



United Nations

Report of the Human Rights Council

**Organizational session
(7 and 16 December 2020)**

**Twenty-ninth special session
(12 February 2021)**

**Forty-sixth session
(22 February–24 March 2021)**

**Thirtieth special session
(27 May 2021)**

**Forty-seventh session
(21 June–14 July 2021)**

General Assembly

Official Records

Seventy-sixth Session

Supplement No. 53

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Contents

	<i>Page</i>
Checklist of resolutions, decisions and President's statements	iv
I. Introduction	1
II. Resolutions brought to the attention of the General Assembly for its consideration and possible action	2
III. President's statements adopted at the organizational session	20
IV. Resolution adopted at the twenty-ninth special session	26
V. Forty-sixth session	28
A. Resolutions	28
B. Decisions	131
VI. Resolution adopted at the thirtieth special session	138
VII. Forty-seventh session	141
A. Resolutions	141
B. Decisions	239
Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements	246

Checklist of resolutions, decisions and President's statements

A. Resolutions

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
S-29/1	Human rights implications of the crisis in Myanmar	12 February 2021	26
46/1	Promoting reconciliation, accountability and human rights in Sri Lanka	23 March 2021	28
46/2	Promotion and protection of human rights in Nicaragua	23 March 2021	31
46/3	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	23 March 2021	34
46/4	Human rights, democracy and the rule of law	23 March 2021	39
46/5	The negative impact of unilateral coercive measures on the enjoyment of human rights	23 March 2021	42
46/6	Freedom of religion or belief	23 March 2021	47
46/7	Human rights and the environment	23 March 2021	50
46/8	Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	23 March 2021	55
46/9	Mandate of Special Rapporteur in the field of cultural rights	23 March 2021	58
46/10	Question of the realization in all countries of economic, social and cultural rights	23 March 2021	59
46/11	The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	23 March 2021	64
46/12	Mandate of Independent Expert on the enjoyment of human rights by persons with albinism	23 March 2021	69
46/13	Promoting mutually beneficial cooperation in the field of human rights	23 March 2021	71
46/14	Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic	23 March 2021	73
46/15	Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials	23 March 2021	78
46/16	Mandate of Special Rapporteur on the right to privacy	23 March 2021	82
46/17	Situation of human rights in the Democratic People's Republic of Korea	23 March 2021	84
46/18	Situation of human rights in the Islamic Republic of Iran	23 March 2021	91
46/19	The right to food	24 March 2021	92
46/20	Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath	24 March 2021	97
46/21	Situation of human rights in Myanmar	24 March 2021	2

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
46/22	Situation of human rights in the Syrian Arab Republic	24 March 2021	12
46/23	Situation of human rights in South Sudan	24 March 2021	100
46/24	Human rights in the occupied Syrian Golan	24 March 2021	105
46/25	Right of the Palestinian people to self-determination	24 March 2021	107
46/26	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	24 March 2021	109
46/27	Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief	24 March 2021	115
46/28	Technical assistance and capacity-building for Mali in the field of human rights	24 March 2021	119
46/29	Technical assistance and capacity-building for South Sudan	24 March 2021	124
46/30	Cooperation with Georgia	24 March 2021	128
S-30/1	Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel	27 May 2021	138
47/1	Situation of human rights of Rohingya Muslims and other minorities in Myanmar	12 July 2021	141
47/2	Situation of human rights in Eritrea	12 July 2021	148
47/3	Civil society space: COVID-19: the road to recovery and the essential role of civil society	12 July 2021	149
47/4	Menstrual hygiene management, human rights and gender equality	12 July 2021	151
47/5	Realization of the equal enjoyment of the right to education by every girl	12 July 2021	154
47/6	The right to education	12 July 2021	159
47/7	The negative impact of corruption on the enjoyment of human rights	12 July 2021	164
47/8	Elimination of harmful practices related to accusations of witchcraft and ritual attacks	12 July 2021	168
47/9	Enhancement of international cooperation in the field of human rights	12 July 2021	170
47/10	Human rights and international solidarity	12 July 2021	176
47/11	The contribution of development to the enjoyment of all human rights	12 July 2021	179
47/12	The human rights of migrants	12 July 2021	182
47/13	Situation of human rights in the Tigray region of Ethiopia	13 July 2021	186
47/14	Human rights in the context of HIV and AIDS	13 July 2021	189
47/15	Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities	13 July 2021	196
47/16	The promotion, protection and enjoyment of human rights on the Internet	13 July 2021	203

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
47/17	Impact of arms transfers on human rights	13 July 2021	207
47/18	Situation of human rights in the Syrian Arab Republic	13 July 2021	209
47/19	Situation of human rights in Belarus	13 July 2021	213
47/20	The Social Forum	13 July 2021	216
47/21	Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality	13 July 2021	218
47/22	Cooperation with and assistance to Ukraine in the field of human rights	13 July 2021	223
47/23	New and emerging digital technologies and human rights	13 July 2021	224
47/24	Human rights and climate change	14 July 2021	227
47/25	Preventable maternal mortality and morbidity and human rights	14 July 2021	233

B. Decisions

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
46/101	Outcome of the universal periodic review: Belarus	16 March 2021	131
46/102	Outcome of the universal periodic review: Libya	16 March 2021	131
46/103	Outcome of the universal periodic review: Malawi	16 March 2021	131
46/104	Outcome of the universal periodic review: Panama	16 March 2021	132
46/105	Outcome of the universal periodic review: Mongolia	16 March 2021	132
46/106	Outcome of the universal periodic review: Maldives	16 March 2021	133
46/107	Outcome of the universal periodic review: Andorra	16 March 2021	133
46/108	Outcome of the universal periodic review: Honduras	16 March 2021	133
46/109	Outcome of the universal periodic review: Bulgaria	17 March 2021	134
46/110	Outcome of the universal periodic review: Marshall Islands	17 March 2021	134
46/111	Outcome of the universal periodic review: United States of America	17 March 2021	135
46/112	Outcome of the universal periodic review: Croatia	17 March 2021	135
46/113	Outcome of the universal periodic review: Liberia	17 March 2021	136
46/114	Outcome of the universal periodic review: Jamaica	17 March 2021	136
46/115	High-level panel discussion on the occasion of the tenth anniversary of the Voluntary Technical Assistance Trust Fund to support the participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council	24 March 2021	136
47/101	Outcome of the universal periodic review: Federated States of Micronesia	8 July 2021	239
47/102	Outcome of the universal periodic review: Lebanon	8 July 2021	239
47/103	Outcome of the universal periodic review: Mauritania	8 July 2021	239
47/104	Outcome of the universal periodic review: Saint Kitts and Nevis	8 July 2021	240
47/105	Outcome of the universal periodic review: Australia	8 July 2021	240
47/106	Outcome of the universal periodic review: Saint Lucia	8 July 2021	241
47/107	Outcome of the universal periodic review: Nepal	8 July 2021	241
47/108	Outcome of the universal periodic review: Oman	8 July 2021	242
47/109	Outcome of the universal periodic review: Austria	8 July 2021	242
47/110	Outcome of the universal periodic review: Rwanda	8 July 2021	242
47/111	Outcome of the universal periodic review: Georgia	9 July 2021	243
47/112	Outcome of the universal periodic review: Sao Tome and Principe	9 July 2021	243
47/113	Outcome of the universal periodic review: Nauru	9 July 2021	244
47/114	Strengthening documentation within the Human Rights Council	12 July 2021	244
47/115	Commencement of the fourth cycle of the universal periodic review	13 July 2021	245

C. President's statements

<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
PRST OS/14/1	Efficiency of the Human Rights Council	7 December 2020	20
PRST OS/14/2	Methods of work of the Consultative Group of the Human Rights Council	16 December 2020	20

I. Introduction

1. The present document contains the President's statements adopted at the organizational session of the Human Rights Council held on 7 and 16 December 2020 and the resolutions and decisions adopted by the Council at its twenty-ninth special session, held on 12 February 2021, its forty-sixth session, held from 22 February to 24 March 2021, its thirtieth special session, held on 27 May 2021, and its forty-seventh session, held from 21 June to 14 July 2021.
2. The reports of the Human Rights Council on the above-mentioned sessions are being issued in documents [A/HRC/S-29/2](#), [A/HRC/46/2](#), [A/HRC/S-30/2](#) and [A/HRC/47/2](#).

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

46/21. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar, the most recent being Assembly resolution 75/238 of 31 December 2020 and Council resolutions S-27/1 of 5 December 2017, 37/32 of 9 April 2018, 39/2 of 27 September 2018, 40/29 of 22 March 2019, 42/3 of 26 September 2019 and 43/26 of 22 June 2020,

Welcoming the Security Council statement on the situation in Myanmar of 4 February 2021, the statement by the President of the Security Council on Myanmar of 10 March 2021,¹ the meetings of the Security Council held on 2 February and 5 March 2021 and the briefing convened by the General Assembly with the Special Envoy of the Secretary-General on Myanmar on 26 February 2021,

Recalling its resolution S-29/1, adopted by the Human Rights Council at its special session on the human rights implications of the crisis in Myanmar, held on 12 February 2021,

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

Condemning in the strongest terms the deposition of the elected civilian Government by the Myanmar armed forces on 1 February 2021,

Condemning in the strongest terms also the declaration of the state of emergency, the suspension of the parliament and the arbitrary detention and arrest of President Win Myint, State Counsellor Aung San Suu Kyi, other government officials and politicians, human rights defenders, journalists, civil society members, local and foreign advisers and others,

Expressing deep concern at attacks against and arrests and harassment of journalists and media workers and the restrictions on and interruptions to the Internet and social media, which unnecessarily and disproportionately restrict the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and the right to freedom of association,

Expressing deep concern also at the violent acts, including killings, committed against peaceful demonstrators exercising their right to freedom of expression, association and peaceful assembly, which have led to deaths and many injuries, including of children and medical staff, in several cities and towns, as a consequence of the indiscriminate use of lethal force against a crowd and the misuse of less-lethal weapons by the Myanmar armed forces and police,

Expressing deep concern further at reports of several laws being and having been amended since the deposition of the elected civilian Government and the suspension of the parliament, which remove rights with respect to liberty and security of person and due process,

Expressing deep concern that the results of the election and the expressed democratic wishes of the people of Myanmar have not been honoured, and welcoming the conduct of general elections on 8 November 2020, despite the health and security challenges, which marked an important milestone in the State's transition towards civilian and democratic rule, while noting with concern the disenfranchisement of certain ethnic and religious minorities, including the Rohingya, and the continuing restrictions on the right to freedom of expression online and offline, including the freedom to seek, receive and impart information,

¹ [S/PRST/2021/5](#).

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

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, including his report submitted to the Human Rights Council at the present session,² while deeply regretting the non-cooperation of Myanmar with the Special Rapporteur and the denial of access to Myanmar since December 2017 and the ongoing non-cooperation of the Myanmar armed forces,

Welcoming also the conclusions on children and armed conflict in Myanmar of the Working Group on Children and Armed Conflict of the Security Council,³ and noting the concerns expressed by the Working Group about the grave violations committed against children, and the concern expressed by the Secretary-General in his sixth report on children and armed conflict in Myanmar,⁴

Welcoming further the work and the reports of the Independent Investigative Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, in particular in Chin, Kachin, Kayin, Rakhine and Shan States, making use of the information handed over by the independent international fact-finding mission, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law, and in particular its report submitted to the Human Rights Council at its forty-fifth session,⁵

Encouraging the Independent Investigative Mechanism for Myanmar to continue its efforts to advance its public outreach, in order to explain its mandate and work process to victims and other stakeholders,

Welcoming the work of the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society, as requested by the General Assembly in its resolution 72/248 of 24 December 2017,

Welcoming also the reports of the United Nations High Commissioner for Human Rights on the situation of human rights of Rohingya Muslims and other minorities in Myanmar,⁶

Welcoming further the work of the independent international fact-finding mission on Myanmar, and in particular its final report,⁷ and the detailed findings and recommendations therein,⁸ and recalling the recommendation of the independent international fact-finding mission on requesting the Office of the United Nations High Commissioner for Human Rights to focus on ensuring accountability for human rights violations and abuses in Myanmar, including by enhanced monitoring, documentation, analysis and public reporting on the situation of human rights, raising awareness among civil society and other actors engaged in documenting human rights violations about relevant international standards, working with victim communities to raise awareness about justice options, and supporting comprehensive rule of law and security sector reform in Myanmar in accordance with international human rights norms and standards, and to that end, for appropriate resources to be allocated,

² [A/HRC/46/56](#).

³ [S/AC.51/2019/2](#).

⁴ [S/2020/1243](#).

⁵ [A/HRC/45/60](#).

⁶ [A/HRC/43/18](#) and [A/HRC/45/5](#).

⁷ [A/HRC/42/50](#).

⁸ See the detailed findings of the independent international fact-finding mission on Myanmar ([A/HRC/42/CRP.5](#)), available from www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportHRC42thSession.aspx.

