, integrity and confidentiality of the processing are ensured, and to prevent the unauthorized disclosure or use of data;

(e) To ensure that individuals have access to their data and the possibility to amend, correct, update, delete and withdraw consent for the use of their data, in particular if the data are incorrect or inaccurate or if the data were obtained illegally or used for discriminatory purposes;

(f) To ensure that respect for the right to privacy and other relevant human rights is incorporated into the design, operation, evaluation and regulation of automated decision-making and machine-learning technologies, and to provide effective remedies, including compensation, for human rights abuses that they have caused or to which they have contributed or been linked;

(g) To put in place adequate safeguards that seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services, including where necessary through contractual clauses, and to promptly inform relevant domestic, regional or international oversight bodies of abuses or violations when misuse of their products and services is detected;

(h) To enhance efforts to combat discrimination resulting from the use of artificial intelligence systems, including through human rights due diligence and monitoring and evaluation of artificial intelligence systems across their life cycle, and the human rights impact of their deployment;

(i) To promote the transparency and adequate explainability of algorithmic decision-making, automated systems and human-in-the-loop systems, and to ensure that data used for the training of algorithms are representative and legally collected;

(j) To put in place appropriate safeguard measures to ensure that the distribution and transfer of data within and among organizations and/or the rearrangement of data, including through cloud computing, unstructured datasets, blockchain technology, augmented reality and the Internet of things, are compatible with data protection and the right to privacy;

(k) To take appropriate measures throughout the life cycle of artificial intelligence systems and digital technologies, including before commencing the design and development of applications and software that involve processing personal data, with a view to establishing

a risk monitoring and management system to ensure that data are processed fairly and lawfully;

12. *Encourages* business enterprises, including communications service providers, to work towards enabling solutions to secure and protect the confidentiality of digital communications and transactions, including measures for encryption, pseudonymization and anonymity, and to ensure the implementation of human-rights compliant safeguards, and calls upon States to promote measures and technical solutions for strong encryption, pseudonymization and anonymity, not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law, and to enact policies that protect the privacy of individuals' digital communications;

13. *Encourages* States and, where applicable, business enterprises to systematically conduct human rights due diligence throughout the life cycle of the artificial intelligence systems that they conceptualize, design, develop, deploy or sell or obtain and operate, including through regular and comprehensive human rights impact assessments and the participation of all relevant stakeholders;

14. *Encourages* all relevant stakeholders to mainstream a gender perspective into the conceptualization, development and implementation of digital technologies and related policies and to promote the participation of women in order to address violence and discrimination against all women and girls that occur through or are amplified by the use of technology by, inter alia, encouraging digital technology companies, including Internet service providers, to respect standards and implement transparent and accessible reporting mechanisms;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on challenges and risks with regard to discrimination and unequal enjoyment of the right to privacy associated with the collection and processing of data, including those addressed in the present resolution, to identify and clarify related human rights principles, safeguards and best practices, and to present the report to the Human Rights Council at its fifty-seventh session, to be followed by an interactive dialogue;

16. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned report, to seek input from and to take into account the work already done by relevant stakeholders from diverse geographical regions, including States, international and regional organizations, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations offices, agencies, funds and programmes, within their respective mandates, national human rights institutions, civil society, the private sector, the technical community and academic institutions.

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/22. Promoting and protecting economic, social and cultural rights within the context of addressing inequalities

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and all other relevant international human rights treaties,

Recalling also the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome, the Declaration on the Right to Development, the 2030 Agenda for Sustainable Development and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as well as the political declaration of the high-level political forum on sustainable development convened under the auspices of the General Assembly,

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

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

Recalling its resolution 49/19 of 1 April 2022, and welcoming the three-day workshop on promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the coronavirus disease (COVID-19) pandemic, convened by the Office of the United Nations High Commissioner for Human Rights from 6 to 8 February 2023,

Taking note of the report of the United Nations High Commissioner for Human Rights on his vision of the Office for reinforcing its work in promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic, submitted to the Human Rights Council pursuant to its resolution 49/19,⁶⁵

Recognizing that the full, equal and effective enjoyment and realization of economic, social and cultural rights, exercised without discrimination of any kind, contributes to achieving the Sustainable Development Goals, in particular Goal 10, on reducing inequalities within and among countries, and ensuring that no one is left behind,

Recognizing also that inequalities and discrimination affect the enjoyment and realization of economic, social and cultural rights, including the right to development, and are inconsistent with the principles enshrined in the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights,

Recognizing further that the 2030 Agenda covers a wide range of issues relating to economic, social and cultural rights and contains the commitment to leaving no one behind and that its implementation contributes to the further realization of economic, social and cultural rights, and welcoming international, regional and national initiatives to this end,

Deeply concerned about the negative impact of the COVID-19 pandemic on a wide range of human rights, including economic, social and cultural rights, such as the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health, safe drinking water and sanitation, social security, education and work, which has shone a light on the structural consequences of decades of underfunded or dismantled public services and policies related to economic, social and cultural rights,

Noting with concern the impact of the COVID-19 pandemic on States' implementation of their human rights obligations, as well as of their voluntary pledges and commitments in some areas, in particular those related to economic, social and cultural rights, which could affect progress on addressing inequalities, including gender inequality, systemic discrimination and the needs of persons in vulnerable situations, including persons affected by armed conflict,

Recalling the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of economic, social and cultural rights without discrimination of any kind, by all appropriate means, in particular the adoption of legislative measures,

Reaffirming that the existence of widespread extreme poverty inhibits the full, equal and effective enjoyment of human rights, that its immediate alleviation and eventual eradication must remain a high priority for the international community and that efforts towards the achievement of Sustainable Development Goal 1 should be strengthened, including urgent and immediate measures on addressing homelessness,

⁶⁵ [A/HRC/54/35](#).

Recognizing that the establishment of nationally defined 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, including gender 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 contribution of human rights education and training to the promotion of inclusive and tolerant societies, where everyone learns tolerance and respect for the dignity of others and diversity of culture and religion or belief, thereby favouring the realization of economic, social and cultural rights,

Recalling that urgent action is needed to ensure respect for and the protection and fulfilment of all human rights, including economic, social and cultural rights, and to deliver the goals of the 2030 Agenda to build a better future for all, in particular the provision of technical assistance and capacity-building to developing and least developed States, at their request,

Recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States, and that international cooperation for development and for the realization of economic, social and cultural rights requires the active commitment of all, including Governments, international organizations, civil society and academia,

Stressing that a reformed international financial architecture could help to advance the rights and vital interests of people by supporting the realization of economic, social and cultural rights, and the implementation of the 2030 Agenda and its Sustainable Development Goals, in particular target 6 of Sustainable Development Goal 10 to ensure enhanced representation of and a voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions,

Emphasizing the important role and contribution of national stakeholders, including national human rights institutions, national mechanisms for implementation, reporting and follow-up, and civil society for the realization of economic, social and cultural rights within the context of addressing inequalities,

Acknowledging the active contribution of international human rights mechanisms, including the universal periodic review, the Human Rights Council, the Office of the High Commissioner and relevant treaty bodies and special procedures of the Council, in accordance with their respective mandates, in mobilizing international solidarity and assistance to promote and protect economic, social and cultural rights, and address inequalities,

Recalling that the Office of the High Commissioner is mandated, inter alia, to promote and protect the effective enjoyment by all of economic, social and cultural rights, and to provide advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, regional human rights organizations, with a view to supporting actions and programmes in the field of human rights,

Gravely concerned that the Office of the High Commissioner faces significant gaps in terms of capacity and resources for its operations at the country and regional levels, and at headquarters, in order to support States to promote and protect economic, social and cultural rights,

Recognizing that the Office of the High Commissioner, including its field offices, needs more financial and human resources provided by the regular budget to bridge the substantial resource gap so as to carry out its mandated activities to promote and protect the effective enjoyment of economic, social and cultural rights and to address inequalities,

Recalling that the High Commissioner shall be guided by the recognition that all human rights – civil, cultural, economic, political and social – are universal, indivisible, interdependent and interrelated 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,

1. *Stresses* the importance of respecting, protecting and fulfilling economic, social and cultural rights within the context of addressing inequalities, including within and among States, as envisaged in the Sustainable Development Goals;
2. *Emphasizes* that States, in fulfilling economic, social and cultural rights, should provide adequate investments, in accordance with the national legislation of each State and its international human rights obligations, in public health systems, education, social protection, decent work, housing, food, water and sanitation systems, including to respond effectively to global challenges;
3. *Also emphasizes* that States need to enhance their ongoing efforts in order to create conditions conducive to the enjoyment and realization of economic, social and cultural rights, including by mobilizing resources towards the full, equal and effective enjoyment of these rights by persons in marginalized or vulnerable situations;
4. *Encourages* States that have not yet signed, ratified or acceded to the International Covenant on Economic, Social and Cultural Rights to consider doing so, and encourages all States to implement relevant Human Rights Council resolutions on economic, social and cultural rights;
5. *Encourages* the identification of the root causes of discrimination, in particular in the context of multiple and aggravated forms of discrimination, and the adoption of measures necessary to combat discrimination and inequalities, inter alia, poverty alleviation, homelessness elimination, human rights education and social protection;
6. *Stresses* that it is essential to scale up international cooperation to support developing and least developed countries and persons in marginalized and vulnerable situations, who are disproportionately bearing the socioeconomic impacts of the pandemic, to ensure that the global response and recovery efforts are based on unity, solidarity, multilateral cooperation and the principle of leaving no one behind;
7. *Encourages* international financial institutions to continue to support States, in particular developing countries, 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;
8. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the United Nations development system, international financial institutions, regional organizations and other stakeholders, as appropriate and within their respective mandates, to take into consideration the needs of States, especially in developing and least developed countries, to fulfil their responsibilities to better promote and protect economic, social and cultural rights, address inequalities and implement the 2030 Agenda for Sustainable Development;
9. *Calls upon* the Office of the High Commissioner, in accordance with its mandate, to continue to guide its work and set its priorities on economic, social and cultural rights, taking into consideration relevant resolutions and decisions of the Human Rights Council, with due regard to achieving international cooperation in promoting and encouraging respect for human rights;
10. *Requests* the Office of the High Commissioner to enhance its work, within its mandate, in the field of economic, social and cultural rights, in order to effectively assist all countries in promoting and protecting economic, social and cultural rights and addressing inequalities;
11. *Requests* the Secretary-General to scale up the capacity of the Office of the High Commissioner through additional regular budget-funded posts to enhance the work of the Office at headquarters, with due regard to gender balance and equitable geographical representation, in accordance with its mandate in the field of the economic, social and cultural rights enshrined in the International Covenant on Economic, Social and Cultural Rights;
12. *Decides* to convene a panel discussion, with gender balance and equitable geographical representation, on the reinforcement of the work to promote and protect economic, social and cultural rights within the context of addressing inequalities, including

the work of the Office of the High Commissioner and other international human rights mechanisms in this regard, at the fifty-seventh session of the Human Rights Council, and to invite Member States, relevant United Nations agencies, funds and programmes, international and regional organizations, national human rights institutions, civil society organizations and other relevant stakeholders to share achievements, challenges and best practices and to identify ways in which the Office can best contribute to the efforts of States to respect, promote and fulfil economic, social and cultural rights, in accordance with its mandate, including the possibility of enhancing the capacity of the Office at the regional level to better provide advisory services and technical and financial assistance;

13. *Requests* the Secretary-General to provide the panel discussion with all the resources necessary for services and facilities;

14. *Requests* the High Commissioner to prepare a summary report on the panel discussion and to present the report to the Human Rights Council at its sixtieth session, followed by an interactive dialogue;

15. *Also requests* the High Commissioner to establish a knowledge hub at headquarters, to be dedicated to technical assistance and capacity-building, to consolidate best practices and know-how in promoting and protecting economic, social and cultural rights within the context of addressing inequalities, with the support of the Office of High Commissioner in the process of enhancing its capacity in the field of economic, social and cultural rights, and make the knowledge hub available to Member States and relevant stakeholders in a user-friendly manner;

16. *Decides* to remain seized of the matter and to consider taking further action in order to implement the present resolution.

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/23. Situation of human rights in the Russian Federation

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, and relevant international human rights treaties,

Reaffirming that it is the primary responsibility of each State to respect, protect and fulfil human rights in accordance with its obligations under international human rights law,

Reaffirming also its strong commitment to the sovereignty and political independence of the Russian Federation within its internationally recognized borders,

Recalling Human Rights Council resolution 51/25 of 7 October 2022 on the situation of human rights in the Russian Federation,

Recalling also all relevant statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the treaty bodies concerning the situation of human rights in the Russian Federation,

Recalling further the alarming findings of the report of the Moscow Mechanism of the Organization for Security and Cooperation in Europe on the legal and administrative practices of the Russian Federation of 22 September 2022,⁶⁶ as well as of its report of 4 May 2023,⁶⁷

Gravely concerned at the continued significant deterioration of the situation of human rights in the Russian Federation, in particular with regard to reports of the extrajudicial killing

⁶⁶ www.osce.org/odihr/526720.

⁶⁷ www.osce.org/odihr/542751.

of government critics and severe restrictions on the rights to freedoms of opinion and expression, peaceful assembly and association, both online and offline, to silence dissent, anti-war expression and other peaceful activities vital for the functioning of a democratic society, resulting in systematic crackdowns on civil society organizations and representatives, human rights defenders, particularly women human rights defenders, who face specific sexual and gender-based violence and threats, independent media outlets, journalists, media workers, Indigenous Peoples, persons in vulnerable situations, persons belonging to minorities, lawyers, political opposition representatives, and other individuals exercising their human rights by the Russian authorities,

Expressing its deep concern at the reported mass arbitrary arrests, detentions and harassment of the persons referred to in the previous paragraph, including persons peacefully protesting and speaking out against the deterioration of the rule of law in the Russian Federation and the war of aggression of the Russian Federation against Ukraine, and the excessive use of force against these individuals, as well as at the lack of an independent judiciary, the denial of the right to a fair trial and legal assistance of one's choice, including for those detained, as well as persistent impunity and unwillingness of the authorities to investigate allegations of enforced disappearances, torture and other ill-treatment and of sexual and gender-based violence against persons in detention, as well as at the situation of individuals, especially children, deported to the Russian Federation,

Expressing its concern at the mass forced shutdowns of civil society organizations, including Memorial, the Moscow Helsinki Group, the Sakharov Centre, the SOVA Center for Information and Analysis, the Centre for Support of Indigenous Peoples of the North and the Man and Law human rights organization, the blocking and forced closure of nearly all independent media outlets, including radio channels, television channels, online media and newspapers, including *Novaya Gazeta*, *Echo of Moscow* and the television channel *Dozhd*, the bans on foreign media and the targeted revocation of registration of foreign organizations by the Russian authorities, and also at the limited access of Russian civil society to information and communications infrastructure and to independent information, and the increase in censorship and disinformation, as well as cybersurveillance to control information and intimidate and silence critics,

Noting with deep concern legislative measures to increasingly restrict the freedoms of peaceful assembly, association and expression, including the freedom to seek, receive and impart information, both online and offline, notably the laws on so-called "foreign agents", "extremism" and "undesirable organizations", as amended, the law on "fake news about the Russian army", adopted on 4 March 2022, amending the Code on Administrative Offences and the Criminal Code, and general prohibitions on the dissemination of information based on vague and ambiguous notions, as well as the misuse of the court system for political purposes, which together have the effect of suppressing peaceful, independent and pluralistic views through the application of steep fines, arbitrary detention and lengthy prison sentences,

Concerned that legislative measures are being used by the authorities against Russian civil society to penalize and criminalize cooperation with international organizations, including as reprisals for cooperation with United Nations human rights mechanisms, and that the enforcement of such legislation is reportedly leading to self-censorship and dissuading civil society actors from publicly engaging with the United Nations and other organizations,

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 that they should therefore be respected in all circumstances,

Regretting that, despite the two postponements granted by the Human Rights Committee, the Russian Federation did not participate in the constructive dialogue with the Committee during its 136th session, and taking note of the Committee's concluding observations on the eighth periodic report of the Russian Federation,⁶⁸

⁶⁸ [CCPR/C/RUS/CO/8](#).

Recalling that the Russian Federation ceased to be a high contracting party to the European Convention on Human Rights on 16 September 2022, and noting that 15,300 applications directed against the Russian Federation are currently pending before the European Court of Human Rights, which remains competent to deal with cases concerning acts or omissions which took place before that date, and noting also that the Russian Federation remains bound by decisions taken by the European Court of Human Rights on the aforementioned pending cases,

1. *Strongly urges* the Russian authorities to comply with all of the State's obligations under international human rights law;

2. *Calls upon* the Russian authorities to uphold the fundamental freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, in particular by removing restrictions on diversity in ideas, criticism and dissent, as well as associated rights to liberty and security of person, fair trial, and freedom from torture and other cruel, inhuman or degrading treatment or punishment; to put an immediate end to the misuse of the judicial system to suppress the rights of journalists and other media workers, cultural figures, lawyers, researchers, historians, civil society and human rights defenders, and peaceful anti-war protesters, notably women and persons in vulnerable situations; to release immediately and unconditionally all those arbitrarily detained or forcibly disappeared; and to ensure the safe return of deported individuals, especially children;

3. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Russian Federation;⁶⁹

4. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in the Russian Federation as defined by the Human Rights Council in its resolution 51/25 for a period of one year, and requests the mandate holder to hold consultations with all stakeholders, including civil society inside and outside the Russian Federation, and to present a comprehensive report to the Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session;

5. *Calls upon* the Russian authorities to establish full and non-selective engagement with all United Nations human rights mechanisms, including constructive communication and full cooperation with the mandate of the Special Rapporteur, to allow the mandate holder unhindered access to visit the country and meet freely with relevant stakeholders, including civil society and human rights defenders, as well as individuals in detention, and to provide the Special Rapporteur with the information necessary to properly fulfil the mandate, and also calls upon the Russian authorities to cooperate fully with all other special procedures of the Human Rights Council, the treaty bodies, the Office of the United Nations High Commissioner for Human Rights, as well as all stakeholders in the context of the universal periodic review, and to refrain from all forms of intimidation and reprisals against persons and associations for their cooperation with these bodies;

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

*48th meeting
12 October 2023*

[Adopted by a recorded vote of 18 to 7, with 22 abstentions. The voting was as follows:

In favour:

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

⁶⁹ [A/HRC/54/54](#).

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan, Kyrgyzstan and Viet Nam

Abstaining:

Algeria, Bangladesh, Benin, Cameroon, Côte d'Ivoire, Gabon, Honduras, India, Malawi, Malaysia, Maldives, Mexico, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates and Uzbekistan]

54/24. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006 and 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,

Recalling also all previous General Assembly and Human Rights Council resolutions and decisions on this topic,

Reiterating that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,

Taking note with appreciation of all reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, while noting with concern that the number of reported acts of intimidation and reprisals by States and non-State actors remains high and across regions, and the trends presented in his most recent reports, including, inter alia, an increase in self-censorship and online and offline surveillance; enactment and application of laws and regulations concerning civil society, counter-terrorism and national security, with the aim or effect of deterring or hindering cooperation with the United Nations; the dissolution and deregistration of civil society organizations, including en masse, which have imposed additional obstacles to civil society engagement with the United Nations; and recognizing that human rights defenders, activists and journalists, as well as victims of human rights violations, witnesses and their relatives, legal representatives and trade unionists, are at heightened risk of being victims of intimidation or reprisals,

Noting that an analysis of United Nations data on alleged cases of intimidation and reprisals may be used to improve policies and practices on addressing acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights,

Noting with concern reports of the gender dimension and the specificity and severity of acts of reprisal against women, in particular for cooperation with the Security Council and peace operations mandated by the Council, as well as the targeting of representatives of Indigenous Peoples during their participation in United Nations meetings or when interacting with the United Nations at the country level,

Welcoming the positive developments and good practices identified by the Secretary-General in his most recent report,⁷⁰ in particular with regard to the nomination by United Nations entities of dedicated focal points; the adoption of reprisals-related protocols or guidance that include a clear allocation of responsibilities and step-by-step processes to document or verify allegations, activate a response based on a predictable toolbox and allow room for flexibility and creativity to respond on a case-by-case basis; and a strong focus on prevention, based on a zero-tolerance approach to reprisals and clear messaging from the leadership of United Nations entities, and on awareness-raising with United Nations staff,

⁷⁰ [A/HRC/54/61](#).

Member States and the civil society interlocutors concerned; and stressing the importance of sharing and building on good practices on how to prevent and address reprisals for cooperation with the United Nations,

Welcoming also the call of the Secretary-General on the international community to ensure that concerted action is taken to protect, support and ensure the meaningful and safe engagement of individuals and groups, including women human rights defenders and peacebuilders, with the United Nations, its representatives and mechanisms in the field of human rights,

Welcoming further the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

Stressing the important role of the United Nations in preventing and addressing acts of intimidation or reprisal, guided by the principle of “do no harm” and a victim- and survivor-oriented approach, and recognizing that considerable progress has been made in shedding light on and addressing the issue, including through initiatives on civic space under the Secretary-General’s Call to Action for Human Rights,

Welcoming the increased commitment to and support for this issue of States Members of the United Nations, and noting the ongoing initiatives within the United Nations system, including by its field presences, to develop good practices, improve prevention, including in the digital sphere, and ensure better documentation, reporting and protection practices,

Welcoming also the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, encouraging it to continue its work in this regard, including in a gender-responsive manner, and with a particular focus on individuals in vulnerable situations or belonging to marginalized groups, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned in order to strengthen the State’s capacity to comply with its human rights obligations, and encouraging States to share concerns, challenges and good practices on this issue in relevant debates of the Human Rights Council,

Welcoming further the work done by the special procedures, and in particular the Coordination Committee of Special Procedures, and the efforts by treaty bodies to prevent and address acts of intimidation or reprisal,

Welcoming the role that regional mechanisms and national human rights institutions can play in preventing and addressing cases of intimidation or reprisal as part of supporting cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, and to recommendations made by international human rights mechanisms, while noting with concern that national human rights institutions and their members and staff can themselves increasingly be victims of acts of intimidation or reprisal,

Reiterating that all States Members of the United Nations, in particular the members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming the obligation to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal consistent with this commitment,

Expressing serious concern at the continued reports of acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and other cruel, inhuman or degrading treatment or punishment,

Stressing that acts of intimidation or reprisal carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further acts of intimidation or reprisal,

Recognizing existing challenges, both online and offline, for civil society space, including human rights defenders and other individuals and groups engaging with the United Nations in the field of human rights, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; restrictions on access to lawyers; restrictions on the rights to freedom of peaceful assembly and association, and freedom of expression; and a greater impact of the digital divide,

Noting the hybrid and online formats of interaction with the United Nations, including as a result of the coronavirus disease (COVID-19) pandemic, and recalling in this regard the call by the Secretary-General to ensure that participation in the work of the United Nations remains meaningful, effective, easily accessible and free from acts of intimidation or reprisal of any sort,⁷¹

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms, both online and offline, bearing in mind that this is indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Condemns* all acts of intimidation or reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Welcomes* the efforts made by States to investigate allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, to bring perpetrators to justice and to establish protection mechanisms for victims, survivors, witnesses and human rights defenders, and encourages States to continue such efforts;

4. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal, both online and offline, against those who:

(a) Seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(c) Submit or have submitted communications under procedures established pursuant to human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

5. *Urges* States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, whether online or offline, including, where necessary, by adopting and implementing specific legislation and policies to promote a safe and enabling environment for engagement with the United Nations on human rights and to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations,

⁷¹ [A/HRC/45/36](#).

its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

6. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and ensuring accountability for all acts of intimidation or reprisal by State and non-State actors against any individual or group that seeks to cooperate, cooperates or has cooperated with the United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and by condemning publicly all such acts, underlining that these can never be justified, to provide, in accordance with their international human rights obligations and commitments, access to effective remedies for victims, and to prevent any recurrence;

7. *Urges* States to ensure that legislation, policies and practices do not hinder the access, either online or offline, of individuals and groups to international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights;

8. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken by them to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General, and also encourages all States to engage in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights in this regard;

9. *Stresses* that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated;

10. *Invites* the Secretary-General to continue to provide the Office of the High Commissioner with adequate resources to prevent and address allegations of acts of intimidation or reprisal in the most effective and gender-responsive manner, including by ensuring a safe and enabling environment, both online and offline, for all those who seek to cooperate with the United Nations on human rights, including the Human Rights Council, its special procedures, the treaty bodies and other human rights mechanisms or United Nations forums;

11. *Encourages* the Assistant Secretary-General for Human Rights to strengthen efforts to develop and implement at the United Nations level a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisal, including by information-gathering and data analysis, and by improving and coordinating the response by all United Nations actors;

12. *Encourages* all United Nations entities to strengthen efforts to prevent and address acts of intimidation or reprisal, including through zero-tolerance messaging and awareness-raising among staff, Member States and civil society interlocutors, adopting dedicated protocols or guidelines, and ensuring that dedicated civil society focal points are adequately resourced to proactively promote an enabling space where civil society actors can safely contribute, at the country and global levels, to United Nations meetings, networks, processes and arrangements, and calls upon all States and relevant stakeholders to contribute to these efforts;

13. *Welcomes* the steps taken by the President of the Human Rights Council, and encourages the President to continue, in consultation with the States concerned, to use his or her good offices to address as appropriate allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the Council, and to provide information on cases brought to his or her attention at each session of the Council;

14. *Encourages* the United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly a regularly updated reference to credible allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to it, and to reflect the State's response in their reports;

15. *Invites* the Secretary-General to submit the report he presents annually to the Human Rights Council on cooperation with the United Nations, its representatives and mechanisms in the field of human rights also to the General Assembly, starting from its seventy-seventh session.

48th meeting
12 October 2023

[Adopted without a vote.]

54/25. A world of sports free from racism, racial discrimination, xenophobia and related intolerance

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, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action,

Acknowledging that, in paragraph 218 of the Durban Declaration and Programme of Action, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance urged States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Acknowledging also that the Durban Review Conference, in paragraph 128 of its outcome document, urged all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance,

Recalling the United Nations Strategy and Plan of Action on Hate Speech, launched by the Secretary-General in response to the alarming trend of rising hate speech around the world, on 18 June 2019,

Recalling also General Assembly resolution 76/13 of 2 December 2021, in which the Assembly reiterated its support for the independence and autonomy of sport and the mission of the International Olympic Committee in leading the Olympic movement and of the International Paralympic Committee in leading the Paralympic movement, and recognized the unifying and conciliatory nature of the Olympic Games and major international sport events, and that such events are organized in the spirit of peace, mutual understanding, friendship, tolerance and the inadmissibility of discrimination of any kind; and resolution 77/27 of 1 December 2022, in which the Assembly recognized that sports, the arts and physical activity have the power to change perceptions, prejudices and behaviours, as well as to inspire people, break down racial and political barriers, combat discrimination and defuse conflict, as reflected in the political declaration adopted at the Nelson Mandela Peace Summit in 2018,

Recognizing the potential of sport as a universal language that contributes to education on the values of respect, dignity, diversity, equality, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance and to promote social inclusion for all, and acknowledging the fundamental principles of the Olympic Charter, in particular principle 4, which states that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, and principle 6, which states that the enjoyment of the rights and freedoms set forth in the Charter should be secured for all, without discrimination of any kind,

Stressing the importance of combating racism, racial discrimination, xenophobia and related intolerance, as well as discrimination based on religion or belief, in all circumstances, including in sports,

Recognizing that sport events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights, and to promote human rights and to strengthen universal respect for them, thus contributing to their full realization,

Recognizing also the very important role of the media in the promotion and popularization of sport and in raising public awareness of the positive role that they may play when reporting on how sport can translate into respect for human rights and promote social cohesion, equality and acceptance of diversity and the values of sport, including integrity, teamwork, excellence, respect, tolerance, fair play and friendship,

Recalling that, in the 2030 Agenda for Sustainable Development, sport is recognized as an important enabler of sustainable development, in particular for its growing contribution to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and girls, youth and persons with disabilities, as well as to health, education and social inclusion objectives,

Welcoming the contribution of the Division for Inclusive Social Development of the Department of Economic and Social Affairs, the Physical Education and Sport Unit of the United Nations Educational, Scientific and Cultural Organization and the Group of Friends of Sport for Development and Peace to combating racism, racial discrimination, xenophobia and related intolerance in sports,

Welcoming also the collaboration between the Office of the United Nations High Commissioner for Human Rights and the International Federation of Football Association in the FIFA Women's World Cup 2023 to promote joint commitments in football, and encouraging the Office of the High Commissioner to continue such collaboration, as well as initiatives of hope, solidarity and fighting xenophobia and related intolerance, such as the creation by the International Olympic Committee of the Refugee Olympic Team that took part in the Tokyo 2020 Olympic Games,

Recalling the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the General Assembly at its sixty-ninth session,⁷² in which the Special Rapporteur illustrated some manifestations of racism in team and individual sports, discussed the applicable legislation and standards at the international, regional and national levels, and presented some of the initiatives of sports federations and civil society that focus on preventing and combating racism in sports,

Recalling also the report of the United Nations High Commissioner on Human Rights on the intersection of race and gender discrimination in sport,⁷³ in which the High Commissioner recommended that sporting bodies should commit themselves to protecting and respecting internationally recognized human rights and meet their responsibilities to protect rights and minimize harms to rights by adopting human rights policies that apply to athletes, events and competitions, fans, journalists and others,

Recalling further that, in the above-mentioned report, the High Commissioner elaborated on relevant international human rights norms and standards and the corresponding obligations of States and the responsibilities of sporting bodies towards women and girl athletes,

Expressing deep concern at past and recent incidents of racism and discrimination in sports and at sporting events, and in this context encouraging sport governing bodies to combat racism, racial discrimination, xenophobia and related intolerance, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for these acts,

Noting with concern that women and girls face multiple and aggravated forms of discrimination and gender-based violence in sport, and therefore recognizing the imperative

⁷² [A/69/340](#).

⁷³ [A/HRC/44/26](#).

need to engage women and girls in the practice of sport for development and peace, and in this regard welcoming activities that aim to foster and encourage such initiatives at the global level,

Noting with appreciation the initiatives taken by the United Nations system, as well as national, regional and international sports federations and organizations, to promote development and peace through sport and physical education, and in this respect acknowledging the importance of the work of grass-roots organizations,

1. *Recognizes* the shared commitment to a world of sports free from racism, racial discrimination, xenophobia and related intolerance, as well as from discrimination based on religion or belief, and calls upon all States to take all necessary measures to that end;

2. *Underlines* the importance of combating impunity and enhancing accountability for racially motivated crimes in sport, and urges States to take all appropriate measures, in accordance with domestic legislation and international obligations, to prevent, combat and address resolutely and effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance in the context of sporting events, and to ensure that racially motivated acts are sanctioned appropriately;

3. *Stresses* the importance of combating and addressing acts of incitement to discrimination, hatred, hostility or violence at all phases of sporting events, and the need to intensify efforts at all levels, including policies, legislation, programmes and campaigns at the local and global levels;

4. *Urges* States, in partnership with national, regional and international sports federations and organizations, including grass-roots organizations, to develop and finance awareness-raising campaigns for preventing and combating racism, racial discrimination, xenophobia and related intolerance in sport;

5. *Invites* States to consider including in their national reports, to be submitted to the Human Rights Council under the universal periodic review mechanism, information on measures to combat racism, racial discrimination, xenophobia and related intolerance in sports and to promote sports as a tool to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

6. *Encourages* States to share experience and best practices in fighting all forms of racism and racial discrimination, xenophobia and related intolerance in sport and in promoting integration and intercultural dialogue in and through sport;

7. *Requests* the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to continue its work on sports and racism and to build on previous discussions and recommendations;

8. *Invites* host countries of major sporting events, including the biggest and most impactful mega events, in cooperation with the United Nations High Commissioner for Human Rights, relevant parts of the United Nations, the International Olympic Committee, the International Federation of Association Football and other relevant international sporting bodies to seize the opportunity offered by major sports events to develop concrete measures to prevent racism, racial discrimination, xenophobia and related intolerance, including through campaigns aimed at sensitizing a wide public on the eradication of these scourges;

9. *Invites* the High Commissioner to cooperate with relevant parts of the United Nations Organization, the International Olympic Committee, the International Federation of Association Football and other relevant international, regional and national sports associations and federations, and in collaboration with various actors, including civil society, to develop measures and programmes to contribute to the prevention and eradication of racism, racial discrimination, xenophobia and related intolerance in and through sports and sports events;

10. *Requests* the High Commissioner and other relevant parts of the United Nations Organization to support the development and implementation of practical measures and policies with international sporting bodies aimed at combating racism, racial discrimination, xenophobia and related intolerance in sport, including the development and promotion of codes of conduct against racism in sport for clubs and sports associations

cooperating with programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance, as well as discrimination based on religion and belief, in and through sports;

11. *Calls upon* States, the United Nations Organization and sport-related institutions to help to initiate and assist in the implementation of grass-roots initiatives aimed at combating racism, racial discrimination, xenophobia and related intolerance in sports, and invites the Division for Inclusive Social Development of the Department of Economic and Social Affairs, jointly with the Office of the High Commissioner, where appropriate, to coordinate and facilitate the engagement of respective stakeholders;

12. *Requests* the High Commissioner to organize regional consultations with States, sport associations, federations and civil society organizations, including organizations of persons with disabilities, with a view to identify ways to strengthen national and local actions to combat racism, racial discrimination, xenophobia and related intolerance in and through sport;

13. *Also requests* the High Commissioner to present to the Human Rights Council at its fifty-seventh session an oral update on the progress made in the implementation of the present resolution, and a report thereon to the Council at its sixtieth session.

48th meeting
12 October 2023

[Adopted without a vote.]

54/26. Mandate of the Working Group of Experts on People of African Descent

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, reaffirming the commitments contained therein with regard to people of African descent, Assembly resolution 57/195 of 18 December 2002, in which the Assembly invited all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference and the effective implementation of the Durban Declaration and Programme of Action, and Assembly resolution 68/237 of 23 December 2013, in which the Assembly proclaimed the International Decade for People of African Descent,

Recalling also all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance, in particular Commission resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003 and Council resolutions 9/14 of 18 September 2008, 18/28 of 17 October 2011, 27/25 of 26 September 2014, 36/23 of 29 September 2017 and 45/24 of 6 October 2020 on the mandate of the Working Group of Experts on People of African Descent,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Underlining that the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, remains the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that prescribes comprehensive measures and remedies for effectively combating the scourge of racism in all its forms at all levels,

Recalling 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

Human Rights Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, and by extremist nationalist and populist ideologies, and underlining in this respect that human beings are born free and equal in dignity and rights, and that everyone has the right to life, liberty and security of person,

Recalling Human Rights Council resolution 43/1 of 19 June 2020 on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against the excessive use of force and other human rights violations by law enforcement officers,

Welcoming the annual report of the Working Group on its activities and the substantive thematic contribution on the economic empowerment of people of African descent,⁷⁴

Welcoming also the report of the Working Group containing a review of the work it has carried out in the 20 years since its establishment,⁷⁵

Stressing the imperative need for the Working Group to accomplish its mandate,

1. *Decides* to extend the mandate of the Working Group of Experts on People of African Descent for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 9/14;

2. *Also decides* that one of the two annual sessions of the Working Group may be held in New York or another location of relevance to the mandate, to facilitate the wide participation of people of African descent;

3. *Further decides* that the Working Group should hold two virtual consultations annually, with interpretation, to study the situation of people of African descent and to make recommendations thereon;

4. *Decides* that the Working Group shall undertake a minimum of two country visits per year;

5. *Requests* all Governments to cooperate fully with the Working Group in the discharge of its mandate, including by responding promptly to the Working Group's communications and by providing the information requested;

6. *Requests* the Working Group to submit an annual report to the Human Rights Council on all activities relating to its mandate, and to the General Assembly in the context of the International Decade for People of African Descent;

7. *Also requests* the Working Group to pay special attention in its annual report to the gender dimension of the impact of racism, racial discrimination, and systemic racism on women and girls and men and boys of African descent and to make specific recommendations in this regard, and encourages the Working Group to collect information from Member States and all relevant organizations and bodies of the United Nations system in the preparation of its report;

8. *Further requests* the Working Group to contribute to the review of the International Decade for People of African Descent;

9. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Human Rights Council, national human rights institutions, international financial and development institutions and United Nations specialized agencies, programmes and funds to collaborate with the Working Group, including by, inter alia, providing it with the necessary information and, where

⁷⁴ [A/HRC/54/67](#).

⁷⁵ [A/HRC/54/71](#).

possible, reports in order to enable the Working Group to carry out its mandate, including with regard to field missions;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to strengthen the substantive and administrative support provided to the Working Group in order for it to effectively fulfil its mandate, taking into consideration the additional tasks and responsibilities assigned to the Working Group over the past 20 years and other relevant activities with relevant United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights;

11. *Requests* that sufficient travel funds be provided for the Working Group secretariat to accompany the Working Group on all of its visits;

12. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the human, technical and financial assistance necessary for the sustainable and effective fulfilment of its mandate;

13. *Decides* that all public meetings of the Working Group will be held in a hybrid format and webcast;

14. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group, and invites States to contribute to that fund;

15. *Decides* to remain seized of this important issue.