Welcoming the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies, the international community and all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, including the Rohingya,

Recognizing the complementary and mutually reinforcing work of the various United Nations mandate holders working on Myanmar to improve the humanitarian situation and the situation of human rights in the country, and noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons, and to the affected areas from which many people continue to be forcibly displaced and in which many others are living in precarious conditions, thereby exacerbating the humanitarian crisis,

Emphasizing the right of return of all refugees and internally displaced persons, and the importance of meeting the conditions necessary for safe, voluntary, sustainable and dignified return, in accordance with international standards,

Noting that the International Criminal Court has authorized an investigation into alleged crimes within the Court's jurisdiction in the situation in Bangladesh and Myanmar,

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

Noting further that Myanmar submitted two reports, in May and November 2020, to the International Court of Justice, in compliance with the order of 23 January 2020,

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

Recalling that States have the primary responsibility to respect, protect and fulfil human rights, and have the responsibility to comply with their obligations to prosecute those responsible for crimes under international law, including gross violations of human rights, in particular under international humanitarian law, international human rights law and international refugee law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated and access to a remedy for those whose rights have been abused, with a view to end impunity,

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

Reiterating its deep concern at the conflicts in Kachin, Kayin, Rakhine, Shan and southern Chin States, the violence between the Myanmar armed forces (the Tatmadaw) and the Arakan Army in Rakhine and southern Chin States, including sexual and gender-based violence and grave violations and abuses against children, the continuing forced displacement of civilians, including of ethnic minorities, abductions, arbitrary detentions, arrests and killings, and the use of facilities, functioning as schools, for military purposes, as well as reports of violations and abuses of human rights, including the use of landmines, making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and internally displaced persons, including the Rohingya,

Recalling the Secretary-General's call for a global ceasefire, as supported by Security Council resolution 2532 (2020) of 1 July 2020, and urging all parties to cease hostilities, to commit to or to renew their commitments towards peace and reconciliation, and to agree to a permanent ceasefire, while noting with concern the reported breaches of the ceasefire agreement in Kayin and northern Shan States and their devastating impact on civilians,

Expressing deep concern at the fact that diversion and unregulated or illicit arms transfers may seriously undermine human rights, especially those of women, as well as persons belonging to minorities, children, the elderly, persons with disabilities and other vulnerable groups,

Emphasizing the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health-care products and technologies necessary to ensure an adequate and effective response to the coronavirus disease (COVID-19) pandemic, including for persons in the most vulnerable situations, affected or displaced by armed conflicts in the country, and persons belonging to ethnic and other minorities, such as the Rohingya,

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

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

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

3. *Calls upon* the Myanmar armed forces to respect the will of the people as expressed by the results of the general elections of 8 November 2020, to end the state of emergency and to restore the elected civilian Government by opening the newly elected parliament to allow the sustained democratic transition of Myanmar, including by working towards bringing all national institutions, including the armed forces, under a democratically elected, fully representative civilian Government;

4. *Calls for* the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged or arrested on specious grounds during and in the aftermath of 1 February 2021, including government officials and politicians, human rights defenders, journalists, civil society members, medical staff, academics, teachers, and local and foreign advisers, and also calls for engagement in a peaceful dialogue among all stakeholders aimed at restoring democratic governance;

5. *Encourages* the pursuance of constructive dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar;

6. *Condemns* the disproportionate use of force, including the indiscriminate use of lethal force, by the Myanmar armed forces and police;

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

8. *Expresses grave concern* at continuing reports of human rights violations and abuses in Myanmar, including sexual and gender-based violence and violations and abuses against children, in particular in Chin, Kachin, Kayin, Rakhine and Shan States, and calls upon all parties and armed groups, in particular the Myanmar armed and security forces, to end immediately violence and all violations of international law, including of international human rights law and international humanitarian law, and human rights abuses in Myanmar;

9. *Also expresses grave concern* at the ongoing conflict in Kachin, Kayin, Rakhine, Shan and southern Chin States between the Myanmar armed forces and other armed groups, the impunity that exists in the Myanmar armed and security forces, and the continuing forced displacement of civilians, mass and systemic human rights violations and abuses, and killings, and the dire humanitarian situation due to the conflict, calls for the clearing of deployed landmines and the cessation of their use in all circumstances, and calls upon all parties to show restraint and cease conflict, to respect their relevant obligations under international human rights law and international humanitarian law, to ensure the safety and protection of civilians, to hold perpetrators accountable, including in independent and impartial domestic accountability processes ensuring justice and reparations to victims and survivors, and to show readiness to re-engage in dialogue;

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

11. *Reiterates* the responsibility of the armed forces of Myanmar to ensure the protection of the human rights of all persons in Myanmar, including persons belonging to ethnic and other minorities, including the Rohingya, and also reiterates the need for justice and accountability, to end impunity for all violations and abuses of human rights, to undertake a full, transparent, impartial and independent investigation into all reports of violations and abuses of international human rights law and international humanitarian law, and to ensure that perpetrators are held accountable in fair, independent and impartial criminal proceedings, including in domestic courts or tribunals, in accordance with international law standards;

12. *Stresses* the imperative to fully recognize and address the needs of victims and survivors, and their families, and their right to effective remedy, including by prompt, effective and independent casualty recording, and guarantees of non-recurrence;

13. *Deplores* the release in November 2019, after only nine months of detention, of the members of the Myanmar armed forces who were convicted by court martial of the unlawful killing of Rohingya civilians in Inn Din, Rakhine State, and repeats its call that the necessary measures be taken to ensure accountability and to end impunity for those crimes;

14. *Reiterates* its call for the immediate and unconditional release of all journalists, media workers, human rights defenders, faith and belief leaders, civil society members, local and foreign advisors, medical staff, academics, teachers and activists arbitrarily detained, charged and arrested on political grounds, and for their full rehabilitation, allowing them to work without fear of reprisals, intimidation or attack;

15. *Calls for* the Independent Investigative Mechanism for Myanmar to continue to discharge its mandate, making use of the information collected by the independent international fact-finding mission and other credible sources, and for close and timely cooperation between the Mechanism and any future investigations or proceedings by national, regional or international courts or tribunals, including by the International Criminal Court or the International Court of Justice;

16. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the necessary support and resources in terms of staffing, location and operational freedom so that it can deliver as effectively as possible on its

mandate, and urges all relevant actors in Myanmar and Member States to cooperate with the Mechanism, to grant it access and to provide it with every assistance in the execution of its mandate and with other sources of information, and the appropriate protection of confidentiality, security and support for victims and witnesses to fully respect and comply with the principle of “do no harm”;

17. *Stresses* the need to effectively address the root causes of human rights violations and abuses against persons belonging to ethnic and religious minorities, including the Rohingya, and reiterates the importance of the full implementation of all recommendations made by the Advisory Commission on Rakhine State,⁹ including those on access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services, education, livelihood opportunities and basic services, and birth registration, in full consultation with all ethnic and religious minority groups, including the Rohingya, and persons in vulnerable situations, as well as civil society, and calls for regular reports to the United Nations documenting concrete steps taken to implement each of the Commission’s 88 recommendations;

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

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

20. *Stresses* the need to ensure that all communities in Rakhine State, the Rohingya and persons belonging to other ethnic and religious minorities, have equal access to education, and to remove discriminatory practices and movement restrictions that reduce access to education, including higher education;

21. *Calls for* concrete steps towards the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya residing in Bangladesh, and to disseminate authentic information, in partnership with the United Nations and other relevant actors, on the conditions in Rakhine State in order to reasonably address the core concerns of the Rohingya, thereby enabling them to return to their places of origin or their place of choosing in a voluntary, safe and dignified manner, including through the implementation of the memorandum of understanding signed by Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees in June 2018;

22. *Encourages* the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh and other host countries in the provision of humanitarian assistance to forcibly displaced Rohingya and other minorities until their voluntary, safe, dignified and sustainable return to their places of origin or their place of choosing in Myanmar, and to assist in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, taking into account women, children, older persons, persons with disabilities and others marginalized or in vulnerable situations;

⁹ See Advisory Commission on Rakhine State, “Towards a peaceful, fair and prosperous future for the people of Rakhine”, August 2017.

23. *Calls upon* the international community to effectively address the increasing irregular maritime movements of the Rohingya, in cooperation with the relevant United Nations agencies, and to ensure international burden- and responsibility-sharing, especially by the States parties to the Convention relating to the Status of Refugees;

24. *Urges* the implementation of the national strategy on the resettlement of internally displaced persons in strict accordance with international standards, in full consultation with the concerned persons and the local population and by promoting their voluntary, safe, dignified and sustainable return to places of origin or places of choosing and the removal of any restrictions on movement in Chin, Kachin, Rakhine and Shan States, as well as in consultation with the United Nations system and relevant civil society organizations, and encourages efforts to ensure consultation with and the representation of women at all levels of decision-making relating to the camp-closure strategy and its implementation;

25. *Calls for* immediate, full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms, including the Independent Investigative Mechanism for Myanmar, the Special Rapporteur on the situation of human rights in Myanmar, the Special Envoy of the Secretary-General on Myanmar, the Office of the United Nations High Commissioner for Human Rights and relevant United Nations agencies and international and regional courts, tribunals and human rights bodies to independently monitor the situation of human rights, and to ensure that civil society organizations, human rights defenders, lawyers, victims, survivors, witnesses and other individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisals, intimidation or attack;

26. *Calls upon* the armed forces of Myanmar to ensure full respect for international humanitarian law and to allow free and unhindered access to the entire country for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance, including age-, disability- and gender-responsive assistance, and the delivery of supplies and equipment, by ensuring proportionate health and safety rules to prevent the spread of COVID-19, allowing the said personnel to perform efficiently their tasks of assisting affected civilian populations, including internally displaced persons;

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

28. *Welcomes* the statement of 1 February 2021 of the Chair of the Association of Southeast Asian Nations, in which the Chair recalled the purposes and the principles enshrined in the Charter of the Association, including adherence to the principles of democracy, the rule of law and good governance, and respect for and the protection of human rights and fundamental freedoms, and also recalled the holding of an informal ministerial meeting by the Association on 2 March 2021;

29. *Stresses* the importance of the involvement of the Association of Southeast Asian Nations in expressing concern for current developments in Myanmar, and supports its efforts to facilitate and launch political dialogue, and encourages regional players to work in that direction;

30. *Calls for* stronger support from relevant United Nations agencies with the Association of Southeast Asian Nations in creating an environment that is conducive to the voluntary, safe, dignified and sustainable return of displaced persons and in addressing the root causes of the crisis in Rakhine State in compliance with international law, including international humanitarian law, international human rights law and refugee law;

31. *Stresses* the urgent need to safeguard those who report violations and abuses, amend or repeal restrictive laws, and to end restrictions on the rights to the freedoms of religion or belief, expression, association and peaceful assembly, both online and offline, which are essential to ensure a safe and enabling environment for all, notably for civil society, journalists and media workers, human rights defenders, casualty recorders, lawyers, environmental and land rights activists and other civilians;

32. *Calls for* the protection of the right to freedom of expression and opinion online, including by fully and permanently restoring Internet services, lifting the ban on the websites of media outlets and withdrawing the proposed cybersecurity law;

33. *Expresses concern* at the continued erosion of the right to freedom of expression and media freedom, and urges the reform of the Media Law, the review, repeal or reform of all relevant legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, articles 66 (d), 77 and 80 (c) of the Telecommunications Act, the Law Protecting the Privacy and Security of Citizens, and articles 500 and 505 (a) and (b) of the Penal Code, and the enactment of comprehensive data protection legislation in line with international human rights law and standards;

34. *Calls for* necessary measures to be taken to promote the inclusion, human rights and dignity of all people living in Myanmar, to address sexual and gender-based violence, discrimination and the spread of prejudice, including the spread of disinformation, hate speech and inflammatory rhetoric also through social media, and to combat incitement to hatred and violence against ethnic, religious and other minorities, including the Rohingya, in accordance with the Rabat Plan of Action, also in line with recommendation 9 of the executive summary of the Independent Commission of Enquiry;

35. *Stresses* the need to ensure an inclusive response to the COVID-19 pandemic to protect all persons and communities, in accordance with international humanitarian law and human rights law, including the Rohingya and other minorities, and to continue to ensure the access of all to pandemic-related information, supplies and health-care services in a targeted, necessary, transparent, non-discriminatory, time-bound and proportionate manner and in accordance with obligations under applicable international human rights law;

36. *Welcomes* the constructive engagement of Myanmar in the third cycle of the universal periodic review in January 2021, and encourages the ratification of international human rights conventions, in particular the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

37. *Stresses* the need to review and repeal the amendments made in 2018 to the Vacant, Fallow and Virgin Lands Management Law, to establish an inclusive land governance framework and to resolve issues of land tenure, in full consultation with affected populations, including ethnic minority communities;

38. *Notes* the establishment by the elected civilian Government of Myanmar of a committee for the prevention of grave violations against children in armed conflict and looks forward to its concrete results, welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, while urging an acceleration in the implementation of the joint action plan to end and prevent the recruitment and use of children by the Myanmar armed forces and to ensure accountability for grave violations against children, emphasizes the need to further protect the right of all children to acquire citizenship in order to eliminate statelessness, in accordance with the State's obligations under the Convention on the Rights of the Child, and to ensure the protection of all children in armed conflict, and calls upon all parties to end violations against children in armed conflict;

39. *Calls for* the elimination of child and forced labour and for amendments to the draft labour organization law, and further amendments to the Settlement of Labour Disputes Law to promote freedom of association in accordance with international labour standards;

40. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to implement the Guiding Principles on Business and Human Rights and the recommendations made by the independent international fact-

finding mission on the economic interests of the Myanmar armed forces,¹⁰ and requests the home States of businesses investing in Myanmar or with parts of their supply chains in Myanmar to take appropriate measures so that those businesses conduct enhanced due diligence and that their activities do not contribute to or cause any human rights violations or abuses, in accordance with the Guiding Principles;

41. *Welcomes* the dialogue between the elected civilian Government of Myanmar and the United Nations on addressing conflict-related sexual and gender-based violence in Myanmar, and encourages further action, in accordance with Security Council resolution 1325 (2000) on women and peace and security, and with the full participation of civil society, particularly women from conflict-affected communities, inter alia, to hold perpetrators accountable in domestic accountability processes, to prevent impunity, to ensure reparations, adequate assistance and access to justice to victims and survivors of sexual and gender-based violence, to support legal reforms, including a law on the prevention of violence against women, and to provide training and capacity-building to justice and security sector actors;

42. *Notes* the Myanmar National Human Rights Commission Strategic Plan (2020–2024) and the Commission’s reform efforts, and encourages the enablement of the Commission to fulfil its mandate independently and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and regrets the lack of a transparent selection process for commissioners and a clear intention to ensure that the Commission reflects the country’s ethnic, religious, regional and gender diversity and includes human rights expertise;

43. *Calls for* the demilitarization of mining regions, the protection of human rights for workers in natural resource extraction, and the enforcement and enhancement of existing labour and environmental safety standards, and also calls for further work to be done with relevant stakeholders and affected populations to develop inclusive policies for natural resource management and benefit-sharing;

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

45. *Encourages* the United Nations High Commissioner for Human Rights to strengthen the capacity of the Office of the High Commissioner with respect to the human rights situation in Myanmar, including through enhanced monitoring, documentation, analysis and public reporting, and by supporting comprehensive accountability, rule of law and security sector reform in accordance with international human rights norms and standards until such time as relevant authorities in Myanmar act on previous commitments to open a country office, with a focus on ensuring accountability for human rights violations and abuses in Myanmar;

46. *Encourages* engagement with the Special Envoy of the Secretary-General on Myanmar, allowing her continued access to support the ongoing fulfilment of her mandate and to meet all stakeholders in order to facilitate a dialogue;

47. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its forty-seventh and forty-eighth sessions and to submit a written report to the Third Committee of the General Assembly at its seventy-sixth session and to the Council at its forty-ninth session, each to be followed by an interactive dialogue, in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights and to measure progress in the implementation of recommendations;

48. *Recommends* that the General Assembly submit the report of the Special Rapporteur to relevant United Nations bodies for their consideration and appropriate action, taking into account the relevant conclusions and recommendations;

¹⁰ See “The economic interests of the Myanmar military” (A/HRC/42/CRP.3), available from www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx.

49. *Requests* the Special Rapporteur, supported by additional human rights experts, to assess the situation of human rights since 1 February 2021 and to monitor the implementation of the present resolution, including by seeking an urgent visit to Myanmar, and to provide an oral update in his interactive dialogues with the Human Rights Council at its forty-seventh and forty-eighth sessions, and to make recommendations on additional steps necessary to address the current crisis;

50. *Also requests* the Special Rapporteur to undertake thematic research with a view to monitoring the implementation of the recommendations made by the independent international fact-finding mission on Myanmar, and to provide detailed updates on the issues covered by the mission in its reports and conference room papers;

51. *Calls for* facilitation without delay of cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating visits and granting unrestricted access throughout the country, and for the resumption of work with the Special Rapporteur to develop a workplan and time frame for the swift implementation of the proposed joint benchmarks identified by the mandate holder in previous reports, and for progress in priority areas of technical assistance and capacity-building;

52. *Requests* the United Nations High Commissioner for Human Rights to monitor and assess the overall situation of human rights in Myanmar, with a particular focus on accountability regarding alleged violations of international human rights law and international humanitarian law, as well as rule of law and security sector reform since 1 February 2021, with the support of specialist experts and in complementarity to the work of the Independent Investigative Mechanism for Myanmar and the reports of the Special Rapporteur, including in monitoring the implementation of the recommendations made by the independent international fact-finding mission in its reports and conference room papers, and recommendations contained in the reports of the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar,¹¹ and to provide to the Human Rights Council an oral update at its forty-seventh session, a written update at its forty-eighth session and a comprehensive report at its forty-ninth session, each to be followed by an interactive dialogue;

53. *Also requests* the Office of the High Commissioner, with the support of experts, to prepare a detailed assessment of the progress made and remaining challenges with regard to the recommendations of the independent international fact-finding mission in its conference room paper on the economic interests of the military and to present updates in its regular reporting to the Human Rights Council and a comprehensive report with its findings and recommendations to the Council at its fifty-first session, to followed by an interactive dialogue;

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

55. *Welcomes* the Secretary-General's initiative to take concrete action based on the recommendations contained in the report entitled "A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018", and invites the Secretary-General to provide a written report, with contributions from the United Nations Resident Coordinator in Myanmar, to the Human Rights Council at its forty-ninth session, to be followed by an enhanced interactive dialogue, with the participation of the Resident Coordinator, on progress made in the implementation of follow-up action to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system;

¹¹ [A/HRC/43/18](#) and [A/HRC/45/5](#).

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

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

50th meeting
24 March 2021

[Adopted without a vote.]

46/22. Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

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

Reaffirming its previous resolutions on the Syrian Arab Republic,

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

Deploing the fact that March 2021 marks 10 years since the peaceful uprising and its brutal repression that led to the conflict in the Syrian Arab Republic, which has had a devastating impact on civilians, including through grave violations and abuses of international human rights law and violations of international humanitarian law, resulting in over 500,000 civilian casualties, and urging all parties to implement a complete, immediate and nationwide ceasefire monitored under the auspices of the United Nations and to engage with the United Nations-led political process to achieve a peaceful end to the conflict,

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

Noting that, under applicable international law, and in line with Security Council resolution 2474 (2019) of 11 June 2019, parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities and to put into place appropriate channels enabling response and communication with families on the search process, and noting also that, in the same resolution, the Council called upon parties to armed conflict to take steps to prevent people from going missing as a result of armed conflict,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, including in its most recent reports,¹² expressing support for the mandate of the Commission of Inquiry and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the importance of including victims' perspectives and demands for truth and justice in the international community's efforts on the Syrian Arab Republic,

Welcoming the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,¹³ and noting with appreciation the work of the United Nations Board of Inquiry,

¹² [A/HRC/46/54](#) and [A/HRC/46/55](#).

¹³ [A/75/743](#).

1. *Expresses grave concern* that March 2021 marks 10 years since the peaceful uprising and its brutal repression that led to the conflict in the Syrian Arab Republic, and that the conflict has been marked by consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law, recalls the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic and the recent conclusions of the Independent International Commission of Inquiry on the Syrian Arab Republic that violations and abuses have included acts that are likely to constitute crimes against humanity, war crimes and other international crimes, including genocide;

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

3. *Expresses grave concern* that, after 10 years of conflict, more than 11.5 million people have been displaced by the conflict, which equates to over half of the pre-conflict population of the Syrian Arab Republic;

4. *Reiterates* the call of the Secretary-General for a global ceasefire, the call of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic and the recent recommendation made by the Commission of Inquiry to immediately institute a permanent ceasefire, in order to provide the space for Syrian-led negotiations and for the restoration of human rights, urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard takes note of the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, signed by the Russian Federation and Turkey on 5 March 2020;¹⁴

5. *Strongly supports* the efforts of the Special Envoy to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, including free and fair elections, pursuant to the new constitution, with all Syrians, including members of the diaspora, eligible to participate, urges all parties, in particular the Syrian authorities, to engage meaningfully in this process under the auspices of the Special Envoy and his Office in Geneva, in accordance with all elements of Security Council resolution 2254 (2015), deeply regrets in this regard that the recent meetings of the constitutional committee were a missed opportunity to make progress, stresses the need for credible engagement from all parties, first and foremost by the Syrian authorities, to ensure the committee's proper functioning, and notes the recent comment of the Commission of Inquiry that, without concerted, immediate action to further a permanent ceasefire and a good faith, Syrian-led peace process, the conflict may yet descend to new levels of inhumanity;

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

7. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for violations and abuses of international human rights law and violations of international humanitarian law, and reparations and effective remedies for victims and survivors, and the prerequisite role that accountability and transitional justice mechanisms, with the meaningful participation of victims, can play in any effort to bring about a sustainable, inclusive and peaceful conclusion

¹⁴ [S/2020/187](#), annex.

to the conflict, welcomes in this regard victim-led initiatives on truth and justice, and also welcomes the significant endeavours of the Commission of Inquiry and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, while noting the important role that the International Criminal Court can play in this regard;

8. *Welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, as appropriate, encourages them to continue to do so and to share relevant information between States, as well as with relevant justice mechanisms such as the International, Impartial and Independent Mechanism, in accordance with their national legislation and international law, and encourages other States to consider doing the same;

9. *Notes*, with regard to all human rights violations and abuses and violations of international humanitarian law throughout the course of the conflict, the differential impact and ways that they have been experienced according to victims' gender, age, disability status, profession, political beliefs, membership in religious and ethnic communities and other circumstances and characteristics, and the compounding effect of experiencing multiple violations and/or abuses;

10. *Reiterates* the applicable responsibilities and obligations of all parties under international human rights law and obligations under international humanitarian law, demands that all parties fulfil them, highlights the primary responsibility of the Syrian authorities to protect the Syrian civilian population and the obligation of the Syrian Arab Republic to respect, protect and fulfil the human rights of all individuals within its territory and subject to its jurisdiction, deplores the failure to do so, and expresses its concern in particular about some of the systematic and emblematic violations and abuses that have defined the situation in the Syrian Arab Republic;

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

12. *Strongly condemns* the continued use of arbitrary detention, torture and ill-treatment, including through sexual and gender-based violence, involuntary or enforced disappearance and summary executions, which the Commission of Inquiry recently noted had been carried out with consistency, in particular by the Syrian authorities, but also by other parties to the conflict;

13. *Also strongly condemns* the fact that tens of thousands of individuals have been killed in custody of the regime and that in detention centres rape and sexual violence have been used, including against children, as a tool to punish, humiliate and instil fear, recalls with deep concern the findings of the Commission of Inquiry that there are reasonable grounds to believe that the Syrian authorities carried out a widespread and systematic attack against the civilian population, in pursuance of a firmly established policy, comprising the crimes against humanity of murder, extermination, imprisonment, enforced disappearance, sexual and gender-based violence, torture and other inhumane acts, and also recalls with deep concern the recent findings of the Commission of Inquiry regarding the so-called Islamic State in Iraq and the Levant (Daesh) and Hay'at Tahrir al-Sham in this regard;

14. *Urges* all parties to immediately cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, most notably in places of detention, to cease all forms of incommunicado detention and release all persons arbitrarily detained, and to take all feasible measures, in accordance with Security Council resolution 2474 (2019), to search for and reveal the fate of those detained and/or missing or disappeared and to further establish an effective channel of communication with families to ensure that their legal, economic and psychological needs are addressed

adequately, also urges all parties, but particularly the Syrian authorities, to grant appropriate international monitoring bodies and medical services immediate access, without undue restrictions, to detainees and detention facilities, including all Syrian military facilities referred to in the reports of the Commission of Inquiry, and highlights the recent recommendations of the Commission of Inquiry in this regard;

15. *Deeply regrets* that the fate of tens of thousands of the victims who were subjected to arbitrary and incommunicado detention and enforced disappearance by the regime, and in lower numbers by the so-called Islamic State in Iraq and the Levant (Daesh) and Hay'at Tahrir al-Sham, remain unknown at the end of nearly a decade of conflict and that, despite the evidence showing that the regime is aware of the fate of most of those it detained, it continues to withhold information, intentionally prolonging the suffering of hundreds of thousands of family members of the forcibly disappeared, and highlights the recommendations of the Commission of Inquiry regarding accountability and supporting victims and survivors and their families, including with psychosocial support and in identifying those missing and disappeared;

16. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, which the risks created by the coronavirus disease (COVID-19) pandemic has further exacerbated, and the withholding or hindering of life-saving humanitarian aid by the Syrian authorities, especially in recaptured areas, which has been a recurring feature of the Syrian conflict, demands that all parties comply with their applicable responsibilities and obligations under international human rights law and international humanitarian law and that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, noting that the severity of the humanitarian situation requires the use of all aid modalities, calls for the continuation of cross-border humanitarian support beyond July 2021, including the expansion in number and geographical scope of approved crossing points for such assistance, re-emphasizes the need for immediate, rapid, unimpeded and sustained cross-line access in order to prevent further suffering and loss of life, and calls for respect for humanitarian principles across the Syrian Arab Republic;

17. *Condemns* the imposition of sieges, which have resulted in shortages of necessities such as food, water and medicine, recalls that international humanitarian law prohibits the starvation of civilians as a method of warfare and prohibits parties from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population, and in this regard implores all parties to the conflict to end any use of such methods, including the recurring service cuts to water distribution and electricity;

18. *Also condemns* the fact that the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities has been a recurring feature of the conflict, including the abhorrent pattern of pro-regime forces targeting hospitals and clinics in attacks that continue to deprive civilians of access to health care and which the Commission of Inquiry found amounted to war crimes, and demands that all parties to the conflict comply fully with their obligations under international law, including to ensure respect for and the protection of all persons engaged in medical duties, their means of transport and equipment and hospitals and all other medical facilities;

19. *Expresses concern* about the immediate and long-term impact that such attacks have on the civilian population and health-care systems, including on the provision of life-saving assistance, as well as mental health and psychosocial support, and on the ability to tackle the COVID-19 pandemic, takes note of Security Council resolution 2286 (2016) of 3 May 2016 in this regard, and welcomes the creation by the Secretary-General of a panel to follow up on the recommendations of the United Nations Board of Inquiry, which investigated attacks on deconflicted and United Nations-supported facilities in the north-west of the Syrian Arab Republic;

20. *Expresses continued concern* about the impact of the COVID-19 pandemic in the Syrian Arab Republic and the increased impact on persons in vulnerable situations, in particular in the light of the limitations of health-care services caused by years of conflict,

emphasizes the importance of equitable access to COVID-19 supplies, including vaccines, throughout the Syrian Arab Republic, reaffirms the role of the Syrian authorities in this regard, and recalls the statement made by the President of the Human Rights Council on 29 May 2020 on the human rights implications of the COVID-19 pandemic;¹⁵

21. *Strongly condemns* the fact that, throughout the conflict, children have been subjected to serious violations and abuses and that the unprecedented and recurrent nature of such violations and abuses will affect generations to come, takes note with deep concern of the findings of the Commission of Inquiry that the impact of these violations has been extremely severe, that children's mental health has been, and will continue to be, deeply affected by the brutality of the war, that their physical health, in particular that of children with disabilities, has been acutely affected by the lack of physical infrastructure and that children's experiences in the Syrian conflict have been deeply gendered, and encourages the Commission to continue its investigation and documentation of violations and abuses of the rights of the child;

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

23. *Expresses its profound concern* about the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, that rape and other forms of sexual and gender-based violence continue to be perpetrated and that women and girls have been disproportionately affected and victimized on multiple grounds, and takes note of the findings of the Commission that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh) and Hay'at Tahrir al-Sham, that they represent a widespread and systematic attack directed against the civilian population, amounting to crimes against humanity, and that such acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

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

25. *Condemns* the targeting of, threats against, and harassment, arrests and murder of journalists and media workers by the Syrian authorities, as well as by armed groups and terrorist organizations designated by the Security Council, while noting that attacks on journalists and the pressure placed on the media compound the difficulties of documenting violations and abuses;

26. *Expresses deep concern* that more than 6.2 million people have been internally displaced within the Syrian Arab Republic, and that the findings of the Commission of Inquiry indicate that many were victims of the crime against humanity of forcible transfer, the war crime of ordering the displacement of civilian populations, or both, and that the commission of multiple war crimes and violations of international humanitarian law prompted many millions to flee internally or seek asylum abroad, also expresses deep concern that repeated displacement has been a feature of the conflict and that Syrians in various parts of the Syrian Arab Republic are routinely denied return to their homes, notably due to