48th meeting
12 October 2023

[Adopted without a vote.]

54/27. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, including those of promoting and encouraging respect for human rights and fundamental freedoms for all, and reaffirming also the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling also all previous resolutions on racism, racial discrimination, xenophobia and other related forms of intolerance, including Human Rights Council resolution 47/21 of 13 July 2021, and urging the United Nations High Commissioner for Human Rights, the relevant special procedures of the Human Rights Council and international mechanisms to enhance and broaden their efforts to implement the Durban Declaration and Programme of Action, and inviting relevant United Nations bodies to do the same,

Emphasizing the relevance of the International Convention on the Elimination of All Forms of Racial Discrimination as an important international instrument to combat the scourge of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and recalling the recommendation contained in the Durban Declaration and Programme of Action to prepare complementary international standards to

strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects,⁷⁶

Acknowledging the importance of the Durban Declaration and Programme of Action as a milestone in the common fight against racism, racial discrimination, xenophobia and related intolerance, as it addresses the deep historical roots of contemporary racism, acknowledges that slavery and the slave trade are – and should always have been – crimes against humanity, takes into account the legacy of some of the most appalling chapters of human history, and constitutes a holistic call to action that encompasses measures to deliver remedies to victims-survivors of racism, to strengthen education and awareness-raising, to fight poverty and marginalization and to secure inclusive sustainable development,

Noting with concern that the lack of public knowledge about the content of the Durban Declaration and Programme of Action has constituted a serious obstacle in generating political will for its full and effective implementation,

Recognizing that racism, racial discrimination, xenophobia and related intolerance have a deep negative impact on the enjoyment of human rights, and therefore require a united and comprehensive response from States,

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-survivors can suffer from multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, disability, political or other opinion, social origin, property, birth or other status, and in this regard recalling also that it is essential that integrated, intersecting and holistic approaches be adopted to ensure the effectiveness of policies and other measures against racism, racial discrimination, xenophobia and related intolerance,

Recognizing the importance of the full implementation of the Durban Declaration and Programme of Action, and emphasizing the need to streamline and enhance the effectiveness of existing follow-up mechanisms, and to increase public awareness of and support for it,

Noting the efforts made at the international, regional and national levels, welcoming the progress made since the adoption of the Durban Declaration and Programme of Action in the implementation of its provisions, and welcoming also all the positive steps and successful initiatives taken by States towards its effective and full implementation, including constitutional and legislative reforms, the adoption of national action plans and other national policies and measures, participation in and support for its follow-up mechanisms, the mainstreaming of racial equality in international forums and the promotion of regional, international and multi-stakeholder initiatives in matters relating to the Durban Declaration and Programme of Action,

Recalling all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent,

Acknowledging with deep concern that many years later, notwithstanding the adoption of the Durban Declaration and Programme of Action years ago and the concerted efforts of the international community, many people around the world, including Africans and people of African descent, Asians and people of Asian descent, migrants, refugees and persons belonging to other racial, ethnic, linguistic or religious minorities continue to be confronted by racism, racial discrimination, hate speech, targeted violence, xenophobia and other related intolerance, which have been exacerbated by the coronavirus disease (COVID-19) pandemic,

Recognizing that the design and use of emerging digital technologies, while offering new opportunities in the global campaign against all forms of racism and racial discrimination, can exacerbate and compound existing inequalities, many of which exist on racial, ethnic and national origin grounds, and that the prevalence of emerging digital technologies in determining everyday outcomes in employment, education, health care and

⁷⁶ A/CONF.189/12, p. 71, para. 199.

criminal justice, which introduces the risk of systemized discrimination on an unprecedented scale, is a major concern,

Underlining the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals, including Africans and people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

Noting the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also those made by the other Durban follow-up mechanisms, namely the Ad Hoc Committee on the Elaboration of Complementary Standards for the report on its thirteenth session,⁷⁷ the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action at its eighth and ninth sessions and the Working Group of Experts on People of African Descent at its thirty-ninth session,

Stressing that law enforcement officials, in the performance of their duties, shall respect and protect human dignity and maintain and uphold the human rights of all persons, and underscoring 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,

Acknowledging the multiple and aggravated forms of racial discrimination, which exacerbate individuals' experiences with police violence and increased vulnerability,

Taking note of the reports of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against the excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality,⁷⁸ encouraging States to consider implementing the recommendations contained therein, and requesting the High Commissioner to pay further attention to this matter in upcoming reports by addressing the continued excessive use of force and other human rights violations by law enforcement officers against Africans and people of African descent in different parts of the world,

Recalling that the Human Rights Council, in its resolution 47/21, requested the High Commissioner to enhance and broaden monitoring by the Office of the United Nations High Commissioner for Human Rights in order to continue to report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, to contribute to accountability and redress, and to take further action globally towards transformative change for racial justice and equality, including by providing support for and strengthening assistance to States and other stakeholders, particularly people of African descent and their organizations, and by giving further visibility to this work,

Recalling also General Assembly resolution 76/226, in which the Assembly requested the Human Rights Council to consider the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

Concerned about the reduction in financial and human resources at the Office of the High Commissioner at a time when they are indispensable to the overall implementation of mandates and advocacy for the fight against racism,

Noting with appreciation the annual observance in Geneva of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and recalling the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

⁷⁷ A/HRC/54/65.

⁷⁸ A/HRC/51/53 and A/HRC/54/66.

1. *Underscores* the importance of political will and commitment to combat all forms of racism, racial discrimination, xenophobia and related intolerance;
2. *Underlines* the imperative need for the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and of the Durban Declaration and Programme of Action as the instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for combating the scourge of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms, as well as of the programme of activities of the International Decade for People of African Descent;
3. *Continues* to be alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;
4. *Stresses* in this respect the need to also address stereotypes, stigmatization and identity-assignment based on race as essential in the fight against racism, racial discrimination, xenophobia and related intolerance;
5. *Encourages* States to make the requisite declaration in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its complaints procedure;
6. *Also encourages* States to continue to fully cooperate with the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and to continue to implement the comprehensive set of measures to end systemic racism and address racial discrimination and human rights violations, notably by law enforcement, contained in the agenda of the United Nations High Commissioner for Human Rights towards transformative change for racial justice and equality;
7. *Requests* the Expert Mechanism to present its annual report to the General Assembly, and in this regard requests the Chair of the Expert Mechanism to engage in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”;
8. *Stresses* the importance of the fact-finding country visits of the Expert Mechanism and the recommendations stemming from them, and in this context requests the Expert Mechanism to submit all reports on its country visits as addenda to its annual report to the Human Rights Council;
9. *Calls upon* States to comply with their obligations under international law to protect those standing up against racism, including human rights defenders, from being discredited, harassed, intimidated or subjected to increased surveillance, both within and outside the context of assemblies;
10. *Takes note* of the conclusions and recommendations made by the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, which, at its thirteenth session, continued its discussions on the elaboration of a draft additional protocol to the Convention;⁷⁹
11. *Requests* the High Commissioner, in the further fulfilment of the mandate of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, to continue to engage with the group of legal experts, representing different regions and legal systems, referred to by the Human Rights Council in its resolution 51/32 of 7 October 2022, and to task them to continue to provide the Chair-Rapporteur with precise guidance and inputs to allow for the preparation of the Chair’s document, in accordance with the Committee’s mandate;

⁷⁹ See [A/HRC/54/65](#).

12. *Also requests* the High Commissioner to facilitate the participation of these legal experts in the fourteenth session of the Ad Hoc Committee, and to task them with providing advice with a view to contributing to discussions on the elaboration of a draft additional protocol criminalizing acts of a racist and xenophobic nature, in order to implement the Committee's mandate;

13. *Requests* the Chair-Rapporteur of the Ad Hoc Committee to present in person a progress report to the General Assembly at its seventy-ninth session, and to participate in the interactive dialogue and carry out consultations with New York-based delegations and stakeholders, in order to continue progress in the elaboration of complementary standards to the Convention, filling procedural and substantive gaps as a matter of urgency, necessity and priority;

14. *Takes note* of the elements for the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its twentieth session;⁸⁰

15. *Requests* the Chair-Rapporteur of the Intergovernmental Working Group to continue her research and to present to the Working Group at its next session a document compiling existing language to issues pertaining to the draft declaration on the promotion and full respect of the human rights of people of African descent;

16. *Requests* the Intergovernmental Working Group to invite the chairs of the Permanent Forum on People of African Descent and the Working Group of Experts on People of African Descent to all its sessions devoted to discussions on the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent;

17. *Takes note* of the reports of the Working Group of Experts on People of African Descent and the important work it has carried out in the 20 years since its establishment, including its conclusions and recommendations on how to address more efficiently the human rights concerns of people of African descent;⁸¹

18. *Emphasizes* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action for promoting equality and non-discrimination around the world;

19. *Decides* that the Group of Independent Eminent Experts will meet annually in Geneva for a four-day session, to be organized at an opportune moment in order to ensure visibility for the role and work of the Group and good participation by all stakeholders, including Member and Observer States of the United Nations and civil society representatives;

20. *Also decides* that the annual session will continue to be webcast and will be, in future, held in a hybrid format to allow for remote participation and for greater awareness-raising among the communities concerned;

21. *Requests* the Group of Independent Eminent Experts to conduct two annual advocacy visits of two working days each, to opportune places and at opportune moments, to raise awareness about the need to enhance the fight against racism, racial discrimination, xenophobia and related intolerance and to increase political support for the implementation of the Durban Declaration and Programme of Action;

22. *Decides* that the Group of Independent Eminent Experts will report annually on its session and activities to the Human Rights Council, and that its report will be also transmitted and presented to the General Assembly, and in this regard requests the Chair of the Group to engage in an interactive dialogue with the Assembly under the agenda item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

⁸⁰ See [A/HRC/52/78](#).

⁸¹ [A/HRC/54/67](#) and [A/HRC/54/67/Corr.1](#), and [A/HRC/54/71](#).

23. *Recalls* its request to the five regional groups to nominate a candidate for appointment to the Group of Independent Eminent Experts in a timely fashion, thereby ensuring that the Group can fulfil its mandate;

24. *Requests* the United Nations system to strengthen its awareness-raising campaigns to increase the visibility of the message of the Durban Declaration and Programme of Action, its follow-up mechanisms and the work of the United Nations in the fight against racism;

25. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the financial and human resources necessary for the Group of Independent Eminent Experts to fulfil its mandate effectively;

26. *Proposes* that particular attention be given by all relevant actors to enhancing the contribution of the treaty bodies monitoring the implementation of the core human rights conventions to the fight against racism, racial discrimination, xenophobia and related intolerance, including through a systemic approach leading to more intensive cooperation among them;

27. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare an expert study that takes stock of how the work of the different treaty bodies has contributed to the implementation of the Durban Declaration and Programme of Action, to make recommendations on how to address the challenges identified, and to present the study to the Human Rights Council at its fifty-seventh session;

28. *Deplores* the ongoing use of social media platforms to incite hatred and violence, inter alia against migrants, refugees and asylum seekers, while reaffirming the rights to freedom of expression, association and peaceful assembly, and calls upon States to prohibit by law, as appropriate, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated in information and communications technology;

29. *Strongly condemns* the allegations of discriminatory treatment, unlawful deportations, excessive use of force and deaths of African migrants and migrants of African descent, including refugees and asylum-seekers, at the hands of law enforcement officials engaged in migration and border governance in different countries;

30. *Calls upon* States to ensure proper accountability measures and reparations for human rights violations at borders and to adopt a racial justice approach, including by adopting policies to address structural racism in the management of international migration flows;

31. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

32. *Welcomes* the convening of regional meetings organized by the Office of the High Commissioner to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions at the meetings, and recognizes the contributing role that national human rights institutions and civil society organizations can play in supporting States' measures to prevent and eliminate all forms of racial discrimination;

33. *Recalls* the establishment of the Permanent Forum on People of African Descent as a consultative mechanism for people of African descent and other relevant stakeholders as a platform for improving the safety and quality of life and livelihoods of people of African descent, and an advisory body to the Human Rights Council, in accordance with the programme of activities for the implementation of the International Decade for People of African Descent and in close coordination with existing mechanisms;

34. *Also recalls* that, in its resolution 51/32, the Human Rights Council requested the Secretary-General and the High Commissioner to provide the human and financial resources necessary to support the implementation of the mandate of the Permanent Forum on People of African Descent;

35. *Welcomes* the convening of the first two sessions of the Permanent Forum on People of African Descent and the large participation of civil society and people of African descent from around the world;

36. *Decides* that the annual session of the Permanent Forum on People of African Descent will be held in a hybrid format and will be webcast to allow for remote participation;

37. *Requests* the Office of the High Commissioner to extend the two-year comprehensive communications strategy requested by the Human Rights Council in paragraph 17 of its resolution 48/18 of 11 October 2021 until the end of 2025, to continue to raise awareness about and mobilize global public support for racial justice and equality and the fight against racism, racial discrimination, xenophobia and related intolerance; the strategy should include the effective promotion of the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Decade for People of African Descent and other relevant instruments, and publicize the work and activities of the different United Nations anti-racism mechanisms, including the dissemination of the annual thematic reports of the Working Group of Experts on People of African Descent and its 20-year review report, in accessible formats to all constituents and the general public; the strategy should also include engagement, at different levels, with United Nations information centres and the field presences of the Office of the High Commissioner, civil society organizations, universities, schools and other educational entities, media outlets and professionals, and the general public, in particular young people; the strategy should be deployed on diverse platforms, including social media and web-based platforms, and encompass a variety of formats, such as digital and printed products, including easily accessible and youth-friendly materials, in all official languages of the United Nations; and requests the Secretary-General to provide the resources necessary for the communication strategy;

38. *Encourages* all special procedures of the Human Rights Council and the treaty bodies to include consideration of the impact on their mandates of systemic, structural and institutional racism, racial discrimination, xenophobia and other related intolerance in their reports;

39. *Requests* the Office of the High Commissioner, Member States and other stakeholders to include in their annual updates to the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action information on the implementation of the Durban Declaration and Programme of Action, including on the activities conducted in the context of the outreach programme, and also requests the Office to include information on the implementation of the communications strategy in the annual report of the Secretary-General to the General Assembly on global efforts in the fight against racism;

40. *Acknowledges* the work done by the Office of the High Commissioner, and requests the High Commissioner to continue to provide the resources necessary for the effective functioning of Durban follow-up mechanisms and to transform these mandates and mechanisms from the current old-order mandates to the new-order mandates to ensure equality of resources, and to give high priority to the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office;

41. *Decides* to remain seized of this important issue.

*48th meeting
12 October 2023*

[Adopted by a recorded vote of 33 to 7, with 7 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, Mexico, Morocco, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

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

Abstaining:

Belgium, Finland, Georgia, Lithuania, Luxembourg, Nepal and Romania]

54/28. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the Universal Declaration of Human Rights, and recalling all relevant human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

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,

Recognizing that, in the context of technical cooperation and capacity-building, the enhancement of international cooperation is essential for the effective promotion, protection and fulfilment of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to promote, protect and fulfil human rights, to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant Human Rights Council resolutions on the enhancement of technical cooperation and capacity-building in the field of human rights, on strengthening the voluntary funds for the universal periodic review mechanism of the Human Rights Council, and on the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development,

Recalling also Human Rights Council resolution 51/33 of 7 October 2022, in which the Council considered that the implementation of human rights obligations and commitments would benefit from expanded, institutionalized follow-up at the regional, national and local levels, such as by establishing or strengthening national mechanisms for implementation, reporting and follow-up, and that such mechanisms facilitate an integrated and participatory approach to reporting to international human rights mechanisms,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and recalling the Sustainable Development Goals, in particular Goal 17 on strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development, which are grounded in the Universal Declaration of Human Rights and international human rights treaties,

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 mechanism, to promoting the implementation of the 2030 Agenda, in accordance with States' obligations and commitments to respect, protect and fulfil human rights, and the role of technical cooperation and capacity-building in this regard,

Recognizing the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals,

Underlining the importance for relevant organizations of the United Nations system, especially the United Nations country teams, within their respective mandates, to mainstream technical cooperation and capacity-building in the field of human rights in their work and programmes,

Acknowledging the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, the contribution of national stakeholders, including national human rights institutions, national mechanisms for implementation, reporting and follow-up and civil society organizations in providing States with technical support and assistance on the basis of the needs and requests of the States concerned, and the support of national parliaments in the implementation of States' human rights obligations, as well as their voluntary pledges and commitments, including accepted universal periodic review recommendations,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Human Rights is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Expressing appreciation for the important role played by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and the recommendations accepted in the context of the universal periodic review,

Noting that a number of States have utilized relevant United Nations funds to support technical assistance and capacity-building in the field of human rights in the implementation of their human rights obligations and commitments, and underlining the need to further promote the visibility of these funds, to facilitate the way to solicit them, and to strengthen efforts to enhance their complementarity,

Noting with appreciation the contributions of the Boards of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

Welcoming and encouraging new and existing initiatives aimed at providing human rights technical cooperation and capacity-building support, in consultation with and with the consent of the States concerned, through bilateral, regional, multilateral and international cooperation, including bilateral human rights dialogues and North-South, South-South and triangular cooperation, as well as public-private partnerships, to assist States in implementing their human rights obligations, as well as voluntary pledges and commitments, and underlining the need for States and all relevant stakeholders to work in complementarity with one another in the delivery of technical cooperation and capacity-building in the field of human rights,

Stressing the need to raise awareness about the importance of technical cooperation and capacity-building in the field of human rights, which would accelerate the

implementation of activities in this area, with a view to improving human rights situations worldwide, and also the need to maintain the spirit of constructive cooperation and non-politicization,

Reaffirming that the universal periodic review is a cooperative mechanism and a State-driven process with the full involvement of the State concerned and with consideration given to its capacity-building needs, in accordance with General Assembly resolution 60/251 and Human Rights Council resolution 5/1,