¹⁵ [A/HRC/PRST/43/1](#).

restrictions placed on access by the Syrian authorities and the fear of arrest in retaken and formerly besieged areas, and urges all parties to the conflict to take note of the recommendations on this matter made by the Commission;

27. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern about reports of social and demographic engineering in areas throughout the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

28. *Expresses deep concern* for the more than 5.3 million registered persons who have fled the situation in the Syrian Arab Republic over the past 10 years, primarily to neighbouring countries, and increasingly as a global diaspora, deeply appreciates the efforts of the neighbouring countries of Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women, girls and persons with disabilities, while emphasizing the principles of responsibility and burden-sharing, and notes with concern that one of the main obstacles to the safe, voluntary and dignified return of refugees to their country of origin derives from the Syrian regime's own practices of violating the human rights of civilians in areas under their control;

29. *Urges* all parties to implement the recommendations of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements to places of origin are safe, voluntary and dignified and subject to informed consent, and to protect all property and tenancy rights, consistent with relevant international law, and in cooperation with competent organizations, such as the Office of the United Nations High Commissioner for Refugees;

30. *Expresses deep concern* about the lack of security of housing, land and property rights for the millions of displaced Syrians, noting its gendered impact and that this has been further deliberately compounded by legislation, policies and practices, and the challenges faced by Syrians, especially those who are displaced, in retaining and keeping up to date their basic civil documents, which prevent them from gaining access to essential governmental services, such as health care, education, social benefits and humanitarian aid, and put them at risk of being deprived of their rights, including to identity and movement, and of their property;

31. *Reaffirms* the importance of the full implementation of the women and peace and security agenda of the Security Council, pursuant to resolution 1325 (2000) of 31 October 2000, noting the particular protection needs of displaced women and girls across the Syrian Arab Republic and the need to ensure the full, equal and meaningful participation of women in peace efforts and decision-making, and calls for greater protection of civil society actors, including women peacebuilders;

32. *Strongly condemns* the fact that the use of chemical weapons has been a devastating feature of the Syrian conflict, notes with deep concern that the Commission of Inquiry has documented 38 separate instances of the use of chemical weapons, of which 32 met its standard of proof for attribution to the Syrian regime and one to the so-called Islamic State in Iraq and the Levant (Daesh), and that each such use of a chemical weapon amounts to a war crime, demands that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, in violation of international law, including obligations under international customary law, Security Council resolution 2118 (2013) of 27 September 2013 and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, to which the Syrian Arab Republic acceded in 2013, and expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable;

33. *Welcomes* in this regard decision EC-94/DEC.2 of 9 July 2020 of the Executive Council of the Organisation for the Prohibition of Chemical Weapons and the release of the first report of the Organisation for the Prohibition of Chemical Weapons Investigation and Identification Team, in which it concluded that there were reasonable grounds to believe that

the Syrian Arab Republic had used chemical weapons in Ltamenah on 24, 25 and 30 March 2017, expresses deep concern that the Syrian Arab Republic did not cooperate with, nor provide access to, the Investigation and Identification Team, as required by Security Council resolution 2118 (2013), and demands that the Syrian Arab Republic cooperate fully with the Organisation for the Prohibition of Chemical Weapons and comply with its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013);

34. *Strongly condemns* the ongoing terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council and their gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law throughout the conflict, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014, as well as the importance of ensuring accountability for all such abuses of international human rights law and violations of international humanitarian law;

35. *Welcomes* the relevant international campaigns and initiatives to support the Syrian people, and renews its call for the international community to deliver on all pledges in full;

36. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a comprehensive, genuine and inclusive political transition based on the Geneva communiqué of 30 June 2012 and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks held in Geneva, and with the full, equal and meaningful leadership and participation of women in decision-making at all levels and in all efforts consistent with Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, ethnicity, religion or belief, and welcomes the inclusion of civil society in this process;

37. *Requests* the Office of the United Nations High Commissioner for Human Rights to resume its work to establish the extent of civilian casualties in the Syrian Arab Republic, in cooperation with civil society, in order to fully assess the number of people killed as a result of 10 years of conflict, and to report on progress through an oral update to the Human Rights Council at its forty-eighth session;

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

39. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its forty-seventh session and to present an updated written report during an interactive dialogue to the Council at its forty-eighth and forty-ninth sessions;

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

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

*51st meeting
24 March 2021*

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

In favour:

Argentina, Austria, Bahamas, Brazil, Bulgaria, Côte d'Ivoire, Czechia, Denmark, Fiji, France, Gabon, Germany, Italy, Japan, Libya, Malawi, Marshall Islands, Mexico, Netherlands, Philippines, Poland, Republic of

Korea, Somalia, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay

Against:

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

Abstaining:

Bahrain, Bangladesh, Burkina Faso, Cameroon, Eritrea, India, Indonesia, Mauritania, Namibia, Nepal, Pakistan, Senegal, Sudan and Uzbekistan]

III. President's statements adopted at the organizational session

PRST OS/14/1. Efficiency of the Human Rights Council

At the organizational session of the Human Rights Council held on 7 December 2020, the President of the Council made the following statement:

“The Human Rights Council,

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

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

Recognizing the additional challenges to the efficient conduct of the work of the Council, including the restrictions imposed to combat the spread of the coronavirus disease (COVID-19) and the effects of the United Nations liquidity crisis,

1. Decides to extend the measures contained in President's statement PRST OS/13/1 for one year, and requests the President of the Human Rights Council to organize an informal stocktaking meeting to assess the impact of their implementation after its forty-eighth session and before the organizational session to be held in December 2021;

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

PRST OS/14/2. Methods of work of the Consultative Group of the Human Rights Council

At the organizational meeting of the Human Rights Council held on 16 December 2020, the President of the Council made the following statement:

“The Human Rights Council,

Guided by the Charter of the United Nations and General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011,

Reaffirming Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council, decision 6/102 of 27 September 2007 on the follow-up to Human Rights Council resolution 5/1, resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Council, President's statement 29/1 of 3 July 2015 on enhancing the efficiency of the Human Rights Council and decision 30/115 of 1 October 2015 on the follow-up to President's statement PRST 29/1,

Decides to adopt the methods of work of the Consultative Group of the Human Rights Council as set out in the annex to the present statement.”

Annex

Methods of work of the Consultative Group of the Human Rights Council

The work of the Consultative Group is guided by Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council, decision 6/102 of 27 September 2007 on the follow-up to Council resolutions 5/1, and Council resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Council.

I. Members of the Consultative Group

A. Composition

1. The Consultative Group consists of five members, who are appointed by their respective Regional Groups and serve in their personal capacity.
2. High-level representation by all Regional Groups as well as relevant experience and knowledge of the United Nations human rights system by the members of the Consultative Group are strongly encouraged.

B. Function

3. The Consultative Group shall propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements.
4. In performing their function, the members of the Consultative Group shall respect the principles of independence, impartiality and objectivity.

C. Terms of office

5. Each member of the Consultative Group shall serve for one year, commencing on 1 April and ending on 31 March the following year.

D. Resignation

6. The resignation of a member of the Consultative Group shall be notified in writing to the President of the Human Rights Council and to the other members of the Consultative Group through its secretariat.
7. The Regional Group that nominated the resigning member shall, without delay, designate a new member to serve for the remainder of the term.

II. Secretariat of the Consultative Group

8. The Office of the United Nations High Commissioner for Human Rights shall act as secretariat for the Consultative Group. It shall provide the necessary support for the meetings and the effective performance of the functions of the Consultative Group.

III. Modalities of the Consultative Group

A. Languages

9. The working languages of the United Nations Secretariat shall be the working languages of the Consultative Group.

B. Sessions

10. At the beginning of each work cycle of the Consultative Group, the Consultative Group shall decide on the indicative dates of its sessions, upon proposals submitted by the secretariat.

C. Chairing arrangements

11. For each work cycle, the Consultative Group shall agree on its chairing arrangements for the selection processes before its sessions.

D. Confidentiality

12. The process of deliberation and decision-making by the Consultative Group, including its related documentation, shall be confidential.

E. Conflicts of interest of members of the Consultative Group

13. When a candidate of the same nationality as a member of the Consultative Group is under consideration, or when a member of the Consultative Group considers themselves to be in any other situation that may give rise to a conflict of interest, the said member shall disclose the conflict of interest and recuse themselves from participating in the deliberation and decision-making process of the mandate concerned for as long as the candidate at the origin of the conflict of interest is under consideration.

F. Self-disclosure of lobbying

14. While the members of the Consultative Group should not be lobbied with regard to applications of candidates, they shall, in the event that they have been approached by any Member State, organization or individual with regard to the application of a candidate, inform the other members of the Consultative Group in order to ensure maximum transparency.

IV. Application stage**A. Calls for applications**

15. At the beginning of each work cycle of the Consultative Group, the secretariat shall publish on its website a list of the foreseeable vacancies for the entire cycle. A call for applications for foreseeable vacancies shall be sent out at least three and a half months prior to the beginning of the session at which the Council is to consider the relevant appointments.

16. The call for applications shall be open for at least six weeks. The Consultative Group shall have at least four weeks to carry out the selection process.

17. In the event of unforeseen vacancies, and in order to avoid protection gaps in the area of the vacant mandate, the call for applications shall be launched as soon as possible and the Consultative Group shall be ready to proceed with the selection process to ensure the appointment of the mandate holders without delay.

18. The call for applications shall be published by the secretariat in all six official languages of the United Nations, and be widely disseminated among different actors, such as States, regional organizations, United Nations field presences, independent experts, national human rights institutions and networks and federations of civil society organizations or academic institutions, particularly in underrepresented regions, including on social media. Regional Coordinators and Member States are strongly encouraged to further disseminate the call for applications.

19. The secretariat shall make available on its website, and attach to the call for applications, public information material on the application and selection process of mandate holders, in all six official languages of the United Nations.

20. The secretariat shall maintain a standardized application form in accordance with Human Rights Council resolution 5/1. The form may be reviewed and updated by the Consultative Group during the course of its term.

21. The application form shall include questions relevant to the general criteria and technical and objective requirements for mandate holders. Candidates shall submit an application for each specific mandate, together with personal data, and a motivation letter, including their vision of the mandate, of no longer than 600 words.

22. Each candidate shall indicate their nationality or nationalities, should they have more than one.

23. Applications shall be submitted in one of the working languages of the United Nations Secretariat.

24. The secretariat will provide the Consultative Group with a list of eligible candidates for each vacancy together with the completed application form of each candidate and letters of support, if any.

25. The secretariat will bring to the attention of the Consultative Group the list of non-eligible candidates who had applied for each vacancy, together with relevant reasons for non-eligibility.

26. The secretariat will make available the list of eligible candidates for each vacancy on the website of the Office of the High Commissioner.

B. Extension of the deadline for applications

27. In the event that an insufficient number of applications has been received from eligible candidates in line with Human Rights Council resolution 5/1, the deadline for applications for the vacancy concerned may be extended.

28. In the event that the deadline for applications has been extended, the President of the Council shall be duly informed.

C. Information provided by the secretariat

29. The secretariat shall prepare, maintain, regularly update and publish on its website disaggregated statistics on mandate holders since the establishment of the Council, including on gender and geographic representation. The secretariat should also take steps towards exploring how to prepare information on the representation of different legal systems related to mandate holders, where relevant and available.

30. The secretariat shall provide the Consultative Group with the terms of reference for each of the vacant mandates, information on previous mandate holders and any additional relevant information requested by the members of the Consultative Group.

V. Shortlisting of candidates

A. Consideration of applications and selection of candidates for interview

31. While shortlisting candidates for interviews, the Consultative Group shall consider general criteria of paramount importance: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity, in accordance with paragraph 39 of the annex to Human Rights Council resolution 5/1. The Consultative Group shall consider the following technical and objective requirements: (1) qualifications; (2) relevant expertise; (3) established competence; and (4) flexibility/readiness and availability of time, in accordance with Human Rights Council decision 6/102. Due consideration should be given to geographical and gender balance, as well as to appropriate representation of different legal systems, in accordance with paragraph 40 of the annex to Human Rights Council resolution 5/1.

32. The Consultative Group should assess the applications based on their substance, without prejudice to the level of fluency of the candidate in the language of their application, while recognizing the importance of multilingualism in the activities of the United Nations.

33. The Consultative Group should take into account, as appropriate, the views of stakeholders, including those of current or outgoing mandate holders, in determining the necessary expertise, experience, skills and other relevant requirements for each mandate.

34. After consideration of the above-mentioned elements, each member of the Consultative Group shall rank five candidates he or she regards as the most qualified for each individual mandate and communicate his or her preferences to the secretariat. Based on the number and quality of applications received, the Consultative Group may also decide to rank fewer or more than five candidates for a particular selection process. On the basis of the list of ranked candidates and the mathematical score assigned to them, and after consideration of all elements outlined in paragraph 31 above, the Consultative Group shall have a discussion in order to decide which candidates will be invited for an interview.

B. Non-accumulation of functions and conflicts of interest of candidates

35. The principle of non-accumulation of human rights functions held at a time shall be respected.

36. Individuals holding decision-making positions in government or in any other organization or entity that may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.

37. The secretariat shall provide information on a case-by-case basis on the potential for accumulation of human rights functions and conflict of interest in order to allow the members of the Consultative Group to make further enquiries with candidates during interviews.

38. The Consultative Group shall request candidates to elaborate further during the interview on any perceived conflict of interest and, when necessary, request further clarification in writing.

VI. Interviews

39. The secretariat shall invite shortlisted candidates to an interview.

40. The interview process shall be chaired by a member of the Consultative Group. Interviews shall be conducted by telephone or, wherever possible, by video call.

41. The members of the Consultative Group should be present for all interviews.

42. The secretariat shall make the recordings of interviews available to the members of the Consultative Group.

43. At the time of the call for applications, the secretariat shall share with the Consultative Group a list of questions asked during previous interviews for each mandate to be considered so that the members of the Consultative Group can revise and propose changes to the list of questions if deemed necessary.

44. The shortlisted candidates shall be asked similar questions based on the criteria of Human Rights Council resolution 5/1, decision 6/102, resolution 16/21, and the relevant resolution establishing the mandate concerned, ensuring that the interview process guarantees the equal treatment of all candidates. Depending on the progress of each interview, the members of the Consultative Group may ask candidates for additional clarifications.

45. The Consultative Group may, where appropriate, review and update questions for interviews during its term to ensure that the knowledge and expertise of candidates with regard to the mandate can be adequately assessed during the interview.

46. Candidates shortlisted by the Consultative Group may request to be interviewed in any official language of the United Nations. Measures shall be taken to ensure that the interview process is accessible to persons with disabilities, and if requested, reasonable accommodation should be provided.

47. The Consultative Group may consider interviewing additional candidates with equal or more suitable qualifications for the vacancy, in accordance with paragraph 22 (c) of resolution 16/21.

VII. Decision-making for recommendations to the President

48. Considering the general criteria of paramount importance of (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity, as set out in paragraph 39 of the annex to Human Rights Council resolution 5/1 and the technical and objective requirements of (1) qualifications; (2) relevant expertise; (3) established competence; and (4) flexibility/readiness and availability of time, as defined in Human Rights Council decision 6/102, the Consultative Group shall have a substantive discussion on the merits of each candidate, including each candidate's performance at the interview, in order to decide on which candidates to recommend for a given mandate. Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems, in accordance with paragraph 40 of the annex to Human Rights Council resolution 5/1.

49. The Consultative Group shall recommend only candidates who are considered fully qualified to carry out the specific mandate. The Consultative Group should recommend three candidates for each vacancy and present them in order of preference. However, based on the quality of the candidates, it may also recommend candidates on an equal footing or reduce or increase the number of recommended candidates for a specific vacancy.

VIII. Recommendations of the Consultative Group to the President

50. The Consultative Group shall submit its recommendations in a report to the President of the Human Rights Council, in accordance with paragraph 47 of the annex to Council resolution 5/1.

51. In the said report, the Consultative Group shall provide information that supports its decisions in order to facilitate the decision of the President and to provide transparency to the process.

52. The Consultative Group shall meet with the President after the submission of its report in order to provide any additional information and to answer any questions of the President on the report.

IV. Resolution adopted at the twenty-ninth special session

S-29/1. Human rights implications of the crisis in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, reaffirming the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant instruments,

Expressing deep concern at the declaration of the state of emergency imposed in Myanmar by the military on 1 February 2021,

Deploing the arbitrary detention of democratically elected members of the Government, including State Counsellor Aung San Suu Kyi and President Win Myint, and other persons arbitrarily detained,

Expressing concern at the restrictions on civil society, journalists and media workers,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights and that the Myanmar military and other security forces and authorities should respect the right to peaceful assembly and refrain from using any unnecessary or excessive force against the public,

Emphasizing also the need for continued support for the democratic transition in Myanmar, and stressing the need to uphold democratic institutions and processes,

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

Reiterating its strong support for regional organizations, in particular the Association of Southeast Asian Nations, for their initiatives and efforts to respond to the recent developments in Myanmar, and welcoming the statement made by the Association's Chairman on 1 February recalling the purposes and principles enshrined in the Charter of the Association, including adherence to the principles of democracy, the rule of law and good governance, and respect for and the protection of human rights and fundamental freedoms,

Taking note of the press statement issued by the Security Council on 4 February 2021 on the situation in Myanmar,

1. *Deplores* the removal of the Government elected by the people of Myanmar in the general election held on 8 November 2020, and the suspension of mandates of members of all parliaments, and calls for the restoration of the elected Government;

2. *Calls urgently for* the immediate and unconditional release of all persons arbitrarily detained, including State Counsellor Aung San Suu Kyi and President Win Myint, and others, and the lifting of the state of emergency;

3. *Stresses* the need to refrain from violence and to fully respect human rights, fundamental freedoms and the rule of law;

4. *Strongly calls upon* the Myanmar military and other security forces and authorities to take steps immediately to protect the rights to freedom of opinion and expression, religion or belief, association and peaceful assembly in accordance with international human rights law, and to ensure that members of civil society organizations and the media are able to operate freely and without fear of violence, harassment or intimidation;

5. *Calls for* the immediate lifting of restrictions on the Internet, telecommunications and social media, in accordance with international human rights law;

6. *Also calls for* safe and unimpeded humanitarian access to all people in need, including through the re-establishment of United Nations relief flights;

7. *Strongly encourages* the pursuance of dialogue and reconciliation in accordance with the will of the people of Myanmar, and recalls the role of the Special Envoy of the Secretary-General on Myanmar in this regard;

8. *Stresses* the need to address the root causes of the crisis in Rakhine State and to create the conditions necessary for the safe, voluntary, sustainable and dignified return of displaced persons, including of Rohingya Muslims and other minorities;

9. *Requests* the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Myanmar to assess the current situation of human rights in Myanmar, and to provide updates thereon in their reports to the Human Rights Council, calls upon the Myanmar authorities to engage and cooperate with United Nations human rights mechanisms, and requests the Secretary-General to provide the High Commissioner and the Special Rapporteur with increased assistance and the resources and expertise necessary to enable them to discharge their mandates fully;

10. *Decides* to remain seized of this matter.

*2nd meeting
12 February 2021*

[Adopted without a vote.]

V. Forty-sixth session

A. Resolutions

46/1. Promoting reconciliation, accountability and human rights in Sri Lanka

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, reaffirming the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant instruments,

Recalling Human Rights Council resolutions 19/2 of 22 March 2012, 22/1 of 21 March 2013, 25/1 of 27 March 2014, 30/1 of 1 October 2015, 34/1 of 23 March 2017 and 40/1 of 21 March 2019 on promoting reconciliation, accountability and human rights in Sri Lanka,

Recalling also that, in its resolution S-11/1 of 27 May 2009, the Human Rights Council welcomed the resolve of Sri Lanka to begin a broader dialogue with all parties in order to seek a political settlement and to bring about lasting peace and development in Sri Lanka based on consensus among and respect for the rights of those from all ethnic and religious groups, and endorsed the joint communiqué of 26 May 2009 of the President of Sri Lanka and the Secretary-General, in which the Secretary-General, *inter alia*, underlined the importance of an accountability process for addressing violations of international humanitarian law and human rights law,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of Sri Lanka,

Reaffirming also that it is the primary responsibility of each State to respect human rights and to ensure the full enjoyment of all human rights and fundamental freedoms by its entire population,

Acknowledging the holding of free and transparent democratic elections in November 2019 and August 2020,

Noting the enactment of the twentieth amendment to the Constitution of Sri Lanka, while stressing the importance of democratic governance and independent oversight of key institutions,

Calling upon the Government of Sri Lanka to fulfil its commitments on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population, and encouraging the Government to respect local governance, including through the holding of elections for provincial councils, and to ensure that all provincial councils, including the northern and eastern provincial councils, are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka,

Reaffirming that all individuals in Sri Lanka are entitled to the full enjoyment of their human rights without distinction of any kind such as religion, belief or ethnic origin, and the importance of a peaceful and unified land to the enjoyment of human rights,

Acknowledging the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining, land return, resettling internally displaced persons and improving livelihoods, and encouraging further efforts in these areas,

Welcoming the continued commitment of the Government of Sri Lanka to remain engaged with and to seek the assistance of the United Nations and its agencies, including human rights mandates and mechanisms, in capacity-building and technical assistance, and to achieve sustainable peace,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, including those committed in Sri Lanka in April 2019 that led to a large number of injuries and deaths, and reaffirming also that all measures taken to combat terrorism must comply fully with States' obligations under international law, in particular international human rights law, and, as applicable, international refugee law and international humanitarian law,

Emphasizing the importance of a comprehensive approach to dealing with the past, incorporating judicial and non-judicial measures, to ensure accountability, to serve justice, to provide remedies to victims, to avoid the recurrence of violations of human rights and to promote healing and reconciliation,

Recognizing that mechanisms to redress past abuses and violations work best when they are independent, impartial and transparent, and use consultative and participatory methods that include the views of all relevant stakeholders, including, but not limited to, victims, women, youth, representatives of various religions, ethnicities and geographic locations, as well as people from marginalized groups,

Recalling the responsibility of States to comply with their relevant obligations under human rights law and international humanitarian law, including, where applicable, to prosecute those responsible for gross violations of human rights law or serious violations of international humanitarian law,

Noting with appreciation the work of the Office of the United Nations High Commissioner for Human Rights towards the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka,

1. *Welcomes* the oral update presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its forty-third session and the report of Office of the United Nations High Commissioner for Human Rights presented to the Council at its forty-sixth session;¹⁶

2. *Also welcomes* the engagement of the Government of Sri Lanka with the Office of the High Commissioner and the special procedures of the Human Rights Council, urges the continuation of such engagement and dialogue, and calls upon Sri Lanka to implement the recommendations made by the Office and to give due consideration to the recommendations made by the special procedures;

3. *Acknowledges* the progress made by the Office on Missing Persons and the Office for Reparations, and stresses the importance of maintaining support for these institutions, safeguarding their independent and effective functioning, providing both offices with sufficient resources and technical means to effectively fulfil their mandates, allowing them to proceed with interim relief measures for affected vulnerable families, with a gender focus, and resolving the many cases of enforced disappearances so that the families of disappeared persons can know their fate and whereabouts;

4. *Stresses* the importance of a comprehensive accountability process for all violations and abuses of human rights committed in Sri Lanka by all parties, including those abuses by the Liberation Tigers of Tamil Eelam, as highlighted in the comprehensive report of the Office of the High Commissioner on Sri Lanka;¹⁷

5. *Notes* the persistent lack of accountability of domestic mechanisms, that the domestic commission of inquiry announced on 22 January 2021 lacks independence and that its mandate is to review reports of previous commissions and committees, and does not include a mandate to pursue accountability for past gross violations of human rights or for serious violations of international humanitarian law;

6. *Recognizes* the importance of preserving and analysing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability, and decides to strengthen in this regard the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve information and

¹⁶ A/HRC/46/20.

¹⁷ A/HRC/30/61.

evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction;

7. *Expresses serious concern* at the trends emerging over the past year, which represent a clear early warning sign of a deteriorating situation of human rights in Sri Lanka, including the accelerating militarization of civilian government functions; the erosion of the independence of the judiciary and key institutions responsible for the promotion and protection of human rights; ongoing impunity and political obstruction of accountability for crimes and human rights violations in “emblematic cases”; policies that adversely affect the right to freedom of religion or belief; increased marginalization of persons belonging to the Tamil and Muslim communities; surveillance and intimidation of civil society; restrictions on media freedom, and shrinking democratic space; restrictions on the public memorialization of victims of war, including the destruction of a memorial; arbitrary detentions; alleged torture and other cruel, inhuman degrading treatment or punishment, and sexual and gender-based violence; and that these trends threaten to reverse the limited but important gains made in recent years, and risk the recurrence of policies and practices that gave rise to the grave violations of the past;

8. *Expresses further concern* that the response to the coronavirus disease (COVID-19) pandemic has had an impact on freedom of religion or belief and exacerbated the prevailing marginalization of and discrimination against the Muslim community, and that cremations for those deceased from COVID-19 have prevented Muslims and members of other religions from practicing their own burial religious rites, and has disproportionately affected religious minorities and exacerbated distress and tensions;

9. *Calls upon* the Government of Sri Lanka to ensure the prompt, thorough and impartial investigation and, if warranted, prosecution of all alleged crimes relating to human rights violations and serious violations of international humanitarian law, including for long-standing emblematic cases;

10. *Also calls upon* the Government of Sri Lanka to ensure the effective and independent functioning of the Human Rights Commission of Sri Lanka, the Office on Missing Persons and the Office for Reparations to deliver on their respective mandates as established;

11. *Further calls upon* the Government of Sri Lanka to protect civil society actors, including human rights defenders, to investigate any attacks and to ensure a safe and enabling environment in which civil society can operate free from hindrance, surveillance, insecurity and threat of reprisals;

12. *Requests* the Government of Sri Lanka to review the Prevention of Terrorism Act, and to ensure that any legislation on combating terrorism complies fully with the State’s international human rights and humanitarian law obligations;

13. *Urges* the Government of Sri Lanka to foster freedom of religion or belief and pluralism by promoting the ability of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

14. *Encourages* the Government of Sri Lanka to continue to cooperate with the special procedures of the Human Rights Council, including by responding formally to outstanding requests from them;

15. *Encourages* the Office of the High Commissioner and relevant special procedure mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;

16. *Requests* the Office of the High Commissioner to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including on progress in reconciliation and accountability, and to present an oral update to the Human Rights Council at its forty-eighth session, and a written update at its forty-ninth session and a comprehensive

report that includes further options for advancing accountability at its fifty-first session, both to be discussed in the context of an interactive dialogue.