Welcoming the 100 per cent participation of States in the universal periodic review since its inception and the efforts made to implement the recommendations emanating from their review,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for members and observers of the Human Rights Council to openly share their visions and views, and concrete experiences, challenges, progress and achievements, as well as information on assistance needed, with regard to promoting more effective technical cooperation and capacity-building in the field of human rights, and that such technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions, national mechanisms for implementation, reporting and follow-up, the private sector, civil society, including women's organizations, and rights holders;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and with the consent of the States concerned, and should take into account their requests, needs and priorities, as well as their national context, and the fact that all human rights are universal, indivisible, interdependent and interrelated, and are aimed at making a concrete impact at all levels on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in support of the promotion, protection and fulfilment of human rights, with a view to generating sustainable outcomes, and encourages regional human rights bodies to share experiences and exchange good practices in the promotion, protection and fulfilment of human rights, including those relating to the empowerment of all women and girls, while engaging with relevant players, including national human rights institutions, civil society organizations and rights holders;

4. *Reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, encourages States to continue to make contributions to these funds as well as to the technical assistance and capacity-building programme of the Office of the United Nations High Commissioner for Human Rights to ensure that the Office of the High Commissioner is in a position to respond to the requests for assistance identified in its annual appeals, and encourages the funds and the Office to continue to enhance the efficiency and transparency of their activities;

5. *Affirms* that the universal periodic review process is a channel to initiate constructive and inclusive dialogue on human rights and explore avenues for technical cooperation with States under review, and that their accepted universal periodic review recommendations, pledges and commitments could serve as a platform to develop and strengthen technical cooperation and to increase partnerships among States, relevant United Nations agencies and stakeholders, including civil society, in order to support the implementation of international human rights obligations by States;

6. *Welcomes* the contributions made by States towards the process of follow-up on and implementation of universal periodic review recommendations in States under review, and encourages all States to contribute to the follow-up on and implementation of such recommendations by States under review by, inter alia, showcasing best practices, sharing experiences and expertise and offering technical assistance on the basis of requests and the consent of the States concerned;

7. *Encourages* States also to consider offering technical assistance and to share best practices and experience in the areas that they can, contributing to the implementation

of their own universal periodic review recommendations that were accepted by States under review on the basis of requests and the consent of the States concerned;

8. *Welcomes* the efforts made by the Office of the High Commissioner and other relevant United Nations agencies to promote and support the implementation of universal periodic review recommendations by States, and calls for the Office and other relevant United Nations agencies to continue to provide timely and quality support for States' requests in their efforts to implement recommendations accepted in the context of the universal periodic review and to prepare their national reports for the review, and encourages greater coordination in this regard;

9. *Recognizes* that existing national human rights institutions and civil society can play an important role in supporting the implementation of accepted universal periodic review recommendations and the preparation of national universal periodic review reports, and hence encourages States and relevant United Nations agencies to provide technical assistance and capacity-building for and to collaborate with these actors in those processes;

10. *Encourages* States in need of technical assistance to consider requesting it from the Office of the High Commissioner and other relevant United Nations agencies in the implementation of their human rights obligations, as well as their voluntary pledges and commitments, including recommendations accepted in the context of the universal periodic review, and strongly encourages the Office and respective United Nations agencies to respond favourably to such requests and to provide information, in a transparent and timely manner, on the technical support available for and provided to States;

11. *Stresses* the importance of enhancing coordination between the Office of the High Commissioner and other United Nations agencies in their technical cooperation and capacity-building efforts, and encourages the sharing of information and best practices on a regular basis between the Office, other relevant United Nations agencies and the States concerned on technical assistance and capacity-building efforts undertaken at the national level;

12. *Encourages* the special procedures of the Human Rights Council, in their interaction with States, to continue to share information and knowledge relating to best practices and the possibility of providing technical assistance and capacity-building in the promotion, protection and fulfilment of human rights, including, where applicable and within their respective mandates, those pertaining to the implementation of universal periodic review recommendations;

13. *Welcomes* the holding of the intersessional meeting and the enhanced interactive dialogue on technical cooperation and capacity-building in the field of human rights, pursuant to Human Rights Council resolution 51/34 of 7 October 2022, at which participants underlined the importance of this mission of the Council, reflected on achievements made and obstacles faced, and stressed the need to provide sufficient funding to carry out the Council's work, and also discussed the way forward to improve technical cooperation and capacity-building in the field of human rights, including by enhancing the sharing of experiences and best practices and promoting the implementation of all human rights;⁸²

14. *Requests* the Office of the High Commissioner to establish and maintain, through additional dedicated capacity, an online repository of technical cooperation and capacity-building activities in the implementation of universal periodic review recommendations, with voluntary submissions made by States, as well as relevant United Nations agencies, funds and programmes, international and regional organizations, regional human rights mechanisms, national human rights institutions and civil society organizations, upon the consent of the States concerned, and to update the Human Rights Council, from its fifty-sixth session under the annual report on technical cooperation and capacity-building in the field of human rights, on the information gathered there on a yearly basis, calling upon those stakeholders with good practices in the above-mentioned areas to

⁸² See [A/HRC/53/63](#).

provide technical assistance to the States concerned on the basis of their requests and consent as a form of peer support;

15. *Recognizes* that the above-mentioned repository could contribute to greater efficiency and visibility of existing and potential technical cooperation and capacity-building activities and existing resources from which the States concerned could benefit, and the need to build synergies with other relevant databases, including, among others, a virtual knowledge hub for national mechanisms for implementation, reporting and follow-up;

16. *Acknowledges* the potential benefit of expanding the above-mentioned repository to include a match-making function to enhance coordination of technical cooperation and capacity-building efforts in the implementation of accepted universal periodic review recommendations;

17. *Decides*, in accordance with paragraphs 3 and 4 of Human Rights Council resolution 18/18 of 29 September 2011, that the theme of the annual thematic panel discussion under agenda item 10, to be held at its fifty-sixth session, will be “Enhancing technical cooperation and capacity-building in the implementation of universal periodic review recommendations”;

18. *Requests* the Office of the High Commissioner to prepare a report, to be submitted to the Human Rights Council at its fifty-sixth session, to serve as a basis for the panel discussion, on enhancing coordination among States, the Office and other relevant stakeholders to support States’ efforts to implement universal periodic review recommendations through technical cooperation;

19. *Calls upon* States to implement their human rights obligations, and also calls upon States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions, national mechanisms for implementation, reporting and follow-up and civil society to make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts and to build multi-stakeholder partnerships, in the follow-up to and implementation of universal periodic review recommendations, especially in the light 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 in contribution to the 2030 Agenda for Sustainable Development.

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/29. Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

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

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016, 36/31 of 29 September 2017, 39/23 of 28 September 2018, 42/31 of 27 September 2019, 45/26 of 6 October 2020, 48/21 of 11 October 2021 and 51/39 of 7 October 2022,

Emphasizing Security Council resolutions 2216 (2015) of 14 April 2015, 2451 (2018) of 21 December 2018 and 2624 (2022) of 28 February 2022,

Welcoming the commitment of the Government of Yemen to maintaining the humanitarian truce despite the refusal of the Houthis to renew the agreement on it,

Welcoming also the process of exchange of prisoners between the two sides, and calling for the lifting of the siege of the city of Taiz and facilitating the delivery of humanitarian aid,

Reiterating its strong support for the international efforts to reach a comprehensive ceasefire, to end the conflict in Yemen and to renew a meaningful and inclusive political dialogue for peace, represented by the initiative of the Special Envoy of the Secretary-General for Yemen, the initiative of Saudi Arabia, the efforts of the Special Envoy of the United States of America for Yemen and some countries in the region, and recalling the need for all parties to the conflict to react to these efforts in a flexible and constructive manner, without preconditions, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are essential factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

Recalling the agreement by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, including the completion of the drafting of a new constitution,

Recalling with appreciation Presidential Decree No. 16 of 23 August 2023, in which the mandate of the National Commission of Inquiry was extended for a period of two years with a view to investigating all human rights violations since 2011,

Recalling the Riyadh Agreement signed by the Government of Yemen and the Southern Transitional Council, and encouraging the speedy and full implementation of the Agreement as an important step towards a political solution in Yemen,

Welcoming the positive engagement of the Presidential Leadership Council to negotiate with the Houthis under the auspices of the Special Envoy of the Secretary-General for Yemen with a view to reaching a final and comprehensive political settlement in Yemen, and welcoming also the position adopted by the Government of Yemen to allow the continuation of international flights from and to Sana'a airport and the unimpeded entry of commercial and humanitarian shipping into all Yemeni ports, including the ports of Hudaydah and Salif,

Welcoming with appreciation the efforts of the United Nations and partners, which resulted in a successful and safe offloading of the oil tanker Safer, thereby protecting the marine life of the Red Sea from a great environmental disaster, and commending the generous contributions of donor States to that essential operation,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of fundamental human rights, including social and economic rights, and that the parties to the conflict must facilitate the rapid, safe and unhindered delivery of humanitarian aid,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building in Yemen;⁸³

2. *Notes* the comments made by the Government of Yemen on the report of the High Commissioner during the present session;

⁸³ [A/HRC/54/74](#).

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies and mechanisms;
4. *Takes note* of the eleventh report of the National Commission of Inquiry;
5. *Welcomes* the work carried out by the Joint Incident Assessment Team and its cooperation with the Office of the High Commissioner and its country office in Yemen;
6. *Notes with appreciation* the work done to date by the National Commission of Inquiry despite the challenges it has faced, and welcomes the progress it has made, such as the regular field visits made throughout Yemen, the consultations held with civil society groups and the improved reporting on different types of human rights violations and abuses and violations of international humanitarian law by all parties to the conflict;
7. *Calls upon* all parties to renew the truce and immediately implement all of its provisions, calls for the lifting of the siege that the Houthis have imposed on the city of Ta'izz, and calls upon all parties to immediately implement the Stockholm Agreement in order to begin negotiations for a comprehensive and inclusive political solution to the current crisis in Yemen;
8. *Expresses deep concern* at the serious human rights abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including those involving sexual and gender-based violence, the continued recruitment of children, contrary to international treaties, the abduction of political activists, the human rights violations against journalists and the killing of civilians;
9. *Calls upon* the Houthis to remove the obstacles that prevent access by relief and humanitarian aid, to release kidnapped humanitarian workers and to end violence and discrimination against women and targeting based on religion or belief;
10. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law, to immediately cease attacks on civilians, including on those delivering medical supplies and on aid workers, and to facilitate rapid, safe and unhindered humanitarian access to the affected population nationwide;
11. *Expresses deep concern* at all attacks against civilian objects, in violation of international humanitarian law, recalls the obligations of all parties to the conflict to take all precautions necessary to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including water installations, supplies and foodstuffs, and strongly condemns the launching of ballistic and other missiles targeting the territory of neighbouring countries and posing a major threat to regional peace and stability and the security of international trade in Red Sea shipping lanes;
12. *Urges* the Government of Yemen to take measures to protect civilians and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, violence against journalists and the detention of journalists and political activists;
13. *Requests* all parties to the conflict in Yemen to fully implement Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring the full participation of women in the political and peacemaking process;
14. *Demands* that all parties to the conflict work towards a comprehensive ceasefire, continue inter-Yemeni negotiations with a view to reaching a mutually agreed comprehensive and lasting political solution to the conflict, and allow access for humanitarian assistance to all Yemeni towns and villages, urges the Houthis to respond to the requests of the Special Envoy of the Secretary-General for Yemen for them to open the crossing points to the city of Ta'izz, end the recruitment and use of children and release those

who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

15. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within the territory that it controls and that is subject to its jurisdiction, and in that connection recalls that Yemen is a party to 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 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 Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

16. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the United Nations Yemen humanitarian response plan for 2023, calls upon all States to increase their financial support for United Nations relief operations and urges States to fulfil their pledges to the relevant United Nations humanitarian appeal;

17. *Reaffirms* the responsibilities of all parties to the conflict to facilitate the immediate, safe and unhindered delivery of humanitarian assistance to all those who are in need, in accordance with the principles of international human rights law and international humanitarian law;

18. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and all States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

19. *Welcomes* the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry, and requests the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and all requisite technical and logistical support to the National Commission of Inquiry, at the same level as any investigation commission, to enable it to continue to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 16 of 23 August 2023, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

20. *Requests* the High Commissioner to present a report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its fifty-seventh session.

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/30. Penitentiary system, security and justice: enhancement of technical cooperation and capacity-building to protect human rights in Honduras

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights,

Guided also by 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 and the Optional Protocol thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and other relevant international human rights instruments and conventions,

Stressing that the responsibility to respect and protect human rights lies with States,

Recalling all relevant Human Rights Council resolutions on the enhancement of technical cooperation and capacity-building in the field of human rights,

Reaffirming the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), 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 Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,

Considering the report of the United Nations High Commissioner for Human Rights on the situation of human right in Honduras, covering the period from 1 January to 31 December 2022, which was presented to the Human Rights Council at its fifty-second session,⁸⁴

Recognizing that the High Commissioner established a permanent office in Honduras in 2015 with a mandate to provide technical assistance to the national authorities and to monitor the evolution of the situation of human rights in the country,

Acknowledging the policy of cooperation and collaboration of the Government of Honduras with all human rights monitoring mechanisms, based on the principles of genuine dialogue and aimed at strengthening the capacity of the State to prevent human rights violations,

Welcoming the commitment and ongoing efforts of the Government of the first female President in the history of Honduras, Iris Xiomara Castro Sarmiento, to uphold human rights and fundamental freedoms, strengthen the rule of law, in particular access to justice, and fight corruption, including the ongoing efforts to work with the United Nations for the establishment of an impartial, independent and autonomous international mechanism against corruption and impunity in Honduras,

Welcoming also the commitment of the Government of Honduras to reform the national penitentiary system in accordance with its obligations under international human rights law, and to guarantee respect for the lives of persons deprived of their liberty, including their physical and psychological integrity, with the aim of ensuring their reintegration into society,

Deeply concerned by the high level of violence and extortion perpetrated by organized crime groups throughout the areas in which they operate, and the control exerted by the gangs present in Honduras within the country's penitentiaries,

⁸⁴ [A/HRC/52/24](#).

Deeply concerned also by the murder of at least 46 women prisoners at the National Women's Prison for Social Adaptation in Tamara on 20 June 2023, in the wake of an outbreak of violence between rival gangs,

Acknowledging that violence, discrimination, access to land and natural resources, insecurity, impunity and weak judicial independence are national structural problems that exacerbate and facilitate violations of human rights, in particular those of women, girls and persons in the most vulnerable situations,

Acknowledging also the need for integral reform of the penitentiary system that addresses the root causes of violence and contributes to the dismantling of gangs and other organized crime groups, giving priority to the rehabilitation and social integration of persons deprived of their liberty while also addressing long-standing challenges in prisons, such as the extensive use of incarceration, overcrowding and unsuitable living conditions,

Emphasizing that technical assistance and capacity-building in the field of human rights are to be provided in consultation with and with the consent of the State concerned, in accordance with its specific needs and priorities,

Acknowledging the existing tried and tested international methodology specifically devoted to the enhancement of Latin American penitentiary systems through different and converging pillars such as law enforcement, institution-building, capacity-building and value dissemination,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide technical assistance and capacity-building to national civilian authorities in penitentiary, security and justice matters, for a period of one year, in order to improve the situation of human rights in Honduras, including ways to mainstream gender and that are inclusive of vulnerable and marginalized groups, and to implement all relevant recommendations made by United Nations human rights monitoring mechanisms;

2. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the implementation of the present resolution to the Human Rights Council at its fifty-seventh session, to be followed by an interactive dialogue;

3. *Requests* the Secretary-General to provide the Office of the High Commissioner with all the resources necessary to deliver such technical assistance and capacity-building and to implement the present resolution;

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

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/31. Technical assistance and capacity-building in the field of human rights in the Central African Republic

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 African Charter on Human and Peoples' Rights and other international and African instruments on the protection of human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions on technical assistance and capacity-building in the field of human rights in the Central African Republic,

Recalling further Security Council resolutions on the situation in the Central African Republic,

Recalling the joint communiqué signed between the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Government of the Central African

Republic on 1 June 2019, in accordance with Security Council resolution 2106 (2013) of 24 June 2013,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African human rights instruments to which they are parties,

Recalling that the Central African Republic bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity,

Recalling also the signing on 6 February 2019 of the Political Agreement for Peace and Reconciliation in the Central African Republic, as well as the Joint Road Map for Peace in the Central African Republic adopted on 16 September 2021 in Luanda by the International Conference on the Great Lakes Region,

Recalling further the conclusions, in 2015, of popular consultations and of the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main parties to the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Deeply concerned about the security situation in the Central African Republic, which remains particularly unstable, and condemning in particular the violations and abuses of human rights and the violations of international humanitarian law that continue to be perpetrated by parties to the conflict, including armed groups and other security personnel, in Bangui and the rest of the country, in violation of the Peace Agreement of 6 February 2019, including acts of violence against civilians, United Nations peacekeepers, humanitarian personnel, journalists and health personnel,

Condemning the surge in attacks on humanitarian and medical personnel and on civilian and humanitarian facilities and infrastructure, the unlawful taxation of humanitarian aid by armed groups in a context where the number of displaced persons is increasing and the number of refugees remains very high, and the fact that more than half of the country's population continues to need humanitarian assistance in order to survive,

Recalling the objective of enabling the safe, dignified and sustainable voluntary return of displaced persons and refugees,

Welcoming the efforts of subregional organizations in the ongoing mediation process, as well as the humanitarian assistance provided by the States members of these organizations to the population of the Central African Republic,

Recalling the efforts made by the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling also that the international forces present in the Central African Republic must carry out their duties with full respect for the applicable provisions of international law, particularly international humanitarian law, and must respect human rights and the principle of non-refoulement, expressing its concern at allegations that sexual abuse and other human rights violations or abuses have been committed by the parties to the conflict, noting with satisfaction that the Government of the Central African Republic has established a special commission of inquiry to ensure that those responsible for such acts are brought to justice, welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and welcoming the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

Deploring the numerous cases of sexual abuse and violence committed against civilians, including by armed groups and other security personnel, as documented in various

United Nations reports, and by some elements of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, and recalling the Secretary-General's decision to repatriate a military or police unit of a contingent where there is evidence of widespread or systematic sexual exploitation and abuse by that unit,

Recalling that it is the primary responsibility of troop- and police-contributing countries to investigate allegations of sexual exploitation and abuse and to hold perpetrators to account through legal proceedings,

Recalling also the joint investigation report issued on 25 July 2022 by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights on violations of human rights and international humanitarian law committed in the village of Boyo between 6 and 13 December 2021, noting in particular the recruitment of former anti-balaka militia fighters and dozens of young persons, with the assistance of military and other security personnel,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice the perpetrators of violations of human rights and of international humanitarian law and to reject any general amnesty for such persons, and the need to strengthen national and hybrid judicial mechanisms to ensure that they are held to account for their actions,

Recalling the primary responsibility of the national authorities to create the conditions necessary to carry out prompt, impartial and transparent investigations, to conduct prosecutions, to render judgments effectively and independently and to protect victims and at-risk persons against reprisals, and calling upon international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, within its mandate, to support the authorities of the Central African Republic to this end,

Recalling also that the international commission of inquiry tasked with investigating allegations of violations of international humanitarian law and international human rights law and of human rights abuses in the Central African Republic concluded that, since January 2013, the main parties to the conflict had committed violations and abuses that may constitute war crimes and crimes against humanity, and that the Security Council has a sanctions list of persons and entities alleged to have committed war crimes and crimes against humanity.