*47th meeting
23 March 2021*

[Adopted by a recorded vote of 22 to 11, with 14 abstentions. The voting was as follows:

In favour:

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

Against:

Bangladesh, Bolivia (Plurinational State of), China, Cuba, Eritrea, Pakistan, Philippines, Russian Federation, Somalia, Uzbekistan and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Burkina Faso, Cameroon, Gabon, India, Indonesia, Japan, Libya, Mauritania, Namibia, Nepal, Senegal, Sudan and Togo]

46/2. Promotion and protection of human rights in Nicaragua

The Human Rights Council,

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

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

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

Welcoming the updates of the United Nations High Commissioner for Human Rights on the situation of human rights in Nicaragua, presented to the Human Rights Council at its forty-fourth and forty-fifth sessions, and the report of the High Commissioner on the situation of human rights in Nicaragua, presented to the Council at its forty-sixth session,¹⁸

Bearing in mind the continuing sociopolitical and human rights crisis in Nicaragua, and the effects of the coronavirus disease (COVID-19) pandemic and recent natural disasters, and their multidimensional impact on the enjoyment of civil, political, economic, social and cultural rights,

Commending neighbouring and other States in the region for their continued efforts to host and welcome Nicaraguan migrants, refugees and asylum seekers, and acknowledging the associated socioeconomic consequences for those States,

Welcoming the release of persons arbitrarily deprived of their liberty in the context of the sociopolitical and human rights crisis, while remaining concerned that more than 100 persons remain arbitrarily detained, including several previously released under Law No. 996 (the Amnesty Law) passed by the National Assembly in June 2019,

Expressing grave concern at the broad scope of the Amnesty Law and the implementation of recent legislation by the Government of Nicaragua, including the amendments to some provisions of the Criminal Code and the enactment of the Foreign Agents Registration Law, the Law on Cybercrimes and Law No. 1055 on the Rights of People to Independence, Sovereignty and Self-Determination for Peace, which excludes those who speak in favour of international sanctions from electoral processes, all of which, contrary to

¹⁸ [A/HRC/46/21](#).

international human rights law, hinder victims of human rights violations from exercising their right to an effective remedy, which may include reparations and the right to truth, and further restrict freedom of expression, freedom of association and peaceful assembly, privacy, and the right to take part in the conduct of public affairs, unduly limiting political participation and the activities of human rights defenders and civil society,

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

Expressing concern at the violent attacks and repeated acts of intimidation and harassment by police or armed groups reported by the Office of the United Nations High Commissioner for Human Rights,

Affirming that free, fair, transparent and credible elections, in accordance with international obligations and standards, are essential to a peaceful and democratic solution to the human rights crisis in Nicaragua, as is the unhindered participation of the political opposition and independent national and international electoral observers,

Noting with grave concern the lack of progress made by the Government of Nicaragua in implementing electoral and institutional reforms aimed at guaranteeing free, fair and transparent elections,

1. *Expresses grave concern* at the continuing reports of human rights violations and abuses and the lack of accountability since April 2018, the persisting bans on public demonstrations, the persisting disproportionate use of force by the police to repress social protests, and acts of violence by armed groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, torture and other cruel, inhuman or degrading treatment or punishment, and the increase in gender-related killings and sexual and gender-based violence in detention;

2. *Expresses concern* at the persisting restrictions on civic space and the repression of dissent in Nicaragua which includes acts of intimidation, harassment and unlawful or arbitrary surveillance of human rights defenders, including women, indigenous, Afrodescendent and environmental human rights defenders, community and religious leaders, journalists and other media workers, students, victims of human rights violations and their family members, and individuals expressing critical views of the Government of Nicaragua, including in the context of the response to the COVID-19 pandemic, and urges the Government to publicly condemn and ensure accountability for any attacks or acts of intimidation and to take measures to ensure a safe and enabling environment for the above-mentioned persons to carry out their work freely;

3. *Also expresses concern* at the growing number of civil society organizations and independent media outlets forced to cease their activities owing to restrictive administrative and financial constraints imposed by the legal reforms passed since 2018, and at the arbitrary cancellation of their legal registrations and the impact such closures have on independent human rights monitoring and the enjoyment of human rights, online and offline, especially the right to the freedoms of opinion and expression, association and the right to privacy, 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, and urges the Government of Nicaragua to restore the legal registration of civil society organizations and independent media outlets that have been cancelled since 2018, and to return seized assets, including confiscated property;

4. *Urges* the Government of Nicaragua to authorize peaceful and public demonstrations, and to repeal or amend legislation that may unduly restrict the rights to the freedoms of expression and association, to privacy and to take part in the conduct of public affairs, and that may prevent victims of human rights violations from exercising their right to seek a remedy or extend the period of detention without formal charge or criminalize dissenting voices;

5. *Calls upon* the Government of Nicaragua to cease immediately using arbitrary arrests and arbitrary detentions, as well as threats and other forms of intimidation or alternative measures of detention, as a means to repress dissent, to release all those arbitrarily or illegally detained without condition, to guarantee due process rights, to ensure that conditions of detention have due regard for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela rules) and comply with applicable human rights obligations;

6. *Urges* the Government of Nicaragua to combat impunity and to ensure accountability and justice for victims of human rights violations in the context of the 2018 protests, including by conducting independent and impartial investigations into the multiple forms of repression and violence that killed more than 300 people and injured 2,000, including alleged extrajudicial executions, enforced disappearances, torture and other grave human rights violations and abuses reported since April 2018 by the Office of the High Commissioner, and by amending the Amnesty Law;

7. *Also urges* the Government of Nicaragua to take effective measures to prevent and address the increase in sexual and gender-based violence, including gender-related killings, by strengthening the capacity of the Attorney General's Office and the Judiciary, in line with international standards, as well as by implementing preventive educational policies and programmes;

8. *Further urges* the Government of Nicaragua to seek free, prior and informed consent as contemplated in the United Nations Declaration on the Rights of Indigenous Peoples, and to take effective measures, in consultation with indigenous peoples, to prevent and address the increasing violence committed against them, including by conducting prompt and independent investigations into alleged killings and land seizures by armed groups;

9. *Calls upon* the Government of Nicaragua to continue to take steps to progressively realize the rights to education and work, and to ensure the right to the enjoyment of the highest attainable standard of health for all;

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

11. *Calls upon* the Government of Nicaragua to take effective measures to guarantee the independence and impartiality of the justice system and the Office of the Human Rights Advocate;

12. *Urges* the Government of Nicaragua to adopt a time-bound action plan to implement the recommendations made by international and regional human rights mechanisms, including those made in the reports of the High Commissioner, in consultation with civil society and victims;

13. *Calls upon* the Government of Nicaragua to cooperate fully with the Office of the High Commissioner, including its Regional Office for Central America, the Human Rights Council and its mechanisms, and the Organization of American States and the Inter-American Commission on Human Rights, including by granting unfettered access throughout the country and facilitating visits, and to positively consider the recommendations made in their reports and offers of technical assistance, the requests for country visits made by the special procedures in accordance with the standing invitation it extended in 2006, and to strengthen its cooperation with relevant treaty bodies;

14. *Also calls upon* the Government of Nicaragua to prevent, refrain from and publicly condemn, investigate and punish any acts of intimidation or reprisal, including against those who cooperate or seek to cooperate with international and regional bodies, including the United Nations, its representatives and mechanisms in the field of human rights, and with the Organization of American States and the Inter-American Commission on Human Rights;

15. *Urges* the Government of Nicaragua to engage in meaningful and inclusive negotiations with civil society and opposition parties and groups, and to work with international organizations to adopt, by May 2021, as outlined by the Organization of

American States in its resolution AG/doc.5710/20, electoral and institutional reforms to ensure free, fair, transparent, representative and credible elections, in accordance with international standards, that include the presence of independent national and international electoral observers;

16. *Requests* the United Nations High Commissioner for Human Rights to enhance and broaden monitoring by the Office of the High Commissioner and to continue to report on the situation of human rights in Nicaragua, including by preparing a comprehensive written report that assesses progress and challenges regarding that situation, and to present it to the Human Rights Council at its forty-ninth session, to be followed by an interactive dialogue, and to present an oral update on the situation of human rights to the Council at its forty-seventh and forty-eighth sessions;

17. *Also requests* the High Commissioner to monitor closely the situation of human rights in Nicaragua in the context of the electoral process, and to present to the Human Rights Council, before the end of 2021, an interim oral update with recommendations, to be followed by an interactive dialogue;

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

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

*48th meeting
23 March 2021*

[Adopted by a recorded vote of 20 to 8, with 18 abstentions. The voting was as follows:

In favour:

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

Against:

Bolivia (Plurinational State of), China, Cuba, Eritrea, Philippines, Russian Federation, Somalia and Venezuela (Bolivarian Republic of)

Abstaining:

Armenia, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Senegal, Sudan, Togo and Uzbekistan]

46/3. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

The Human Rights Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deploring the continuing and negative consequences of the conflicts in and around the Gaza Strip, including all casualties, particularly among Palestinian civilians, including children, and ongoing violations of international law, and calling for full respect for international humanitarian and human rights law and for the principles of legality, distinction, precaution and proportionality,

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

Expressing grave concern at the firing of rockets into Israel,

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

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

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

Deploing all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population, and deploring also the widespread violations of the human rights of Palestinian civilians,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, restricted access to proper medical care, including in a time of pandemic, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

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

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

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

Recognizing the work of Palestinian, Israeli and international civil society actors and human rights defenders in documenting and countering violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive

contribution of the Temporary International Presence in Hebron, and regretting the unilateral decision by Israel not to renew its mandate,

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

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

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

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

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

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

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

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

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

10. *Demands* that Israel, the occupying Power, comply fully with international law, including international humanitarian law and human rights law, and that it cease all measures and actions taken in breach of these bodies of law, and discriminatory legislation, policies and actions in the Occupied Palestinian territory that violate the human rights of the

Palestinian people, including if carried out as collective punishment in violation of international humanitarian law, and any obstruction of humanitarian assistance, and that it fully respect human rights law and comply with its legal obligations in this regard;

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

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

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

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

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

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

17. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

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

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

20. *Calls* for an end to all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United

Nations human rights bodies, calls for their protection, and underscores the need to investigate all such acts and to ensure accountability and effective remedies;

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

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

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

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

25. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its forty-ninth session, to be followed by an interactive dialogue;

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

48th meeting
23 March 2021

[Adopted by a recorded vote of 32 to 6, with 8 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d'Ivoire, Cuba, Denmark, Eritrea, Fiji, France, Gabon, Germany, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Netherlands, Pakistan, Poland, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Brazil, Bulgaria, Cameroon, Malawi and Togo

Abstaining:

Bahamas, Czechia, India, Marshall Islands, Nepal, Philippines, Ukraine and United Kingdom of Great Britain and Northern Ireland]

46/4. Human rights, democracy and the rule of law

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

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

Acknowledging that, by adopting the 2030 Agenda for Sustainable Development, Member States have pledged to leave no one behind in the implementation of the Sustainable Development Goals, including, inter alia, Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels,

Acknowledging 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 by involving Governments, parliaments, the United Nations system and other international organizations, local authorities, national human rights institutions, indigenous peoples, persons belonging to minorities, human rights defenders, civil society, business and the private sector, the scientific and academic communities, and all other interested stakeholders,

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

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

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

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

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

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

Bearing in mind that challenges to democracy arise in all democratic societies,

Recognizing that the coronavirus disease (COVID-19) pandemic requires a global and inclusive response, and reaffirming that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law,

Recognizing also the need for all stakeholders to be part of the responses to the COVID-19 pandemic, to have access to timely and accurate information online and offline, and to be involved in decisions that affect them, and also the need to facilitate contributions by civil society and the private sector to these responses,

Acknowledging the fundamental importance of education and training for human rights in consolidating democracy and contributing to the promotion, protection and effective realization of all human rights,

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

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

Recognizing the value of the Forum on Human Rights, Democracy and the Rule of Law for exchange, dialogue, mutual understanding and cooperation on the interrelationship between human rights, democracy and the rule of law, in accordance with the principles and purposes of the Charter, and acknowledging the importance of existing regional formats in the field of human rights,

Stressing that human rights, democracy and the rule of law are interdependent and mutually reinforcing, and in this regard recalling the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,¹⁹ in which the Secretary-General addressed the ways and means of developing further the linkages between the rule of law and the three main pillars of the United Nations, namely, peace and security, human rights, and development,

1. *Notes* the rescheduling, to November 2021, of the third session of the Forum on Human Rights, Democracy and the Rule of Law with the theme, “Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection”, owing to the restrictions imposed due to the COVID-19 pandemic;

2. *Encourages* States, with the cooperation of all stakeholders involved in the context of the COVID-19 recovery process, to promote good governance at all levels and to develop effective, accountable and transparent institutions and more responsive, inclusive, participatory and representative decision-making processes while also reaffirming their full commitment to the 2030 Agenda for Sustainable Development as a blueprint for building back better after the pandemic;

3. *Decides* that the theme of the fourth session of the Forum, to be held in 2022, will be “Strengthening democracies to build back better: challenges and opportunities”;

4. *Also decides* that participation in the fourth session of the Forum will be in accordance with the modalities set out by the Human Rights Council in its resolutions 28/14, 34/41 and 40/9;

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

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

48th meeting
23 March 2021

[Adopted without a vote.]

¹⁹ [A/75/284](#).

46/5. The negative impact of unilateral coercive measures on the enjoyment of human rights

The Human Rights Council,

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

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

Recalling further Human Rights Council resolutions 43/15 of 22 June 2020 and 45/5 of 6 October 2020, and General Assembly resolutions 74/154 of 18 December 2019 and 75/181 of 16 December 2020,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which all States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter, that impede the full achievement of economic and social development, particularly in least developed and developing countries,

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

Recalling also the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial panel discussion on unilateral coercive measures and human rights,²⁰

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,

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 right to 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,

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

Recognizing that unilateral coercive measures in the form of economic 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 persons in vulnerable situations, on least developed and developing countries by developed countries,

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

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

²⁰ [A/HRC/43/36](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recalling also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, according to which, *inter alia*, in no case may a people be deprived of its own means of subsistence and its fundamental rights,

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

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

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

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

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

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

7. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights and

peremptory norms of customary international law, and entails adverse consequences for the enjoyment of human rights by innocent people;

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

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

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

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

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

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

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

15. *Rejects* all attempts to introduce unilateral coercive measures, and the increasing trend in this direction, including through the enactment of laws with extraterritorial application;

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

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

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

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

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

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

22. *Recalls* the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights²¹ and the addendum thereto on elements for a draft General Assembly declaration on unilateral coercive measures and the rule of law, submitted to the Human Rights Council at its forty-second session,²² and takes note of the reports of the Special Rapporteur submitted to the Human Rights Council at its forty-fifth session²³ and to the General Assembly at its seventy-fifth session;²⁴

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

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

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

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

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

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

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

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

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

48th meeting
23 March 2021

²¹ A/HRC/42/46.

²² A/HRC/42/46/Add.1.

²³ A/HRC/45/7.

²⁴ A/75/209.

[Adopted by a recorded vote of 30 to 15, with 2 abstentions. The voting was as follows:

In favour:

Argentina, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

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

Abstaining:

Armenia and Mexico]

46/6. Freedom of religion or belief

The Human Rights Council,

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

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

Recalling further Human Rights Council resolution 43/12 of 1 July 2020, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. *Takes note* of the thematic report presented by the Special Rapporteur on freedom of religion or belief on countering Islamophobia and anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief;²⁵

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

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

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

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

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

*48th meeting
23 March 2021*

[Adopted without a vote.]