Stressing the importance of pursuing investigations into allegations of violations of international humanitarian law and international human rights law and of human rights abuses to complement the work of the international commission of inquiry and the report on the mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

Noting the holding of the constitutional referendum on 30 July 2023 and its impact on the process of local and municipal elections, the organization of which has been postponed,

Reiterating the need to create, with the support of the guarantors and facilitators of the 6 February 2019 Peace Agreement and the initiators of the Joint Road Map of 16 September 2021, and with the support of the international community, the conditions for local and municipal elections that are truly inclusive, transparent and open to women and young people,

1. *Strongly condemns* all human rights violations and abuses and violations of international humanitarian law, including killings, acts of torture and other cruel, inhuman or degrading treatment or punishment, conflict-related, sexual and other gender-based violence, abductions, arbitrary arrests and deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on schools, on the injured and the sick, on medical personnel and on health centres and medical vehicles, the denial of humanitarian assistance, the illegal destruction of property and all violations committed against civilians, in particular populations in situations of vulnerability, including women,

children and displaced persons, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, humanitarian workers, health workers, humanitarian supplies and United Nations personnel, and urges armed groups to observe an immediate ceasefire in accordance with their commitment under the Peace Agreement of 6 February 2019 and the Joint Road Map of 16 September 2021;

3. *Reiterates* its call for an immediate end to all human rights violations and abuses and violations of international humanitarian law committed by all parties, for strict respect for all human rights and all fundamental freedoms, for victims to have access to justice and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* at the humanitarian situation, aggravated by the conflict in the Sudan, stresses that lack of funding and insecurity constitute obstacles to the complete, safe and unhindered delivery of humanitarian assistance, calls upon the international community to offer greater support for humanitarian assistance efforts by supporting the humanitarian response and stabilization plan, urges the competent agencies to carry out explosive device demining campaigns in the north-east of the country, and requests all parties to authorize and facilitate rapid, complete, safe and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

5. *Calls upon* the Government of the Central African Republic, with the support of the international community, to create the conditions for the safe, dignified and sustainable return of displaced persons and refugees who so wish, and encourages it to put in place measures for the protection and restitution of land and other property belonging to these vulnerable populations, as well as policies to support the start-up of agricultural and livestock projects or commercial activities, and to organize reconciliation campaigns between the inhabitants;

6. *Calls upon* the Government of the Central African Republic, political and religious leaders and civil society organizations to undertake coordinated public action to prevent hate speech and incitement to violence on conventional media or social networks, including on ethnic and religious grounds, and to take measures so that those responsible for such acts are held accountable for them when violence, including on ethnic and religious grounds, takes place, and recalls that individuals or entities who commit or provide support for acts that undermine the peace, stability and security of the Central African Republic, who threaten or impede the political stabilization and reconciliation process, target civilians or attack peacekeepers, incite others to violence, including intercommunity violence, or to hatred, particularly on ethnic or religious grounds, or to sexual or gender-based violence, or who prepare, commit or order the commission of acts that are contrary to human rights and international humanitarian law, recruit children for use in armed conflict, or impede the delivery or distribution of or access to humanitarian assistance, may be sanctioned by the Security Council;

7. *Welcomes* the report of the Independent Expert on the situation of human rights in the Central African Republic and the recommendations contained therein;⁸⁵

8. *Calls upon* the authorities of the Central African Republic and the joint rapid response unit to prevent sexual violence against women and children to fulfil expeditiously the commitments undertaken in 2019 with the signing of the joint communiqué between the United Nations and the Government of the Central African Republic with a view to combating sexual violence in conflict, and the relevant recommendations of the Independent Expert;

9. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

10. *Calls upon* the authorities of the Central African Republic to provide support to the National Observatory for Gender Parity and to strengthen the organization and

⁸⁵ [A/HRC/54/77](#).

operations of the National Commission on Human Rights and Fundamental Freedoms, the High Council for Communication, the High Authority for Good Governance, the National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination, and other State institutions working for the promotion, protection and fulfilment of human rights, the fight against corruption and the promotion of democracy and good governance;

11. *Urges* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement, in support of the authorities of the Central African Republic and as provided for in its mandate, a proactive and effective approach to the protection of civilians, and to lend the necessary assistance to the work of the Special Criminal Court, the Truth, Justice, Reparation and Reconciliation Commission, criminal courts, appeal courts and military tribunals;

12. *Urges* the United Nations, the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take the necessary measures to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse and other forms of sexual violence, and calls upon troop-contributing countries and international forces acting under the mandate of the Security Council to take the necessary measures to prevent such acts and to prevent impunity among their personnel in order to ensure justice for victims, including through prompt and diligent investigation at national level and the prosecution of soldiers alleged to have committed abuses and violations, and to duly communicate the outcomes of proceedings to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic within a reasonable period;

13. *Calls upon* the authorities of the Central African Republic, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations country team, to revitalize the disarmament, demobilization, reintegration and repatriation process, and requests Member States and international organizations to continue and to strengthen their financial support for the process, for the operationalization of the Truth, Justice, Reparation and Reconciliation Commission and for initiatives to promote peace, security and reconciliation within the population and the stabilization of the country;

14. *Deplores* the fact that children continue to be used by armed groups as combatants, human shields, domestic workers and sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent the recruitment and use of children and early and forced marriages, and in this regard calls upon them to honour the commitments assumed by several of them under the Peace Agreement of 6 February 2019;

15. *Urges* the Government of the Central African Republic to promptly adopt a national child protection plan and to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

16. *Encourages* the Government of the Central African Republic to implement, with the support of technical and financial partners, a national strategy for technical and agricultural training and vocational training as a social lever for the transitional process, for the benefit of youth;

17. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate in a sustainable manner all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls, in particular those who have been victims of violence;

18. *Remains deeply concerned* about the extent of conflict-related sexual violence perpetrated by the parties to the conflict, in particular against women, girls and boys, encourages the national authorities and the Special Criminal Court to carry out a systematic follow-up of cases of sexual violence, to ensure that prosecutions are conducted and that criminal penalties are applied, and to protect and support victims, recalls in this regard the

establishment of the joint rapid response unit to prevent sexual violence against women and children, and requests the authorities of the Central African Republic to take further steps to provide it with the means necessary for its operation and to ensure, through the relevant services, the provision of psychotherapeutic and socioeconomic support to victims;

19. *Welcomes* the renewal, by Act No. 23.001 of 9 January 2023, of the mandate of the Special Criminal Court for a further period of five years and its first ruling, on 31 October 2022, in *Special Prosecutor's Office v. Adoum Issa Sallet alias Bozizé, Ousame Yaouba and Tahir Mahamat*, in which the three members of the armed group Retour, réclamation et réhabilitation (3 R) were sentenced to imprisonment for terms of from 20 years to life for crimes against humanity and war crimes committed in Koundjili and Lemouna, in the prefecture of Lim-Pendé, in May 2019, as well as the decision by the Court of Assizes of 19 June 2023 on civil liability, by which 26 victims were awarded damages and interest in amounts ranging from 200,000 to 1 million CFA francs, and calls on the governments of the Central African Republic and neighbouring countries, as well as the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the international community, to provide the necessary support to carry out investigations, ensure access to relevant documents and execute arrest warrants.

20. *Also welcomes* the arrest on 14 March 2022 of Maxime Mokom, National Coordinator of anti-balaka operations, subsequently transferred to the International Criminal Court on the basis of the investigation opened at the request of the authorities of the Central African Republic, and the arrest on 18 March 2023 of "general" Hissein Damboucha, commander of the Front populaire pour la renaissance de la Centrafrique;

21. *Urges* States neighbouring the Central African Republic to cooperate in combating insecurity and the impunity of members of armed groups, including through cooperation with national and international courts and the Truth, Justice, Reparation and Reconciliation Commission;

22. *Welcomes* the efforts of the authorities of the Central African Republic that led to the operationalization of the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government of the Central African Republic, with support from the international community, to continue its cooperation with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

23. *Also welcomes* the arrest on 4 September 2023 of Abdoulaye Hissène, rebel leader of the Front populaire pour la renaissance de la Centrafrique, indicted by the Special Criminal Court for war crimes and crimes against humanity;

24. *Calls upon* the authorities of the Central African Republic to strengthen the financial and human resources allocated for the purpose of re-establishing the effective authority of the State over the entire country by continuing to redeploy government services, particularly in the areas of criminal justice and prison administration, in the provinces with a view to combating impunity and ensuring stable, responsible, inclusive and transparent governance at the national and local levels;

25. *Urges* the authorities of the Central African Republic to implement the national strategy for the protection of victims and witnesses participating in judicial proceedings, and to establish appropriate programmes to provide victims of violations and members of their families with material and symbolic reparations, at both the individual and collective levels, and encourages the establishment of a reparation and compensation fund for victims, to support and complement the work of the Special Criminal Court, the Truth, Justice, Reparation and Reconciliation Commission and national courts in the fight against impunity;

26. *Encourages* the authorities to fully implement security sector reform in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and recalls that these forces must respect the principles of accountability and the rule of law in order to win and retain the trust of local communities, including by ensuring that candidates for recruitment are subject to appropriate vetting and background checks, particularly with regard to respect for human rights;

27. *Invites* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to exercise due diligence in the field of human rights, so as to ensure that the conduct of the national security forces and other security personnel is monitored and that their members are held accountable for their actions, and to continue to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

28. *Stresses* the need for effective access to health care, the need for the proper functioning of schools and vocational training centres whose premises are occupied by armed groups and security personnel or have been destroyed or damaged because of the conflict, the need for access to sanitation and drinking water in places where storage, treatment and distribution facilities have deteriorated as a result of the conflict, the need for the resumption of crop-growing and livestock-raising activities disrupted by insecurity and the coronavirus disease (COVID-19) pandemic, the need to register births and civil status, and the need to ensure the provision of local justice services in the context of the inadequate restoration of State authority, and requests the partners of the Central African Republic to help the country to meet these challenges;

29. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to local populations in response to the food insecurity affecting almost half of the population, by supporting humanitarian assistance and stabilization efforts while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

30. *Urges* the authorities of the Central African Republic to provide the Truth, Justice, Reparation and Reconciliation Commission with all appropriate means for the effective fulfilment of its mandate, including with respect to the fight against impunity and the promotion of reparation and guarantees of non-repetition, complementing the Special Criminal Court and the ordinary courts;

31. *Also urges* the authorities of the Central African Republic to continue inclusive efforts for the effective implementation of transitional justice mechanisms, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and other international partners;

32. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of victims, women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its Road Map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

33. *Urges* the authorities of the Central African Republic to implement the recommendations of the republican dialogue;

34. *Remains concerned* about the surge in the number of children recruited by armed groups, calls for the establishment and implementation of socioeconomic reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, and calls upon armed groups to end such serious violations and abuses and upon the authorities of the Central African Republic to enforce the Child Protection Code;

35. *Remains deeply concerned* about the conditions in which displaced persons and refugees are living and encourages the international community to support the national authorities and host countries in offering appropriate protection and assistance for victims of violence, in particular women, children and persons with disabilities;

36. *Calls upon* the national authorities to protect and promote the right to freedom of movement for all, including internally displaced persons and refugees, without distinction and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

37. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned, and also donors, to provide the Central African Republic with technical assistance and capacity-building in order to assist it in promoting respect for human rights and undertaking reform of the justice and security sectors, and to stand ready to respond to the urgent needs and priorities identified by the Central African Republic;

38. *Encourages* the implementation of the national human rights policy drawn up by the authorities of the Central African Republic with the technical and financial support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, as well as the implementation of the recommendations of the supervisory mechanisms, so that the Central African Republic complies with its obligations under the international human rights instruments it has ratified and with international humanitarian law;

39. *Decides* to renew, for one year, the mandate of Independent Expert on the situation of human rights in the Central African Republic, which is to assess, monitor and report on the situation with a view to making recommendations relating to technical assistance and capacity-building in the field of human rights;

40. *Requests* the Independent Expert to pay particular attention to violations of human rights and international humanitarian law alleged to have been committed by all parties to the conflict;

41. *Requests* all parties to cooperate fully with the Independent Expert in carrying out his mandate;

42. *Decides* to convene, at its fifty-fifth session, a high-level dialogue to enable it to assess human rights developments on the ground, placing special emphasis on the situation of women and girls;

43. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

44. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

45. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

46. *Requests* the Independent Expert to provide an oral update on his report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its fifty-sixth session and to submit a written report to the Council at its fifty-seventh session and to the seventy-ninth session of the General Assembly;

47. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the technical, financial and human resources necessary to enable him to carry out fully his mandate;

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

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/32. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia, and that enhancing the legal framework, human rights protection systems and the capacity, transparency and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and abuses and to encourage reconciliation,

Recognizing also the need for the Federal Government of Somalia and its security institutions to uphold their international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal member state levels, and acknowledging the Mutual Accountability Framework, which is aimed at accelerating reforms regarding human rights, as well as reforms regarding security, economic and political institutions and elections,

Underscoring the importance of cooperation and consensus for making further progress on key national priorities, including the implementation of the national security architecture, the constitutional review, power- and resource-sharing in the federal order, including fiscal federalism, and reaching an agreement on a federated justice system, all of which require political agreements that can form the basis for legislation in the federal Parliament,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia, followed by the African Union Transition Mission in Somalia, and the loss and sacrifice of personnel killed in action since these operations began, in maintaining support for peace and security in Somalia,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to end sexual and gender-based violence, including conflict-related sexual violence, female genital mutilation, child, early and force marriage, and all other forms of unlawful violence in situations of armed conflict, to end impunity and, consistent with international law, to prosecute those responsible for sexual and gender-based violence against women and girls, and the importance of promoting their economic empowerment and full, equal and meaningful participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security,

Recognizing further the increased commitment of the Federal Government of Somalia and federal member states to strengthening the promotion and protection of human rights through their respective ministries, while urging increased advocacy for and implementation of human rights commitments in Somalia and engagement with the international human rights system,

1. *Welcomes* the commitment of the Federal Government of Somalia to improving the situation of human rights in Somalia, and in that regard also welcomes:

(a) The revisions to the Somalia Transition Plan, which should support the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Transition Mission in Somalia to increased Somali ownership, and appreciating, in particular, that this approach is underpinned by a focus on

the rule of law, reconciliation, justice, respect for human rights and the protection of women and children, and girls in particular;

(b) The establishment by the Federal Government of a national disability agency in August 2020, its ratification of the Convention on the Rights of Persons with Disabilities in August 2019 and its commitment to entrenching the rights of persons with disabilities in social, educational, political and economic life through the first-ever national disability bill for Somalia and other legislative mechanisms, by improving the collection of data on persons with disabilities;

(c) The launch by the Federal Government in September 2022 of a national action plan for the implementation of the Somali Women's Charter and Security Council resolution 1325 (2000) of 31 October 2000 and subsequent Council resolutions on the women and peace and security agenda, which entrenches an unconditional commitment to gender equality, human rights and the empowerment of women, zero tolerance for gender-based violence, justice for all, women's economic empowerment, reconciliation and peace for women at the centre of transitional justice, and the establishment of the Somalia chapter of the African Women Leaders Network, which supports the implementation of the above-mentioned national action plan;

(d) The progress made towards a review of the provisional Constitution of 2012 by the National Consultative Council, including an agreement on a Somali justice model, an amendment to the national security architecture and the proposed "one person, one vote" electoral model for Somalia, and encourages the Federal Government of Somalia to ensure that the agreements made by the National Consultative Council are subject to broad consultations with technical experts, members of civil society, including women, persons with disabilities and members of minority clans, to ensure they are genuinely representative, that they follow due process through Parliament to enshrine these agreements, and that full consideration is given to the long-term affordability of the model proposed;

(e) The efforts of the Ministry of Women and Human Rights to draft key human rights legislation, including sexual offences legislation, the child rights bill and the National Disability Act, and encourages the Government to ensure that said legislation is subject to broad consultation with civil society, including women, persons with disabilities and members of minority clans, to ensure that it is genuinely representative and compliant with international human rights law as applicable, and follows due process through Parliament;

(f) The progress made in the federal member State of Puntland on holding local, one person, one vote elections in all but three districts, including the participation of women, who comprised 28.2 per cent of political association candidates;

(g) The genuine commitment and cooperation of Somalia with the treaty bodies, in particular the submission of the initial report of Somalia under article 44 of the Convention on the Rights of the Child to the Committee on the Rights of the Child⁸⁶ in 2019, and the spirit of transparency and cooperation in which the delegation of Somalia engaged with the Committee in the consideration of that report during its ninetieth session;

2. *Also welcomes* the active engagement of the Federal Government with the universal periodic review mechanism in May 2021, and in this regard recalls its acceptance of many recommendations made during the review,⁸⁷ encourages the Government to implement them as a matter of priority, and also welcomes its commitment to completing a midterm review on the implementation of recommendations;

3. *Expresses concern* at the reports of violations and abuses of international human rights law and violations of international humanitarian law in Somalia, emphasizes that all armed actors should uphold respect for international humanitarian law and human rights for all and hold accountable all those responsible for such violations and abuses and related crimes, including those committed against women and children, and girls in particular, such as the unlawful recruitment and use of child soldiers and children in armed conflict, killing, maiming and rape, and other forms of sexual and gender-based violence,

⁸⁶ CRC/C/SOM/1.

⁸⁷ See A/HRC/48/11.

including child, early and forced marriage and all forms of female genital mutilation and harmful practices, and emphasizes the importance of children formerly associated with armed groups being recognized as victims and the need to establish and implement rehabilitation and reintegration programmes and to strengthen existing ones;

4. *Also expresses concern* that internally displaced persons, including those who may be in vulnerable situations, who may include women, children, young persons, persons with disabilities and persons belonging to minority and marginalized groups, are the most at risk of violence, abuse and violations;

5. *Expresses deep concern* at the increasing risk of civilian protection issues resulting from continued counter-al-Shabaab operations, noting that all actors engaged in conflict have a responsibility to uphold their respective obligations under international human rights law and international humanitarian law, as applicable;

6. *Expresses concern* at any attack against, illegal restrictions imposed on or harassment of human rights defenders, civil society actors, opposition political actors, including journalists and media workers, especially in the form of harassment, arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for the right to freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes, and stresses the importance of the political neutrality of the police, and in addition encourages the Somaliland authorities to respect the right to freedom of expression and of peaceful assembly in line with international human rights law, and to reconsider implementing the draft media law and 2018 sexual offences bill;

7. *Also expresses concern* at the ongoing conflict in Laascaanood and the surrounding areas, and recalls the Security Council press statement of 7 June 2023, which, inter alia, condemned the violent clashes between “Somaliland” security forces and clan militia and all acts of violence against civilians, calls upon all parties to exercise restraint and to refrain from provocative actions in order to de-escalate the situation on the ground and create the conditions for peace, and calls upon all parties to the conflict to uphold their respective obligations under international human rights law and humanitarian law, as applicable, including those relating to the treatment of detainees, the protection of civilians and civilian infrastructure, and humanitarian access;

8. *Further expresses concern* that those belonging to minority clans and marginalized groups, including women and girls, continue to be at the periphery of economic and political opportunities and decision-making in Somalia, and encourages the Federal Government of Somalia and its institutions to increase efforts to widen opportunities for their participation in public affairs, recognizing that women and girls belonging to minority groups continue to be more vulnerable to sexual and gender-based violence owing to poverty, marginalization and discriminatory attitudes;

9. *Expresses concern* at the signing into law in August 2020 of the amended 2016 media law and provisions of the 1964 Penal Code that do not comply with international human rights law, such as those providing for imprisonment as a punishment for media-related offences, and encourages the Federal Government of Somalia to consider repealing such provisions;

10. *Also expresses concern* at the arrest and imprisonment of several individuals for practicing their religious beliefs, and calls for freedom of religion or belief to be respected;

11. *Further expresses concern* about the large number of instances of the six types of grave violations committed against children in armed conflict as identified by the Secretary-General and documented in his annual report,⁸⁸ in addition to further alleged violations against children in Puntland, and demands that all parties to the conflict take appropriate measures to comply with applicable international humanitarian law and international human rights laws;

12. *Expresses concern* that the exposure and sensitivity of Somalia to ongoing global crises, including those relating to climate change and environmental degradation, are vast and structural, and that this vulnerability is a driver of fragility, conflict and humanitarian

⁸⁸ [A/76/871-S/2022/493](#).

need, including hunger, which is reflected in the grave humanitarian crisis in Somalia and the wider region;

13. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable and to support internally displaced persons in Somalia;

14. *Also recognizes* the efforts of Somalia, despite its own struggles, to accept and not turn its back on refugees from other countries in the region;

15. *Calls upon* the Federal Government of Somalia, federal member states and key political stakeholders, with the support of the international community:

(a) To make urgent progress towards finalizing a new constitution through inclusive and regular high-level dialogue at all levels, including the full, equal and meaningful participation of women and members of minorities, with a view to reaching political agreement among the Federal Government, all federal member states and the federal Parliament;

(b) To expedite the establishment of a national human rights commission consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), providing it with adequate resources to monitor and ensure accountability for violations and abuses, including a recruitment process that provides equal opportunities for the representation of women, persons belonging to marginalized groups and persons with disabilities;

(c) To hold free, fair, inclusive and transparent one person, one vote elections at the federal member state and district levels at a time when such elections can feasibly be held;

(d) To continue its cooperation with the Special Representative of the Secretary-General for Somalia;

(e) To engage closely with the Independent Expert on the situation of human rights in Somalia and to facilitate her visits to Somalia so that she may conduct her mandated work;

(f) To encourage an inclusive and accessible approach to political participation at the Federal Government and federal member state levels by ensuring full, equal and meaningful opportunities for women, internally displaced persons, persons with disabilities and persons belonging to minority and marginalized groups, and agreement on a future electoral model that encourages inclusivity at all stages;

(g) To realize its commitments to security sector reform, including by ensuring the active and meaningful participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and to the strengthening of internal and external accountability of all relevant security forces and institutions;

(h) To strengthen the legal and operational framework for the protection of children in Somalia, including by swiftly implementing the Child Rights Act, to consider becoming a party to the optional protocols to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, to prevent the unlawful recruitment and use of children in armed forces of all types, including forces operating at the national, federal member state and local levels and groups such as Al-Shabaab, to work with specialized organizations, such as the United Nations Children's Fund, to ensure that former child soldiers and children unlawfully used in armed conflict are treated as victims and rehabilitated, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, and to identify those responsible for such violations and abuses and hold them accountable;

(i) To implement the Safe Schools Declaration, which the Federal Government of Somalia endorsed in October 2015, to ensure that education facilities, students and education personnel are protected;

(j) To implement the recommendations and activities envisaged under the national action plan on women and peace and security in an incremental and consultative process, to thereby strengthen women's participation in peacebuilding and socioeconomic progress in stabilization and rebuilding efforts for Somalia;

(k) To accelerate the adoption and full implementation of the national action plan on women and peace and security, in close cooperation with civil society, in line with Security Council resolution 1325 (2000) and subsequent Council resolutions on that issue, noting that the Cabinet endorsed the Somali Women's Charter to strengthen women's participation in peacebuilding and socioeconomic progress in stabilization and rebuilding efforts for Somalia;

(l) To ensure that all legislation is compatible with international legal obligations, noting Security Council resolution 2664 (2022) of 9 December 2022, according to which the provision, processing or payment of funds, other financial assets or economic resources or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by the United Nations and certain organizations are permitted and are not a violation of the asset freezes imposed by the Council or its sanctions committees, as a model of best practices for relevant domestic legislation, including in Somalia, and to amend where appropriate existing legislation in the spirit of resolution 2664 (2022);

(m) To review the amended media law signed in August 2020 in order to enable the media to report independently without fear of retribution in Somalia, and to ensure its compliance with international human rights law, and to accelerate the work of the special prosecutor for investigating crimes against journalists;

(n) To realize its commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses by ensuring prompt, thorough and effective investigations and by committing resources to reforming and developing the justice sector in a manner consistent with international human rights law, to increase the representation of women in the judiciary and to improve access to justice for women and children;

(o) To support the Ministry of Women and Human Rights Development in facilitating the smooth passage of the sexual offences bill through Cabinet and Parliament, and to ensure that any bill passed into law reflects applicable international obligations and commitments on the protection of all women and children, and girls in particular, and to implement it and other laws as necessary to combat sexual and gender-based violence, including child, early and forced marriage and all forms of female genital mutilation, while ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(p) To continue to acknowledge the importance of inclusive dialogue and local reconciliation processes for stability in Somalia, including in the context of the national reconciliation framework and process, and calls upon the Federal Government and federal member states to increase leadership and engagement in de-escalating tensions and engage in constructive dialogue;

(q) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, in particular the Ministry of Women and Human Rights Development at the federal and state levels;

(r) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Prevention and Punishment of the Crime of Genocide;

(s) To realize the commitment it made at the Global Disability Summit held on 16 and 17 February 2022, in particular by supporting the national disability agency in its

work, in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of persons with disabilities;

(t) To harmonize national and federal member state-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(u) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(v) To implement the Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted on 25 March 2017;

(w) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practices for relocations, and to provide sites that afford safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(x) To ensure safe, timely, sustained and unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate safe, timely, sustained and unhindered humanitarian access to people in need, wherever they are located in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minority groups requiring humanitarian assistance;

(y) To regard primarily as victims those children who have been released or otherwise separated from armed forces and armed groups, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, to cease detaining children on national security charges whenever doing so would be in violation of applicable international law, and to pass the juvenile justice bill in order to codify a minimum age of criminal responsibility in Somalia;

16. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

17. *Underlines* the importance of the realization by the African Union Transition Mission in Somalia of its mandate throughout Somalia and the need to strengthen synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

18. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

19. *Decides* to renew the mandate of Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year, to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

20. *Acknowledges* the call by the Federal Government of Somalia for increased technical assistance and capacity-building efforts to support the priorities of the Government in implementing its benchmarks and the recommendations accepted by Somalia in the context of the third cycle of the universal periodic review;

21. *Also acknowledges* the progress that Somalia has made and its cooperation with United Nations bodies, including the Office of the High Commissioner and the mandate of the Independent Expert since its creation in 1993, also acknowledges that the situation of human rights in Somalia determines the action most appropriate for the Human Rights Council to take, and in this regard welcomes the transition plan towards deeper thematic engagement with the special procedures of the Council and other experts, as well as the Office of the High Commissioner, as proposed by the Independent Expert, in cooperation with the

Federal Government of Somalia, in her most recent report,⁸⁹ in which she included clear steps and benchmarks to inform appropriate follow-up actions by the Council, considering the recommendations of the Independent Expert and the human rights commitments of Somalia;

22. *Requests* the Independent Expert to continue to work closely with the Federal Government and other relevant authorities at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the African Union Transition Mission in Somalia, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

- (a) Its national and international human rights obligations;
- (b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;
- (c) Recommendations accepted in the context of the universal periodic review;
- (d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and persons belonging to marginalized groups, such as minority clans, freedom of expression and assembly, the protection of the media and civil society, including women peacebuilders, access for women and members of minority groups to justice and accountability for violations of their human rights, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

23. *Also requests* the Independent Expert, bearing in mind the long-standing nature of the mandate, to include in her report options on possible adjustments to the scope of the mandate in order to better respond to the technical assistance needs of the Federal Government of Somalia, based on an assessment conducted in collaboration with the Government and all stakeholders, including relevant United Nations actors, with a view to revising the focus and scope of the mandate and improving its ability to support the country in its efforts to improve the situation of human rights;

24. *Further requests* the Independent Expert to report to the Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session;

25. *Requests* the Independent Expert to provide an update to the Human Rights Council in her report on progress on the implementation of the benchmarks and indicators in the transition plan to inform future action by the Council;

26. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out the mandate fully;

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

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/33. Establishment of a regional office of the Office of the United Nations High Commissioner for Human Rights for the Caribbean Community

The Human Rights Council,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations,

⁸⁹ [A/HRC/54/78](#).

Reaffirming the Universal Declaration of Human Rights, and recalling 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 the Vienna Declaration and Programme of Action of 1993, which reiterated 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, and reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights, economic, civil, cultural, political and social, including the right to development,

Recalling also General Assembly resolutions 32/127 of 16 December 1977 and 51/102 of 12 December 1996, Commission on Human Rights resolution 1993/51 of 9 March 1993 and Human Rights Council resolution 43/17 of 22 June 2022, and all subsequent Assembly and Council resolutions concerning regional arrangements for the promotion and protection of human rights,

Reaffirming that regional cooperation plays a fundamental role in promoting and protecting human rights and should reinforce universal human rights, as contained in international human rights instruments, and their protection,

Committed to enhancing subregional, regional and international cooperation to promote universal promotion and protection of human rights and fundamental freedoms, in conformity with international obligations,

Convinced that cooperation between the United Nations and regional initiatives in the field of human rights continues to be both substantive and supportive, and that possibilities exist for increased cooperation,

Reaffirming that technical cooperation and capacity-building in the field of human rights should continue to be based on consultations with and with the consent of the States concerned, and should take into account their requests, needs and priorities, and the fact that all human rights are universal, indivisible, interdependent and interrelated, and should aim to make a concrete impact on the ground,

Recalling the resolutions of the General Assembly on cooperation between the United Nations and the Caribbean Community,

Welcoming the continued commitment of the States members of the Caribbean Community to the United Nations as a principal forum for multilateral cooperation,

Recalling the cooperation agreement between the secretariats of the United Nations and the Caribbean Community, and bearing in mind the cooperation activities undertaken pursuant to that agreement,

Deeply concerned that the coronavirus disease (COVID-19) pandemic and its severe global economic disruptions are having a significant negative impact on the sustainable development and humanitarian needs of States members of the Caribbean Community that are dependent on tourism, commodities, stable global supply chains and remittances, posing challenges to the full enjoyment of human rights and making the prospect of achieving the 2030 Agenda for Sustainable Development more difficult,

Mindful of the diversity within the Caribbean Community as well as of the unique, new and persistent challenges, including declining foreign direct investment, trade imbalances, increased indebtedness, the lack of adequate transportation, energy and information and communications technology infrastructure networks, limited human and institutional capacity and the inability to integrate effectively into the global economy, the impact of de-risking on financial institutions in the Caribbean, onerous debt, graduation from access to concessionary development funding, the lack of access to affordable, reliable, sustainable and modern energy, crime and violence, the illicit trade in drugs and arms, in particular small arms and light weapons and ammunition, the threat of terrorism and violent extremism conducive to terrorism, the fight against communicable and non-communicable diseases, food insecurity, natural disasters and the adverse effects of climate change, including slow- and rapid-onset events and associated loss and damage, as well as the high cost of imported energy and the degradation of coastal and marine ecosystems and sea level rise, and biodiversity loss, all of which have increased the vulnerabilities and seriously

worsened the challenges for the full enjoyment of human rights by every person and the sustainable development efforts of the States members of the Caribbean Community, and mindful also of the importance of ensuring the promotion, protection and fulfilment of all human rights for all persons, paying particular attention to the specific needs of those in vulnerable situations,

Recalling the request made by the General Assembly in its resolution 75/323 to the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community to continue their cooperation and to enhance coherence in their engagement, within their respective mandates, so as to increase the capacity of the two organizations to attain their objectives and to seek answers to global challenges, including climate change, disaster risk reduction, gender equality and the empowerment of all women and girls, and sustainable development challenges, including poverty and inequality, de-risking, non-communicable diseases, transnational organized crime and terrorism,

Welcoming the endorsement and support expressed by the Council for Foreign and Community Relations of the Caribbean Community, through the Secretary-General of the Caribbean Community, to the United Nations High Commissioner for Human Rights on 4 October 2023, for the establishment of a regional office of the Office of the United Nations High Commissioner for Human Rights for the Caribbean Community and for the Bahamas to serve as its host,

1. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machineries for the promotion and protection of human rights, in particular through technical cooperation that is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

2. *Also welcomes* the initiative of the Government of the Bahamas to host a regional office of the Office of the High Commissioner for the Caribbean Community, in line with the mandate of the United Nations High Commissioner for Human Rights contained in General Assembly resolution 48/141 of 20 December 1993, in particular to undertake technical assistance and capacity-building activities in accordance with international human rights obligations and to support efforts to promote, protect and fulfil human rights within the region by the Governments of the Caribbean Community, with support from national human rights institutions and non-governmental organizations and in the light of the unique challenges faced as small island developing States, including the adverse effects of climate change;

3. *Further welcomes* the willingness of the United Nations High Commissioner for Human Rights to engage with the Caribbean Community to conclude an agreement with the host country regarding the establishment of a regional office of the Office of the High Commissioner;

4. *Requests* the Secretary-General to provide all the resources necessary to establish and operate the regional office of the Office of the High Commissioner;

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

*48th meeting
12 October 2023*

[Adopted without a vote.]

54/34. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to discharge their obligations under the

International Covenants on Human Rights and other relevant instruments to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017, 36/30 of 29 September 2017, 39/20 of 28 September 2018, 42/34 of 27 September 2019, 45/34 of 7 October 2020, 48/20 of 11 October 2021 and 51/36 of 7 October 2022, in which the Human Rights Council called upon the international community to support the efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and responding to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,⁹⁰ submitted to the Human Rights Council in accordance with its resolution 51/36,

Deeply concerned about the continuing human rights violations and abuses being committed against children and women in the east and certain areas of the west of the country, in the light of the report by the team of international experts on the Democratic Republic of the Congo,⁹¹ including sexual and gender-based violence, and affirming the necessity of preventing, condemning and eliminating all forms of violence against women and girls, of ensuring access to justice and of meeting the obligation to bring the perpetrators of these violations to book,

Concerned by the deteriorating security and human rights conditions in some sectors in the eastern part of the Democratic Republic of the Congo, with a situation that continues to give cause for concern in Ituri, North Kivu, South Kivu, Maniema and Tanganyika in particular,

Concerned also about the use of hate speech in contravention of article 20 (2) of the International Covenant on Civil and Political Rights,

Noting the progress made by the Armed Forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children,

Concerned about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need of humanitarian assistance,

Welcoming the progress made in recent years and the measures taken by the President to combat the violations of fundamental freedoms and human rights in the Democratic Republic of the Congo,

Calling on the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

Recalling the need to guarantee not only the right of opposition, but also the full exercise by Parliament of its mandate in a democratic system,

Noting the cooperation between the Government of the Democratic Republic of the Congo and the team of international experts, including by facilitating access to the country, sites and persons,

Noting also the efforts made in the region, in particular by the African Union, the Southern African Development Community, the International Conference on the Great Lakes

⁹⁰ [A/HRC/54/73](#).

⁹¹ [A/HRC/54/76](#).