46/7. Human rights and the environment

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling relevant international human rights treaties and other relevant regional human rights instruments,

Reaffirming also all its resolutions on human rights and the environment, the most recent of which are resolutions 37/8 of 22 March 2018, on human rights and the environment, and 45/30 of 7 October 2020, on realizing the rights of the child through a healthy environment, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Reaffirming further General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, and its outcome document entitled “The future

²⁵ [A/HRC/46/30](#).

we want”,²⁶ which reaffirmed the principles of the Rio Declaration on Environment and Development,

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

Recalling the outcome of the first part of the fifth session of the United Nations Environment Assembly, held online in February 2021, and looking forward to the second part of the fifth session, to be resumed in Nairobi in February 2022,

Recalling also the Paris Agreement, adopted on 12 December 2015 by the parties to the United Nations Framework Convention on Climate Change, in which they acknowledged in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Noting the Secretary-General’s Call to Action for Human Rights, which calls for, inter alia, creating space for young people to participate in shaping the decisions that will affect their future, including but not limited to environmental protection, protecting human rights defenders and environmental activists, particularly young people, women and girls, and raising awareness and enhancing education that prepares young people for the future they face, including climate change-related curricula at all levels of primary and secondary education,

Taking note of the outcomes of the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, and encouraging States to consider, among other aspects, respect for and the promotion of human rights at the twenty-sixth session, to be held in Glasgow, United Kingdom of Great Britain and Northern Ireland, from 1 to 12 November 2021,

Taking note also of the outcomes of the fourteenth session of the Conference of the Parties to the Convention on Biological Diversity, and encouraging the parties to take into consideration a human rights-based approach in the context of conserving, restoring and sustainably using biodiversity in the post-2020 global biodiversity framework expected to be adopted at the fifteenth session, to be held in Kunming, China,

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

Recognizing also that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

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

Recognizing that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely

²⁶ General Assembly resolution 66/288, annex.

by those segments of the population that are already in vulnerable situations, as well as women and girls,

Recalling the importance of women's and indigenous peoples' rights to have access to and to use land to increase opportunities for climate change adaption and mitigation, as recognized by the Intergovernmental Panel on Climate Change in its *Special Report on Climate Change and Land*,

Recognizing the benefits of seeking to mitigate and minimize the negative effects of pollution and other forms of environmental degradation in situations of armed conflict and post-conflict contexts, and expressing its deep concern at the threats posed to the effective enjoyment of human rights by persons in vulnerable situations, including children, women and girls, youth, persons with disabilities, older persons, indigenous peoples, local communities, refugees, internally displaced persons and migrants,

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

Reaffirming Human Rights Council resolution 40/11 of 21 March 2019, in which the Council recognized the contribution of human rights defenders working in environmental matters, referred to as environmental human rights defenders, to the enjoyment of human rights, environmental protection and sustainable development, urges all States to take all measures necessary to ensure the protection of the rights and safety of all persons, including environmental human rights defenders, and underscores the responsibility of all business enterprises, both transnational and others, in accordance with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of human rights defenders, including environmental human rights defenders,

Noting the World Health Organization "Manifesto for a healthy recovery from COVID-19", which aims at creating a healthier, fairer and more sustainable world while investing to maintain and resuscitate economies hit by the effects of the coronavirus disease (COVID-19) pandemic,

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

Recognizing also the importance of gender equality, gender-responsive action to address climate change and environmental degradation, the empowerment, leadership, decision-making and meaningful participation of women and girls, and the role women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment,

Recognizing further the particular vulnerability of children to the effects of environmental harm, including to air pollution, water pollution, climate change, exposure to chemicals, toxic substances and waste, and loss of biodiversity, and that environmental harm may interfere with the full enjoyment of a vast range of the rights of the child,

Mindful that the growing risk of emerging infectious diseases of zoonotic origin may be caused by human actions that damage ecosystems and biodiversity, stressing that biodiversity is important for the enjoyment of a wide range of human rights, and expressing concern that the loss of biodiversity caused by human activities can be threatening to the enjoyment of those rights and have a major impact on health and livelihoods,

Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment,²⁷ and that

²⁷ [A/HRC/37/59](#), annex.

additional measures for those who are particularly vulnerable to environmental harm should be taken,

Noting that more than 155 States have recognized some form of a right to a healthy environment in, inter alia, international agreements or their national constitutions, legislation or policies,

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

2. *Takes note with appreciation* of the reports of the Special Rapporteur on human rights and the global water crisis: water pollution, water scarcity and water-related disasters²⁸ and on the theme “Human rights depend on a healthy biosphere”,²⁹ and also takes note of the recommendations therein;

3. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment, including its support for the United Nations Environment Management Group and the Secretary-General’s Call to Action for Human Rights, its collaboration with United Nations Environment Programme and other key partners, its engagement with multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification and the Convention on Biological Diversity, to advance respect for and the protection and promotion of human rights when taking environmental action, when appropriate, and its efforts to promote an equitable and sustainable response to and recovery from the COVID-19 pandemic;

4. *Notes with appreciation* the work of the United Nations Environment Programme, the Office of the High Commissioner and the United Nations Development Programme in the implementation of the strategic interventions developed under the Secretary-General’s Call to Action for Human Rights, in particular area 5;

5. *Decides* to renew the mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years;

6. *Requests* the Special Rapporteur, in fulfilling the mandate:

(a) To continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the World Health Organization, the United Nations Environment Programme and the United Nations Development Programme, and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, indigenous peoples and civil society organizations, including those representing local communities and other persons in vulnerable situations, women, children and youth, the private sector and academic institutions;

(b) To continue to identify, promote and exchange views on good practices relating to human rights obligations and commitments that inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and in that regard to disseminate and consider updating documents elaborated by the previous mandate holder, as appropriate;

(c) To work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and protection gaps thereto, including in the context of sustainable development and the Sustainable Development Goals;

²⁸ A/HRC/46/28.

²⁹ A/75/161.

(d) To continue to contribute to and participate in, where appropriate, intergovernmental conferences and meetings relevant to the mandate, including at the United Nations Environment Assembly and events relating to the fiftieth anniversary of the Stockholm Declaration adopted at the United Nations Conference on the Human Environment;

(e) To develop a dialogue, liaise and collaborate with all relevant stakeholders with a view to enhancing public awareness of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

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

(g) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities when addressing climate change and environmental degradation, strengthening and promoting women's and girls' leadership, decision-making and their full, equal and meaningful participation, and addressing good practices where women and girls act as agents of change in safeguarding and managing sustainably the environment;

(h) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies, funds and programmes, including the World Health Organization, the United Nations Environment Programme, and the United Nations Development Programme, the treaty bodies and international and regional organizations, and multilateral environmental agreements, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(i) To submit an annual report, including conclusions and recommendations, to the Human Rights Council and to the General Assembly;

7. *Calls upon* all States, United Nations agencies, funds and programmes, other international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Special Rapporteur, including by providing all necessary information relating to the mandate to enable him or her to fulfil the mandate;

8. *Requests* the High Commissioner to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

9. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(a) To convene, prior to the fifty-second session of the Human Rights Council, an expert seminar on the role of human rights and environmental conservation in the prevention of future pandemics;

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations and treaty bodies, to participate actively in the seminar;

(c) To invite relevant experts of United Nations agencies, funds and programmes, other international organizations and conventions to participate in the seminar;

(d) To submit to the Human Rights Council, at its fifty-second session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

10. *Stresses* the need for enhanced cooperation among States, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner, the World Health Organization and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

11. *Notes* the launch of the One Health High-Level Expert Council in November 2020 by the World Health Organization, the Food and Agriculture Organization of the United Nations, the World Organization for Animal Health and the United Nations Environment Programme to collect, distribute and publicize reliable scientific information on the links between human, animal and environmental health in order to assist public officials in making appropriate decisions to address future crises and to inform citizens;

12. *Calls upon* all States to conserve, protect and restore healthy ecosystems and biodiversity and to ensure their sustainable management and use by applying a human rights-based approach that emphasizes participation, inclusion, transparency and accountability in natural resource management;

13. *Calls upon* States parties to intensify their efforts to advance the implementation of the Convention on Biological Diversity and to enhance their national biodiversity strategies and action plans;

14. *Appeals* to all States to consider adopting and implementing national measures that respect and protect the rights of those who are particularly vulnerable to the loss of healthy ecosystems and biodiversity;

15. *Encourages* States to apply a precautionary approach based on available scientific evidence in decisions that could harm ecosystems and biodiversity;

16. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

*48th meeting
23 March 2021*

[Adopted without a vote.]

46/8. Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

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

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the most recent being Council resolution 43/10 of 19 June 2020,

Reaffirming also Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

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

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the primacy of the means of implementation for the 2030 Agenda for Sustainable Development, and in this regard underlining the fundamental principles of international cooperation, which are pivotal for the practical achievement of the Sustainable Development Goals,

Stressing also the determination expressed in the 2030 Agenda to assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and to address the external debt of highly indebted poor countries to reduce debt distress,

Recognizing the commitments made in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, and noting that, despite international debt relief efforts, many countries remain vulnerable to debt crisis and some are in the midst of a deepened crisis due to the coronavirus disease (COVID-19) pandemic, including a number of least developed countries and small island developing States and some developed countries,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication, and that, for many developing and some developed countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recognizing that States have the obligation to respect and protect human rights, even in times of economic and financial crisis or a global pandemic, and to ensure that their policies and measures do not result in impermissible retrogression in the realization of human rights, as recognized in relevant international human rights instruments, and acknowledging that the guiding principles on human rights impact assessments of economic reforms³⁰ constitute an important reference for Member States in that regard,

Recognizing also the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

Recognizing further that illicit financial flows, including tax evasion by high net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Emphasizing that inequality continues to increase worldwide, and that it often contributes to social exclusion and the marginalization of certain groups and individuals,

Recognizing the severe human rights impact of the recent financial crisis, and that human rights have not always been taken into account in the development of policy responses to the crisis, and recalling in this context the usefulness of the guiding principles on human rights impact assessments of economic reforms for the formulation and implementation of economic reform policies and measures,

Expressing deep concern over estimates that the COVID-19 pandemic has ended global progress in poverty reduction, pushing up to 150 million people into extreme poverty by 2021,

Recognizing that, together with the health crisis associated with the COVID-19 pandemic, and other systemic crises, the global economy is being confronted with a rapidly

³⁰ See [A/HRC/40/57](#).

unfolding, synchronized and severe economic recession affecting both developed and developing economies and all continents at the same time,

Recognizing also the need for reform of the global financial architecture, including of credit rating agencies, that credit rating agencies should play a role in debt crisis prevention, and emphasizing that a more effective international financial architecture is required now more than ever in order to respond to the socioeconomic fallout resulting from the COVID-19 pandemic,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Welcomes* the work and contributions of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

2. *Takes note with appreciation* of the report of the Independent Expert on the role of credit rating agencies in debt relief, debt crisis prevention and human rights;³¹

3. *Recognizes* that developing countries require massive liquidity and financing support to deal with the immediate fallout resulting from the COVID-19 pandemic and its repercussions for the economy and for all human rights owing to the challenges faced in the areas of health care, education, employment and social protection systems, as well as to the heavy debt burden and deteriorating economic buffer;

4. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and to that end has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

5. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the 2030 Agenda for Sustainable Development, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

6. *Reiterates* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries covered by the programme in return for their making demonstrable commitments to poverty reduction;

7. *Stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

8. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the countries affected;

9. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

10. *Also reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing

³¹ [A/HRC/46/29](#).

countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

11. *Encourages* the Independent Expert to continue, in accordance with her mandate, to cooperate with the Committee on Economic, Social and Cultural Rights, the special procedures of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in her work;

12. *Requests* the Independent Expert to continue to report regularly to the Human Rights Council and the General Assembly in accordance with their programmes of work;

13. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out her functions;

14. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of the mandate;

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

*48th meeting
23 March 2021*

[Adopted by a recorded vote of 28 to 14, with 4 abstentions. The voting was as follows:

In favour:

Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Brazil, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Netherlands, Poland, Republic of Korea, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Armenia, Bahamas, Marshall Islands and Mexico]

46/9. Mandate of Special Rapporteur in the field of cultural rights

The Human Rights Council,

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

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

Recalling also all previous Human Rights Council resolutions on the mandate of Special Rapporteur in the field of cultural rights,

1. *Decides* to renew, for a period of three years, the mandate of Special Rapporteur in the field of cultural rights, to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 10/23 of 26 March 2009;

2. *Also decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

*48th meeting
23 March 2021*

[Adopted without a vote.]

46/10. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

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

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and all other relevant human rights instruments, and by the principles of economic, social and cultural rights therein enshrined,

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

Recalling, as highlighted in, inter alia, the Vienna Declaration and Programme of Action, that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the respect, protection and fulfilment of one category of rights should never exempt States from the respect, protection and fulfilment of the other rights,

Reaffirming Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the latest of which being Council resolution 40/12 of 8 April 2019, and the resolutions adopted by the Commission on Human Rights on the same topic,

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

Recognizing that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recalling General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

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

Reaffirming the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to undertake to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full

realization of economic, social and cultural rights by all appropriate means, in particular the adoption of legislative measures,

Noting general comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights, wherein the Committee states that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party to the International Covenant on Economic, Social and Cultural Rights, as is not to adopt retrogressive measures on the protection of economic, social and cultural rights,

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

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

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

Recognizing also the importance of the universality and indivisibility of all human rights, of robust and efficient public policies, of adequately resourced and fully functioning services and of cooperation at the national, regional and international levels for the realization of all economic, social and cultural rights to address the negative impact of the coronavirus disease (COVID-19) pandemic, including on women and girls, older persons, persons with disabilities and indigenous peoples, and to ensure an equitable recovery,

Noting with concern that the growing economic and financial burden caused by the COVID-19 pandemic will further exacerbate inequalities, increase poverty and hunger, reverse hard-won developmental gains and reduce the chances of achieving the Sustainable Development Goals,

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

Noting that an essential aspect of a human rights-based approach to sustainable development is promoting knowledge of human rights, including economic, social and cultural rights, thus enabling individuals and stakeholders to participate in a meaningful, free and active manner in decision-making processes that affect their lives, including through the exercise of civil and political rights,

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

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

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

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

4. *Also welcomes* the most recent accessions to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified or acceded to the Optional Protocol to do so, and also to make declarations under articles 10 and 11 thereof;

5. *Takes note with appreciation* of the reports of the Secretary-General on the question of the realization of economic, social and cultural rights in all countries, with a special focus on the role of new technologies for the realization of economic, social and cultural rights³² and on the impact of COVID-19 on the realization of economic, social and cultural rights,³³ and of the conclusions contained therein;

6. *Recognizes* that, in order to fully reap the benefits of new technologies for the realization of economic, social and cultural rights while minimizing the potential for harm, States should apply regulatory frameworks in accordance with international human rights law, as applicable, in the design, development, deployment, evaluation and regulation of new technologies, and to ensure that they are subject to adequate safeguards and oversight;

7. *Calls upon* all States to take appropriate measures to accelerate efforts to bridge digital divides and technological gaps, including but not limited to those based on gender, age and disability, and not only to combat discrimination and bias in the development and use of new technologies, in particular in terms of access to products and services that are essential for the enjoyment of economic, social and cultural rights, but also to ensure accessible and quality education at all levels, in order to increase the digital competencies and innovation skills of all, including of women, girls and persons with disabilities;

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

9. *Urges* all States to prioritize measures to guarantee economic, social and cultural rights for all individuals, in particular for those disproportionately affected by the pandemic, and to ensure timely, fair and equitable universal access to quality, safe, affordable and effective vaccines, therapeutics and diagnostics;

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

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

³² [A/HRC/43/29](#).