Region and the East African Community, through the Luanda and Nairobi processes, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting further the progress made in combating impunity for perpetrators of sexual violence, including through the promulgation by the President of Act No. 22/065 of 26 December 2022, which establishes the basic principles on protection and reparations for victims of conflict-related sexual violence and victims of crimes against the peace and security of mankind,

Noting with great concern that the situation of prolonged conflict in the east of the Democratic Republic of the Congo has led to numerous human rights violations and abuses and to the illicit exploitation of natural resources in that part of the country and prevents the population from fully enjoying their rights and freedoms,

Calling on the Government of the Democratic Republic of the Congo to find a durable solution to the problem of sexual and gender-based violence against children by implementing the 2012 plan of action and by prioritizing the provision of services to child survivors,

Noting the efforts of the Democratic Republic of the Congo to meet its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns* all violations of human rights, as well as the illicit exploitation of natural resources, in particular in the areas affected by armed or intercommunal conflict in the eastern part of the Democratic Republic of the Congo, where the situation continues to lead to significant population displacement;

2. *Also condemns* the activities of armed groups and the resurgence of attacks against civilians, the international forces of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, humanitarian actors and the Armed Forces of the Democratic Republic of the Congo by rebel and terrorist groups, mainly those of the Allied Democratic Forces (ADF), the Cooperative for the Development of the Congo (CODECO), the “Wazalendo” self-defence groups, the Forces démocratiques de libération du Rwanda (FDLR) and the Mouvement du 23 mars, as well as the occupation by such groups, in particular, of Bunagana and a number of other nearby localities, where they commit daily atrocities and human rights abuses and serious violations of international humanitarian law;

3. *Further condemns* the disturbing and subversive actions of members of Wazalendo self-defence groups;

4. *Strongly condemns* any support given by anyone to these rebel and terrorist groups that roam the country, in flagrant violation of the principles relating to the promotion and protection of human rights, and calls for such support to end immediately;

5. *Condemns* the attack on a helicopter belonging to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in Kiwanja, in the province of North Kivu, on 5 February 2023, remains concerned about the harmful consequences for the civilian population, and calls for action to be taken to combat impunity for the perpetrators of this attack;

6. *Encourages* the countries of the region and the international community as a whole to support the Luanda and Nairobi processes for the return of lasting peace in the eastern part of the Democratic Republic of the Congo;

7. *Notes* the efforts made by the authorities of the Democratic Republic of the Congo to bring to justice the alleged perpetrators of serious crimes committed throughout the country, encourages them to take all necessary measures to ensure that survivors have access to justice and that all the alleged perpetrators are brought to justice, and welcomes the convictions already pronounced;

8. *Encourages* the Government’s efforts to uphold the rule of law to guarantee the enjoyment of human rights and fundamental freedoms by all, in accordance with the international obligations of States, as well as the investigation and prosecution of the perpetrators of the killings of demonstrators in Goma on 30 August 2023;

9. *Notes* the materialization of the commitment made by the Congolese Head of State in his address to the high-level segment of the fifty-second session of the Human Rights Council with regard to the promotion and protection of human rights in the Democratic Republic of the Congo, and more specifically the efforts to implement transitional justice, including the establishment of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Mankind in the Democratic Republic of the Congo;

10. *Takes note* of the publication in the Official Gazette, on 14 November 2022, of Act No. 22/030 of 15 July 2022 on the protection and promotion of the rights of Indigenous Pygmy Peoples;

11. *Notes* the conduct of the electoral process for the presidential, legislative and local elections;

12. *Welcomes* the adoption by the Senate and the National Assembly of the law on the protection and responsibility of human rights defenders in the Democratic Republic of the Congo, and encourages them to harmonize their views in order to achieve the adoption of the final version of the law as soon as possible;

13. *Takes note* of the decision to operationalize and revitalize the Human Rights Liaison Body, in particular through the appointment by ministerial decree of the Minister of Human Rights, in May 2023, of the members of the technical secretariat of this local mechanism for cooperation between the Government, the Office of the United Nations High Commissioner for Human Rights and civil society;

14. *Encourages* the Government of the Democratic Republic of the Congo to submit its sixteenth, seventeenth and eighteenth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible;

15. *Takes note* of the appointment, on 30 June 2023, of the coordinators of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Mankind in the Democratic Republic of the Congo and the establishment of the Inter-Institutional Commission for Assistance to Victims and Support for Reforms, institutional mechanisms that reflect the Government's response to these issues;

16. *Notes* the commitment made by the President, at the Council of Ministers meeting of 4 August 2023, to personally ensure that these mechanisms have the full human and material capacity needed for their work, as well as the instruction given to the Government to take all necessary steps to ensure that the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Mankind in the Democratic Republic of the Congo and the Inter-Institutional Commission for Assistance to Victims and Support for Reforms have access to seed funding and facilities for their operation;

17. *Also notes* the initiative launched by the Minister of Human Rights for a bill on the creation, organization and functioning of the national mechanism for the prevention of torture, and encourages the acceleration of the adoption process in Parliament and the operationalization of the mechanism;

18. *Commends* the Government of the Democratic Republic of the Congo for the submission of its combined sixth to eighth periodic reports on the implementation of the Convention on the Rights of the Child, as well as its periodic reports on the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict;

19. *Also commends* the Government of the Democratic Republic of the Congo for the submission of its initial report on the implementation of the Convention on the Rights of Persons with Disabilities, on 15 March 2023, as well as its addendum to the fourth periodic report on the implementation of the International Covenant on Civil and Political Rights, on 4 September 2023;

20. *Takes note* of the signing, on 20 October 2022, of Decree No. 22/36 on the organization and functioning of the National Children's Council, the establishment of the monitoring committee for the implementation of Security Council resolution 2250 (2015) on youth, peace and security, and the adherence of the Democratic Republic of Congo to the initiative on the voluntary principles on security and human rights in the extractive industries, and encourages the Government to make the National Children's Council operational;

21. *Commends* the Government of the Democratic Republic of the Congo on the adoption of the National Transitional Justice Policy presented at the eighty-sixth meeting of the Council of Ministers, chaired by the President, on 13 February 2023;

22. *Encourages* the Government to set up national and provincial committees to monitor pretrial detention, in accordance with its national policy on justice sector reform 2017–2026;

23. *Notes* the progress of the trial in the case involving the assassination of two United Nations experts before the High Military Court, and encourages the continuation of the proceedings until all the perpetrators have been convicted;

24. *Also notes* the recruitment process for judges who passed the competitive examination organized by the High Council of the Judiciary on 9 October 2022, and encourages the Office of the High Commissioner to contribute to building their capacities;

25. *Further notes* the development by the Ministry responsible for persons with disabilities and other vulnerable persons of a national strategy to raise awareness and promote ownership of Organic Act No. 22/003 of 3 May 2022 on the protection and promotion of the rights of persons with disabilities by public and private stakeholders, to better coordinate and guide the actions and activities of all stakeholders, the development of several draft measures to implement the Organic Act, including ordinance-laws, decrees and interministerial orders, and the finalization of the strategic documents of the Ministry responsible for persons with disabilities and other vulnerable persons;

26. *Notes with satisfaction* the establishment of the General Secretariat for Persons with Disabilities and Other Vulnerable Persons, as well as five specialized structures, namely the Specialized Research and Treatment Centre for Persons with Albinism, the National Advisory Council for Persons with Disabilities, in consultation with organizations of persons with disabilities, the Framework for Dialogue with Organizations of Persons with Disabilities, the Facility for Wheelchair Manufacturing, Physical Rehabilitation and Empowerment through Sports, Culture and Arts Adapted for Persons with Disabilities, and the Academy for the Development of Sign Language and Braille;

27. *Encourages* the process of developing a national strategy for inclusive education linked to the employability of persons with disabilities by the Ministry responsible for persons with disabilities and other vulnerable persons, in collaboration with the ministries of education, employment, labour and entrepreneurship;

28. *Notes with satisfaction* the incorporation of sign language into the electoral process in the Democratic Republic of the Congo by the Independent National Electoral Commission;

29. *Also notes with satisfaction* the creation of a sixth specific sports grouping for persons with disabilities, which will be added to the five existing sports groupings mentioned in the draft amendment to the Sports Act;

30. *Welcomes* the measures taken by the Government of the Democratic Republic of the Congo to reduce prison overcrowding, in particular through presidential pardons and conditional release, and encourages it to continue to take other measures in this regard and to ensure judicial oversight of all places of detention;

31. *Welcomes* the work of the team of international experts on the Democratic Republic of the Congo and the technical assistance team deployed by the Office of the High Commissioner to support the Government in the fields of transitional justice and forensic medicine, and in this connection welcomes the organization of the first international symposium on forensic medicine in the Democratic Republic of the Congo, held in Kinshasa from 17 to 19 July 2023;

32. *Commends* the Office of the High Commissioner for its support of the Government of the Democratic Republic of the Congo in the field of transitional justice, in particular the technical assistance provided to the Ministry of Human Rights and to the Truth, Justice and Reconciliation Commission of Kasai-Central Province, through the provision of two transitional justice specialists, and requests the Office of the High Commissioner to continue to give this support;

33. *Welcomes* the progress made in the operationalization of the Truth, Justice and Reconciliation Commission of Kasai-Central Province, notably through the technical and financial assistance of the Office of the High Commissioner, and invites other international actors to support the effective operationalization of the Commission in order to contribute to the realization of the victims' right to truth, justice and guarantees of non-repetition;

34. *Decides* to renew, for one year, the mandate of the team of international experts in the Democratic Republic of the Congo, and requests the team to provide the necessary technical support to the Government in its effective implementation of the National Transitional Justice Policy;

35. *Takes note* of the report of the team of international experts on the Democratic Republic of the Congo, submitted in accordance with Human Rights Council resolution 51/36, and of its conclusions and recommendations, in particular that the Nairobi and Luanda processes should take account of the cross-border nature of conflict and insecurity, identify the causes of conflict and prevent their recurrence, and design and implement mechanisms for transitional justice and the fight against impunity, and encourages it to support the Government in this regard, in particular by proposing concrete measures;

36. *Encourages* collaboration between the team of international experts and the Special Envoy of the Secretary-General for the Great Lakes Region;

37. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Government of the Democratic Republic of the Congo with technical assistance, including the necessary forensic expertise, to support the country's judicial authorities in their investigations into allegations of serious human rights violations and abuses, including conflict-related sexual violence and grave violations of children's rights, with a view to bringing the perpetrators to justice, and to strengthen the technical assistance team with the necessary technical and financial resources to help the Government implement effective mechanisms to combat impunity, in accordance with the wishes expressed by the President of the Republic during the high-level segment of the fifty-second session of the Human Rights Council;

38. *Also requests* the High Commissioner to continue to support the Government of the Democratic Republic of the Congo in the development and strengthening of its forensic medicine capacities, in particular through the effective implementation of the road map and recommendations of the Kinshasa Declaration adopted at the international symposium on forensic medicine in the Democratic Republic of the Congo, held in Kinshasa from 17 to 19 July 2023, paying particular attention in this regard to the reform of the legal framework, the development of national expertise and national infrastructure, and thus to assist the Government in acquiring the necessary skills and Congolese specialists in the field of forensic medicine;

39. *Further requests* the High Commissioner to deploy additional experts in transitional justice to the provinces of Tanganyika, North Kivu, South Kivu and Ituri, to assist the Government in supporting ongoing transitional justice processes, combating impunity and building sustainable peace;

40. *Requests* the High Commissioner to provide the Truth, Justice and Reconciliation Commission of Kasai-Central Province with increased support, in particular by making available a team of specialists in human rights, transitional justice, sexual and gender-based violence, victim and witness protection, communication and community mobilization, and by providing the material and financial resources needed to help it fulfil its mandate within the prescribed time frame;

41. *Calls on* international actors and partners, under the auspices of the Office of the High Commissioner, to provide the additional financial resources and technical and

logistical support necessary for the Government of the Democratic Republic of the Congo to consolidate its efforts in the field of transitional justice;

42. *Requests* the Office of the High Commissioner to organize, before its fifty-seventh session, a meeting to evaluate the implementation of the present resolution, bringing together all the actors involved and with the aim of assessing the progress made in the fields of forensic science and transitional justice;

43. *Requests* the team of international experts to submit its final report to the Council, in the framework of an enhanced interactive dialogue, at its fifty-seventh session, and to present it with an oral update at its fifty-fifth session;

44. *Requests* the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo and to submit it to the Council, in the framework of an enhanced interactive dialogue, at its fifty-seventh session, and to present it with an oral update at its fifty-fifth session;

45. *Decides* to remain seized of the matter until its fifty-seventh session.

*48th meeting
12 October 2023*

[Adopted without a vote]

54/35. Question of the death penalty

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 Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and all other relevant international and regional human rights instruments, and reaffirming that all States must implement their obligations under international human rights law,

Recalling also the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012, 69/186 of 18 December 2014, 71/187 of 19 December 2016, 73/175 of 17 December 2018, 75/183 of 16 December 2020 and 77/222 of 15 December 2022 on the question of a moratorium on the use of the death penalty,

Reaffirming the safeguards guaranteeing the protection of persons facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

Recalling all resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

Recalling also Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to the death penalty or executed, Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty, and Council resolutions 26/2 of 26 June 2014, 30/5 of 1 October 2015, 36/17 of 29 September 2017, 42/24 of 27 September 2019 and 48/9 of 8 October 2021 on the question of the death penalty,

Taking note of the reports of the Secretary-General on the question of the death penalty, in the latest of which the Secretary-General focused on the relationship between articles 6 and 14 of the International Covenant on Civil and Political Rights, focusing on the right to seek pardon or commutation of sentences and the right to have one's conviction and sentence reviewed by a higher tribunal according to law, in accordance with the safeguards

guaranteeing protection of the rights of those facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50, and in which he analysed the applicable legal framework and shared available data and examples of national practices,⁹²

Acknowledging the report of the Office of the United Nations High Commissioner for Human Rights on the high-level panel discussion on the question of the death penalty, according to which the panel stated that the death penalty continues to be provided and applied for crimes that do not meet the threshold of “the most serious crimes”, including drug-related offences,⁹³

Stressing that the term “the most serious crimes” has consistently been read restrictively and interpreted as pertaining only to crimes of extreme gravity involving intentional killing, and stressing also that under no circumstances can the death penalty ever be applied as a sanction against specific forms of conduct, such as apostasy, blasphemy, adultery, consensual same-sex conduct or relations, establishing political opposition groups or offending a head of State, and that States parties that retain the death penalty for such offences commit a violation of their international obligations,

Mindful of the work of the special procedure mandate holders who have addressed human rights issues relating to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

Mindful also of the work undertaken by the treaty bodies to address human rights issues relating to the death penalty,

Recognizing the role of regional and subregional instruments and initiatives towards the abolition of the death penalty, which in some cases have led to the prohibition of the use of the death penalty,

Welcoming the fact that the international trend towards the abolition of the death penalty is continuing, that many States are applying a moratorium on the use of the death penalty, and all measures taken by States towards limiting the application of the death penalty,

Noting that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

Recalling article 6 (6) of the International Covenant on Civil and Political Rights, which states that nothing in that article shall be invoked to delay or to prevent the abolition of capital punishment by any State party to the Covenant, and bearing in mind that, according to the Human Rights Committee, States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future,

Noting that, also according to the Human Rights Committee, States parties to the International Covenant on Civil and Political Rights that have abolished the death penalty are barred from reintroducing it, and noting also that the reinstatement of the death penalty by a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights is a violation of international law,

Recalling that derogation from the right to life is never permitted, even during a state of emergency,

Acknowledging the interest in studying the question of the death penalty, as well as in holding local, national, regional and international debates related thereto,

Emphasizing the importance for the effectiveness and transparency of debates on the death penalty of ensuring that the public has access to balanced information, including

⁹² [A/HRC/54/33](#).

⁹³ [A/HRC/54/46](#).

accurate information and statistics on criminality and the various effective ways to combat it without resorting to capital punishment,

Strongly deploring the fact that the use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons,

Recalling that, particularly in capital punishment cases, States are required to ensure that all persons benefit from a fair trial and a guarantee of due process by providing adequate assistance of legal counsel from the earliest stages of their detention and at every stage of the proceedings, without discrimination of any kind, and effective access to documents and other evidence that are essential for their defence, and that failure to respect fair trial guarantees in proceedings resulting in the imposition of the death penalty could constitute a violation of the right to life,

Emphasizing that it is important that States ensure that due process and fair trial guarantees and safeguards, including the right to have one's conviction and sentence reviewed by a higher tribunal according to law and the right to seek pardon and commutation, are effectively in place and implemented,

Recalling that the right of everyone convicted of a crime to have their conviction and sentence reviewed by a higher tribunal according to the law includes a duty on States to review the conviction and sentence on the merits, and stressing that violation of this right in proceedings resulting in the imposition of the death penalty renders the death sentence arbitrary in nature and in violation of the right to life,

Underscoring that the denial of legal assistance by the tribunal reviewing the death sentence of an indigent convicted person precludes an effective review of the conviction and sentence by the higher tribunal, and that such denial of legal assistance constitutes a violation of article 14 (3) (d) and (5) of the International Covenant on Civil and Political Rights,

Reaffirming that States are required to allow individuals sentenced to death to seek pardon or commutation, that amnesties, pardons and commutations can be granted to them in appropriate circumstances, that such requests for pardon or commutation are thoroughly examined and that death sentences are not carried out in the event any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence remain pending or unresolved,

Reaffirming also that, under international human rights law, no category of sentenced persons may be excluded in law or in practice from pardons or commutations of a death sentence, and that the conditions for attainment of relief must not be unnecessarily burdensome, discriminatory in nature or applied in an arbitrary and non-transparent manner, and expressing concern that, while many countries provide for the right to seek pardon or commutation of a death sentence in their national legislation, certain crimes are often excluded from it, or the number of pardons or commutations may be capped,

Underlining that in all cases where the death penalty may be imposed, the personal circumstances of the offender and the particular circumstances of the offence, including its specific attenuating elements, must be considered by the sentencing court, and expressing concern in this regard that the use of mandatory death sentences denies the sentencing court that discretion, rendering it arbitrary and inconsistent with the right to a fair trial and the right to life,

Stressing that those convictions resulting in the death penalty based on information obtained through torture or cruel, inhuman or degrading treatment of interrogated persons violate article 15 of the Convention against Torture and articles 7, 14 (3) (g) and 6 of the International Covenant on Civil and Political Rights,

Considering that, in order to avoid wrongful convictions in death penalty cases, States should take all feasible measures to review procedural barriers to reconsideration of convictions and to re-examine past convictions based on new evidence, including new DNA evidence,

Recalling that persons sentenced to death, their families and their lawyers should be provided with timely and reliable information on the procedures and timing of appeals, clemency petitions and executions,

Stressing the need to examine further in which circumstances the imposition or application of the death penalty violates the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including because of the death row phenomenon, the methods of execution or the lack of transparency around executions,

Emphasizing that access to consular assistance for foreign nationals, provided for in the Vienna Convention on Consular Relations, is an important aspect of the protection of those facing the death penalty abroad,

1. *Urges* all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to consider doing so;

3. *Calls upon* States that have not yet abolished the death penalty to take active steps to reduce the number of offences for which the death penalty may be imposed and to limit them strictly to “the most serious crimes”;

4. *Calls upon* States that provide for or apply the mandatory death penalty to end this practice;

5. *Urges* all States to respect international standards that provide safeguards guaranteeing protection of the human rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50;

6. *Also urges* all States to ensure that all legal proceedings, including those before special tribunals or jurisdictions, and particularly those relating to capital offences, uphold the rights and are consistent with the minimum procedural guarantees contained in article 14 of the International Covenant on Civil and Political Rights, including:

(a) That those facing the death penalty can exercise their right to apply for pardon or commutation of their death sentence, notably by ensuring necessary procedural guarantees, such as that conditions for attaining pardons or commutations are not unnecessarily burdensome, discriminatory in nature or applied in an arbitrary and non-transparent manner, that clemency applications are heard within a reasonable period of time, and that certainty is provided regarding the pardon and commutation procedures;

(b) That everyone sentenced to death has the right to have his or her conviction and sentence reviewed by a higher tribunal according to the law, and that the conviction and sentence are reviewed on the merits, on the basis of the sufficiency of the evidence and the law, while taking particular care to consider and investigate fully allegations that a death sentence is based on evidence elicited through torture or ill-treatment, noting that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) can provide useful guidance regarding investigations into such allegations, and that civilian courts have the right to review any death sentences issued against civilians by military tribunals;

7. *Calls upon* States to ensure that all accused persons, in particular poor and economically vulnerable persons and persons with disabilities, can exercise their rights relating to equal access to justice, to ensure adequate, qualified and effective legal representation at every stage of civil and criminal proceedings in cases of capital punishment through effective legal assistance, and to ensure that those facing the death penalty can exercise their right to seek pardon or commutation of their death sentence;

8. *Also calls upon* States to comply with their obligations under article 36 of the Vienna Convention on Consular Relations, and to inform without delay foreign nationals who have been arrested or detained of their right to contact the relevant consular post and to communicate with their consular representatives, bearing in mind that failure to promptly inform detained foreign nationals of their right to consular notification pursuant to the Vienna Convention on Consular Relations, resulting in the imposition of the death penalty, would likely violate the right to life;

9. *Calls upon* States that have not yet abolished the death penalty to make available systematically and publicly full, accurate and relevant information, disaggregated by gender, age, nationality, race, disability and other applicable criteria, with regard to their use of the death penalty, inter alia, the charges, number of persons sentenced to death, the number of persons on death row and the location of their detention, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, bearing in mind that access to reliable information on the imposition and application of the death penalty enables national and international stakeholders to understand and assess the scope of these practices, including about compliance with the obligations of States with regard to the use of the death penalty;

10. *Requests* the Secretary-General to dedicate the 2025 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of persons facing the death penalty and other affected persons, paying specific attention to equality of arms, the need to prevent miscarriage or failure of justice, and the irreversibility of the death penalty, and to present it to the Human Rights Council for consideration at its sixtieth session and to make it available in all languages before the session;

11. *Decides* that the upcoming biennial high-level panel discussion to be held during the fifty-eighth session of the Human Rights Council will address the contribution of the judiciary to the advancement of human rights and the question of the death penalty;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the high-level panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions with a view to ensuring their participation in the panel discussion, and to make the biennial panel discussion fully accessible;

13. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion, also in an accessible format, and to submit it to the Human Rights Council at its sixtieth session;

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

*49th meeting
13 October 2023*

[Adopted by a recorded vote of 28 to 11, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gabon, Georgia, Germany, Honduras, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Malaysia, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan

Against:

Bangladesh, Cameroon, China, India, Maldives, Pakistan, Qatar, Somalia, Sudan, United Arab Emirates and United States of America

Abstaining:

Algeria, Eritrea, Gambia, Malawi, Morocco, Senegal and Viet Nam]

54/36. Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as

reaffirmed in the Universal Declaration of Human Rights and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that special procedure mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution 48/23 of 11 October 2021 and other relevant resolutions,

Bearing in mind the reports of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,⁹⁴

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Noting the new developments in Cambodia, especially the achievements and improvements in the economic and cultural fields over recent years through its relevant national plans, strategies and frameworks,

Noting also the efforts made by the Government of Cambodia to rebuild the country, to promote individuals' rights, freedoms and dignity while protecting the life of people and maintaining peace, stability, social security and public order, to promote development and to enhance the quality of life of the population, and stressing the importance of respect for and the promotion and protection of human rights,

Noting further the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Committee for Legal and Judicial Reform, including by enforcing basic laws, such as the Civil Procedure Code, the Civil Code, the Criminal Procedure Code and the Penal Code,

Noting the Cambodia Human Rights Situationer issued periodically by the Permanent Mission of Cambodia to the United Nations Office at Geneva, which contains the Government's account of the situation of human rights in Cambodia, including policy measures and responses to key issues,

1. *Welcomes* the completion of the judicial process by the Extraordinary Chambers in the Courts of Cambodia in September 2022 and its transition to residual functions, as set out by the General Assembly in its resolution 75/257 B of 7 July 2021, and in this regard encourages the Government of Cambodia to widely disseminate the legacy of the Extraordinary Chambers among the Cambodian people and the international community to strengthen the fight against impunity and for justice;

2. *Also welcomes* the positive engagement of the Government of Cambodia in the third cycle of the universal periodic review, and the several steps taken to implement the recommendations accepted, including the holding of a consultation on the universal periodic review mid-term review to share assessment and encourage feedback from various stakeholders;

3. *Further welcomes* the support, cooperation and constructive dialogues of the Government of Cambodia with the Special Rapporteur on the situation of human rights in Cambodia, including his unfettered access to the country and meetings with various key officials, including the Prime Minister and other government officials, and the reports of the Special Rapporteur⁹⁵ and the recommendations, and invites the Government to continue to engage with the Special Rapporteur on the best ways to implement them, taking into account the national context of Cambodia;

⁹⁴ [A/HRC/42/31](#) and [A/HRC/48/79](#).

⁹⁵ [A/HRC/51/66](#) and [A/HRC/54/75](#).

4. *Welcomes* the twelfth renewal, in January 2023, of the memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights, extending the operational presence of the Office of the High Commissioner in Cambodia for another two years;

5. *Commends* the positive cooperation between the Government of Cambodia and the Office of the High Commissioner, among others, particularly with regard to the protection of the rights of Indigenous Peoples, technical assistance for drafting the national disability law, the preparation of a national human rights institution and the reduction in prison overcrowding, and encourages the enhancement of cooperation between the Government and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office;

6. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate and abide by the rule of law, including through the adoption, amendment and further implementation of essential laws and codes for establishing a democratic society, independent media and an independent judiciary;

7. *Welcomes* the significant progress made by the Government of Cambodia in achieving the Cambodian Sustainable Development Goals, with 72.5 per cent of Cambodian Goal indicators and sub-indicators on track, and notes the commitment of the Government to further efforts to achieve the remaining Goals, including the targets and indicators of Goal 16;

8. *Also welcomes* the ongoing efforts to improve access to the justice system, including the establishment and operationalization of regional appeal courts, encourages the Government of Cambodia to adopt promptly the legal aid policy in order to ensure access to justice for all, and notes the implementation of three fundamental laws on judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and Functioning of the Courts and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy;

9. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law in national courts and in full compliance with its international human rights obligations, all those who have perpetrated serious crimes, including violations of human rights, and calls upon the authorities of Cambodia to launch a full and transparent probe into cases;

10. *Notes* the initiative of and the significant progress in the 13-month campaign of case backlog clearance, and encourages the Government of Cambodia to continue further its efforts at judicial reform, including for the protection of the right to a fair trial, and further reducing prison overcrowding and pretrial detention;

11. *Also notes* the efforts made by the Government of Cambodia to combat corruption through the implementation of the anti-corruption law and the Penal Code, and through various activities of the Anti-Corruption Unit and other law enforcement agencies in the areas of, among others, anti-corruption, anti-money laundering, casino supervision and counter-transnational crimes, and encourages the Government to continue and strengthen its efforts;

12. *Welcomes* the efforts made by the Government of Cambodia to combat crimes, such as trafficking in persons, the exploitation of labour, including forced labour in online scam operations, and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

13. *Also welcomes* the efforts of the Government of Cambodia based on its five-year strategy for gender equality (2019–2023), and encourages the Government to further promote women's economic, social and political empowerment, including their equal, full, effective and meaningful participation in decision-making processes, and the expansion of women's economic benefits through improved working conditions, social protection and labour standards;

14. *Notes with appreciation* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations,

including a moratorium on economic land concessions and systematic land registration to register approximately 6.9 million land ownerships for citizens, including women, and encourages the Government to effectively promote land ownership for women, Indigenous Peoples and members of other vulnerable groups through the Social Land Concession system, while recognizing the outstanding issues in this area, urges the Government to continue and enhance its efforts to resolve them peacefully, equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the Land Law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, and by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution cadastral committees at the national, provincial and district levels, and other relevant institutions;

15. *Recognizes* the initiatives, efforts and advancement made by the Government of Cambodia in implementing diverse social assistance schemes, including the launching of the National Social Assistance Fund, for impoverished households and vulnerable groups, contributing to strengthening the capacity of the social protection system in response to emergency situations;

16. *Notes* the commitment of the Government of Cambodia to offering free technical and vocational training to 1.5 million youths from impoverished and vulnerable households across the country;

17. *Also notes* the commitments made and the progress achieved by the Government of Cambodia in implementing its obligations under international human rights treaties and conventions to which it is a party and urges the Government to continue to take steps to meet its obligations under those treaties and conventions, and to this end to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

18. *Acknowledges* the efforts, progress and commitment of the Government of Cambodia to bring the draft law on the establishment and functioning of a Cambodian national human rights institution into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the assistance of the Office of the High Commissioner, and encourages its swift adoption and implementation;

19. *Welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

20. *Also welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

21. *Expresses serious concern* at the reported deterioration in the civil and political environment in Cambodia due to the perceived chilling effects of judicial prosecutions or alleged cases, such as the death of a political analyst in July 2016, and of other actions, including arrests and alleged surveillance, harassment and violence, against members of political parties, trade unions and civil society, including environmental organizations and the media, and the dissolution of the former opposition party in accordance with the Law on Political Parties in 2017, and the holding of a general election in 2023 without the participation of two political parties, which were disqualified by the National Election Committee owing to their reported incomplete fulfilment of documentation requirements, and calls upon all parties to work together towards building trust and confidence by restoring dialogue with relevant stakeholders in the country, strongly calls upon the Government of Cambodia to guarantee, inter alia, the rights to freedom of expression and to freedom of association and assembly, and to fulfil its accountability for the cases concerned, and urges the Government to take additional appropriate measures to encourage and enable civil society, including independent trade unions and media, to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities and in promoting equal access to the media for all parties;

22. *Expresses concern*, alongside that of United Nations human rights experts, over the conviction of Kem Sokha, who was sentenced to 27 years of imprisonment on charges of conspiracy with a foreign power and treason, and over court cases against other opposition politicians and civil society activists, strongly encourages prompt, transparent and fair trials in accordance with the State's international human rights obligations, and the expansion of democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate and strongly encourages all parties to continue to prioritize national reconciliation, unity, peace and stability;

23. *Expresses serious concern* at the reported restrictions imposed on some civil society and political parties and the negative impact of the Law on Associations and Non-Governmental Organizations and the amendments of 7 March and 28 July 2017 to the Law on Political Parties, while recognizing the ongoing review of the proposed amendments to the Law on Associations and Non-Governmental Organizations in consultation with civil society and relevant stakeholders, the amendment to the Law on Political Parties of January 2019 and the amendments of 4 July 2023 to the Election Law, and urges the Government to continue efforts to expand political and civic space and to ensure the rights to freedom of expression, peaceful assembly and association and an environment conducive to the conduct of political activities by all political parties under democratic principles and the rule of law;

24. *Expresses concern* at the reported general reluctance of some people to speak out in public and to express their opinions on the Internet for fear of arrest and surveillance, the alleged limited number of peaceful assemblies and demonstrations allowed in accordance with the Law on Peaceful Demonstration, and the alleged limitation on press freedom, such as the revocation of an independent media license allegedly for spreading fake news and violating professional journalism, and urges the Government of Cambodia to continue to taking action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, in accordance with the law and the historical context of Cambodia, and to this end to ensure that all laws are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights in accordance with the rule of law;

25. *Also expresses concern* at the reported restrictive environment surrounding the 2023 general election and the introduction of two new election amendments with repercussions for individuals who boycott or call to boycott the election, while noting the results of the election, which reportedly had a voter turnout of 84.59 per cent based on an announcement of the Cambodian electoral body, and calls upon the Government of Cambodia to advance dialogue and reconciliation with relevant lawful stakeholders, including opposition parties, to ensure that elections are free, fair and inclusive and representative of all Cambodians and to protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;

26. *Notes* the joint letter by three special procedure mandate holders in relation to the sub-decree on the establishment of the National Internet Gateway on 7 April 2021, and the reply from the Government of Cambodia, the suspended implementation of the sub-decree, and the Government's intention to establish a law on the protection of information, and urges the Government to continue its efforts to ensure the protection of privacy and data of individuals and freedom of expression and opinion on the Internet in accordance with international human rights laws;

27. *Also notes* the efforts made by the Government of Cambodia with regard to relations with civil society, such as the instruction issued on 31 October 2018 by the Ministry of the Interior to subnational authorities, which reiterates that non-governmental organizations have complete freedom to conduct their activities in accordance with Cambodian law and the holding of a biannual dialogue between the Government and civil society organizations, as well as the instruction of 27 November 2018 abolishing the three-day prior notification requirement, and calls upon the Government to remind the local authorities to properly implement the said instructions and to make continuous efforts to contribute to the improvement of relations with civil society, including at the subnational level;

28. *Acknowledges* the presence of more than 6,000 operating associations and non-governmental organizations, with some of them continuing to engage in regular reports and perspectives critical of the Government, and encourages the Government of Cambodia to protect and ensure freedom of expression, association and peaceful assembly in accordance with the Constitution and the International Covenant on Civil and Political Rights;

29. *Recognizes* the efforts and achievement made by Government of Cambodia in response to the coronavirus disease (COVID-19) pandemic, particularly its decisions to grant humanitarian consent to an international cruise ship to dock, humanitarian medical aid to a number of countries in the region, cash transfers to poor and vulnerable households, and the free national vaccination scheme, including for foreign residents;

30. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with and to support the efforts of the Government of Cambodia in strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia, including in response to the Government's request for technical assistance and capacity-building in the fields of:

(a) Drafting laws and assisting the establishment of an independent national human rights institution and the establishment of a national preventive mechanism against torture by legislation;

(b) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(d) The implementation of recommendations accepted in the context of the universal periodic review;

(e) Assisting the assessment of progress in human rights issues;

31. *Decides* to extend for two years the mandate of Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Human Rights Council at its fifty-seventh and sixtieth sessions, and to make recommendations on technical assistance and capacity-building for the protection and promotion of human rights in the country;

32. *Requests* the Secretary-General to submit a report to the Human Rights Council at its fifty-seventh and sixtieth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

33. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixtieth session.

*49th meeting
13 October 2023*

[Adopted without a vote.]

B. Decisions

54/101. Outcome of the universal periodic review: France

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 France on 1 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of France, 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, 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

*30th meeting
29 September 2023*

[Adopted without a vote.]

54/102. Outcome of the universal periodic review: Tonga

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 Tonga on 1 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Tonga, 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

*30th meeting
29 September 2023*

[Adopted without a vote.]

54/103. Outcome of the universal periodic review: Botswana

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,

⁹⁶ [A/HRC/54/5](#).

⁹⁷ [A/HRC/54/5/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

⁹⁸ [A/HRC/54/6](#).

⁹⁹ [A/HRC/54/6/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

Having conducted the review of Botswana on 3 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Botswana, 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

30th meeting
29 September 2023

[Adopted without a vote.]

54/104. Outcome of the universal periodic review: Romania

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 Romania on 2 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Romania, 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

31st meeting
2 October 2023

[Adopted without a vote.]

54/105. Outcome of the universal periodic review: Mali

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 Mali on 2 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mali, 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

31st meeting
2 October 2023

¹⁰⁰ A/HRC/54/9.

¹⁰¹ A/HRC/54/9/Add.1; see also A/HRC/54/2, part two, sect. VI.

¹⁰² A/HRC/54/7.

¹⁰³ A/HRC/54/7/Add.1; see also A/HRC/54/2, part two, sect. VI.

¹⁰⁴ A/HRC/54/8.

¹⁰⁵ A/HRC/54/8/Add.1; see also A/HRC/54/2, part two, sect. VI.

[Adopted without a vote.]

54/106. Outcome of the universal periodic review: Montenegro

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 Montenegro on 8 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Montenegro, 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

*31st meeting
2 October 2023*

[Adopted without a vote.]

54/107. Outcome of the universal periodic review: Bahamas

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 Bahamas on 3 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Bahamas, 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

*32nd meeting
2 October 2023*

[Adopted without a vote.]

54/108. Outcome of the universal periodic review: Burundi

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,

¹⁰⁶ [A/HRC/54/14](#).

¹⁰⁷ [A/HRC/54/14/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

¹⁰⁸ [A/HRC/54/10](#).

¹⁰⁹ [A/HRC/54/10/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

Having conducted the review of Burundi on 4 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Burundi, 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

*32nd meeting
2 October 2023*

[Adopted without a vote.]

54/109. Outcome of the universal periodic review: Luxembourg

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 Luxembourg on 4 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Luxembourg, 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

*32nd meeting
2 October 2023*

[Adopted without a vote.]

54/110. Outcome of the universal periodic review: Barbados

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 Barbados on 5 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Barbados, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁴ 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.¹¹⁵

*33rd meeting
3 October 2023*

[Adopted without a vote.]

¹¹⁰ [A/HRC/54/11](#).

¹¹¹ [A/HRC/54/11/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

¹¹² [A/HRC/54/12](#).

¹¹³ [A/HRC/54/12/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

¹¹⁴ [A/HRC/54/13](#).

¹¹⁵ [A/HRC/54/2](#), part two, sect. VI.

54/111. Outcome of the universal periodic review: United Arab Emirates

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 Arab Emirates on 8 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the United Arab Emirates, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁶ 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.¹¹⁷

*33rd meeting
3 October 2023*

[Adopted without a vote.]

54/112. Outcome of the universal periodic review: Israel

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 Israel on 9 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Israel, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁸ 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.¹¹⁹

*33rd meeting
3 October 2023*

[Adopted without a vote.]

54/113. Outcome of the universal periodic review: Liechtenstein

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 Liechtenstein on 9 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹¹⁶ [A/HRC/54/15](#).

¹¹⁷ [A/HRC/54/15/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

¹¹⁸ [A/HRC/54/16](#).

¹¹⁹ [A/HRC/54/16/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

Adopts the outcome of the review of Liechtenstein, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²⁰ 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.¹²¹

*34th meeting
3 October 2023*

[Adopted without a vote.]

54/114. Outcome of the universal periodic review: Serbia

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 Serbia on 10 May 2023 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Serbia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²² 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.¹²³

*34th meeting
3 October 2023*

[Adopted without a vote.]

¹²⁰ [A/HRC/54/17](#).

¹²¹ [A/HRC/54/17/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

¹²² [A/HRC/54/18](#).

¹²³ [A/HRC/54/18/Add.1](#); see also [A/HRC/54/2](#), part two, sect. VI.

C. President's statements

PRST 54/1 Reports of the Advisory Committee

At the 46th meeting, held on 11 October 2023, the President of the Human Rights Council made the following statement:

“The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its twenty-ninth and thirtieth sessions,¹²⁴ and notes that the Advisory Committee has made four research proposals.¹²⁵”

¹²⁴ [A/HRC/AC/29/2](#) and [A/HRC/AC/30/2](#).

¹²⁵ See [A/HRC/AC/29/2](#), annex III and [A/HRC/AC/30/2](#), annex IV.