³³ [A/HRC/46/43](#).

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

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

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

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

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

17. *Calls upon* States:

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

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

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

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

18. *Notes with appreciation* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the elaboration of general comments, the consideration of periodic reports and, for

States parties to the Optional Protocol to the Covenant, the examination of individual communications;

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

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

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

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

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

24. *Requests* the Secretary-General to prepare and submit to the Human Rights Council, at its forty-ninth session, a report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the importance of robust and efficient public policies and of adequately resourced and fully functioning services for the protection of economic, social and cultural rights to address the negative impact of the COVID-19 pandemic and to contribute to recovery efforts;

25. *Decides* to convene at its forty-ninth session a panel discussion, under agenda item 3, on the conclusions and recommendations made by the Secretary-General in his report on the importance of robust and efficient public policies and of adequately resourced and fully functioning services for the protection of economic, social and cultural rights to address the negative impact of the COVID-19 pandemic and to contribute to recovery efforts, including practical examples and good practices, and requests the Office of the High Commissioner to invite States and relevant international organizations, treaty bodies and special procedures, and civil society to participate in the panel discussion;

26. *Also decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

*48th meeting
23 March 2021*

[Adopted without a vote.]

46/11. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

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

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

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

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

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

Recalling that human rights, as recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, are universal, indivisible, interrelated and interdependent, and reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the primary responsibility of States to promote, protect and respect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

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

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

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

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

Concerned also that developing countries lose billions of dollars every year through illicit financial flows, and that, in Africa, it is estimated that, over the past 50 years, the

continent has lost \$1 trillion in illicit financial flows, an amount equivalent to all the official development assistance received in the same time frame,

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

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

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

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

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

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

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

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

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

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

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

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

1. *Welcomes* the study of the Advisory Committee on utilizing non-repatriated illicit funds with a view to supporting the achievement of the Sustainable Development Goals,³⁴ and takes note of the proposed courses of action in the study;

2. *Also welcomes* the work undertaken by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,³⁵ and requests her to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

3. *Further welcomes* the high-level meeting on international cooperation to combat illicit financial flows and strengthen good practices on assets return, convened by the President of the General Assembly on 16 May 2019;

4. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

5. *Underscores* that the repatriation of funds of illicit origin is key for States that are undergoing a reform process and for improving the realization of economic, social and cultural rights, including the right to development, and for fulfilling their obligation to meet the legitimate aspirations of their peoples;

6. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, in particular embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin;

7. *Urges* requested States to ensure the prompt and unconditional repatriation of funds of illicit origin to the countries of origin, and to actively participate in adopting a renewed, decisive and proactive commitment to tackle the phenomenon of illicit financial flows and their ensuing negative impact on human rights and the right to development, and to take urgent action to push forward the procedures aimed at the recovery of stolen assets;

8. *Encourages* requested States parties to the United Nations Convention against Corruption to respond to requests for assistance and to adopt such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the said Convention, in the absence of dual criminality;

³⁴ A/HRC/43/66.

³⁵ See A/HRC/46/29.

9. *Asserts* the urgent need to return the proceeds of crime to requesting countries without conditionalities, in accordance with the United Nations Convention against Corruption and with due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, and to strengthen regulatory frameworks at all levels;

10. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas, in compliance with their international obligations, including international human rights law;

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

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

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

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

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

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

17. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

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

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

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

21. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to requesting States in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

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

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

24. *Requests* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to conduct a new study, in connection with the previous relevant studies conducted by the mandate holder and the Advisory Committee, on a proposed non-binding set of practical guidelines for efficient asset recovery aiming at curbing the illicit transfer of funds and mitigating its negative effects on the enjoyment of human rights with a view to help requesting and requested States to strengthen their cooperation in this regard, and to present the study to the Human Rights Council at its fifty-second session;

25. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance, including financial resources, necessary to allow the Independent Expert to carry out the mandate set out in the present resolution, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, and other international and regional entities to cooperate fully with the Independent Expert in this regard;

26. *Encourages* States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice, and any other relevant instruments;

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

28. *Decides* to convene, before its fiftieth session, a one-day intersessional seminar on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, to discuss challenges and best practices in this regard and to make recommendations, with the participation of States, the Advisory Committee and other relevant stakeholders;

29. *Requests* the High Commissioner to present a report on the seminar to the Human Rights Council at its fifty-first session;

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

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

*49th meeting
23 March 2021*

[Adopted by a recorded vote of 31 to 14, with 2 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Bahamas and Mexico]

46/12. Mandate of Independent Expert on the enjoyment of human rights by persons with albinism

The Human Rights Council,

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

Guided also by the Universal Declaration of Human Rights and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming that everyone has the right to life, liberty and security of person and that no one shall be subjected to torture and other cruel, inhuman or degrading treatment or punishment,

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

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

Recalling further the Vienna Declaration and Programme of Action, and recalling also the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health and education as enshrined in the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights treaties,

Deeply concerned that, in various parts of the world, persons with albinism continue to face barriers to their participation as equal members of society and face violations and abuse of their human rights, and conscious that greater and more urgent attention is needed to address these challenges,

Expressing grave concern at the fact that attacks and widespread violence continue to be perpetuated against persons with albinism, in particular women and children, persons with disabilities and the elderly,

Welcoming all the initiatives and actions taken by all States to address and combat all forms of violence and discrimination against persons with albinism,

Welcoming also in this regard the ongoing work of the Independent Expert on the enjoyment of human rights by persons with albinism to address harmful practices relating to accusations of witchcraft and ritual attacks as one of the root causes of human rights violations and abuses perpetuated against persons with albinism, and to engage with stakeholders and carry out analytical studies in order to enable States to take effective action,

Inviting States to effectively implement the 2030 Agenda for Sustainable Development and its principle of leaving no one behind, and calling upon States to reach the furthest behind first, including persons with albinism,

Calling upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism falling within their jurisdiction, to bring to justice those responsible and to ensure that victims and family members have access to appropriate remedies,

Welcoming the consultations conducted by the Independent Expert with relevant stakeholders in various regions, including Africa, culminating in the development of a regional action plan to end violations against persons with albinism,

Welcoming also the recent work and achievements of the Independent Expert in preparing analytical studies and holding discussions on harmful practices relating to accusations of witchcraft and ritual attacks as a particular risk to persons with albinism in some countries and as one of the root causes of attacks perpetrated against them,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the enjoyment of human rights by persons with albinism,

1. *Commends* the Independent Expert on the enjoyment of human rights by persons with albinism for the important work undertaken to end attacks on and to spread awareness about persons with albinism;

2. *Takes note with appreciation* of the thematic report of the Independent Expert,³⁶ in which she addresses, in particular, attacks and human rights violations in countries where certain harmful practices, including those relating to accusations of witchcraft and ritual attacks, have served as one of the root causes of attacks, and in this regard recalls the adoption of the Regional Action Plan on Albinism in Africa (2017–2021) as a continent-wide policy in Africa;

3. *Decides* to extend the mandate of the Independent Expert on the enjoyment of human rights by persons with albinism for a period of three years, on the same terms as provided by the Human Rights Council in its resolution 28/6 of 26 March 2015;

4. *Requests* the Independent Expert to integrate a gender perspective throughout the work of the mandate and to pay specific attention to the challenges and needs of women and girls in order to address the multiple and aggravated forms of discrimination faced by women and girls with albinism;

³⁶ [A/HRC/46/32](#).

5. *Calls upon* all States to cooperate fully with the Independent Expert in the discharge of the mandate and to give serious consideration to responding favourably to her requests to visit their countries and to consider implementing her recommendations, to provide her with all necessary information relating to the mandate and to react promptly to her communications and urgent appeals in order to enable her to fulfil the mandate effectively;

6. *Encourages* the United Nations, including its specialized agencies, and regional organizations, national human rights institutions, independent experts, non-governmental organizations, the private sector, in particular social enterprises, and other relevant stakeholders to cooperate to the fullest extent possible with the Independent Expert in the fulfilment of her mandate;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human and financial resources necessary for the effective fulfilment of her mandate;

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

49th meeting
23 March 2021

[Adopted without a vote.]

46/13. Promoting mutually beneficial cooperation in the field of human rights

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling previous resolutions adopted by the General Assembly and the Human Rights Council on international cooperation in the field of human rights,

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

Reaffirming also that all human rights derive from the dignity and worth inherent in the human person and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,

Reaffirming further 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,

Acknowledging that the approach of multilateralism and diplomacy could reinforce the advancement of the three pillars of the United Nations, namely, sustainable development, peace and security and human rights, which are interlinked and mutually reinforcing, while observing respective mandates and the Charter, and recognizing the urgent need to promote and strengthen multilateralism,

Emphasizing the responsibility of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind,

Reaffirming that the work of the Human Rights Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and

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

Considering that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and international law and based on the principles of cooperation and genuine dialogue, makes an effective and practical contribution to preventing violations of human rights and fundamental freedoms and to strengthening the capacity of States to comply with their human rights obligations for the benefit of all human beings,

Deeply concerned about the loss of life and livelihoods and the disruption to economies and societies by the coronavirus disease (COVID-19) pandemic and its negative impact on the enjoyment of human rights around the world, and particularly concerned that the COVID-19 pandemic perpetuates and exacerbates existing inequalities and that those most at risk are persons in vulnerable and marginalized situations,

Expressing deep concern at the stigmatization, xenophobia, racism and discrimination, including racial discrimination, surfacing in the COVID-19 pandemic in many parts of the world, as well as hate speech, and stressing the need to combat them,

Emphasizing that genuine dialogue and cooperation in the field of human rights should be constructive and based on universality, indivisibility, non-selectivity, non-politicization, equality and mutual respect, with the aim of promoting mutual understanding and constructive cooperation, including through capacity-building and technical cooperation,

Recognizing the importance of technical assistance and capacity-building provided in consultation with, and with the consent of, the States concerned in promoting mutually beneficial cooperation in the field of human rights,

Reiterating the need to further enhance the role of the Human Rights Council in promoting technical assistance and capacity-building, including by exploring the avenues for States, international human rights bodies and mechanisms, relevant international and regional organizations and other stakeholders, including non-governmental organizations, to share their good practices, experiences and expertise in promoting and protecting human rights,

Recognizing the role of the universal periodic review in, inter alia, promoting the universality, interdependence, indivisibility and interrelatedness of all human rights, establishing a cooperative mechanism based on objective and reliable information and on interactive dialogue and ensuring universal coverage and equal treatment of all States in contributing to the promotion and protection of human rights and mutually beneficial cooperation,

Recognizing also that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field and facilitate building a community of shared future for human beings in which human rights are enjoyed by all,

1. *Calls upon* all States to uphold multilateralism and to work together to promote mutually beneficial cooperation in the field of human rights, and encourages other stakeholders, including international and regional organizations and non-governmental organizations, to contribute actively to this endeavour;

2. *Calls upon* all States and other stakeholders to undertake constructive and genuine dialogue and cooperation in the field of human rights, based on universality, impartiality, objectivity, indivisibility, non-selectivity, non-politicization, equality and mutual respect;

3. *Reiterates* the important role of technical assistance and capacity-building in promoting and protecting human rights, calls upon States to strengthen human rights technical assistance and capacity-building through mutually beneficial cooperation, upon the request of and in accordance with the priorities set by the States concerned, and welcomes in this regard North-South, South-South and triangular cooperation;

4. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving

the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States, and calls upon all States and relevant stakeholders to participate constructively in it;

5. *Invites* relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutually beneficial cooperation in promoting and protecting all human rights;

6. *Reaffirms* the commitment of States to international cooperation, multilateralism and solidarity at all levels and as the only way for the world to effectively respond to global crises, such as the COVID-19 pandemic, and their consequences, while underscoring the central role of the State in responding to pandemics and other health emergencies, and in this regard emphasizes the importance of ensuring that all States have equitable access to safe, effective and affordable medical supplies, medicines and vaccines, in particular ensuring accessibility and affordability of vaccines to developing countries;

7. *Decides* to convene at its forty-ninth session a meeting under item 3 of its agenda, with a duration of two hours, to be presided over by the President of the Human Rights Council, on the theme of enhancing technical cooperation and capacity-building in promoting and protecting the human rights of persons in vulnerable and marginalized situations in recovery efforts during and after the COVID-19 pandemic, with the participation of States, international organizations and other stakeholders, to share information on good practices and experience, and encourages all stakeholders to take this opportunity to facilitate technical cooperation;

8. *Requests* the United Nations High Commissioner for Human Rights to provide all necessary resources for the services and facilities for the above-mentioned meeting, to prepare a summary report on the meeting and to submit it to the Human Rights Council at its fifty-second session.

*49th meeting
23 March 2021*

[Adopted by a recorded vote of 26 to 15, with 6 abstentions. The voting was as follows:

In favour:

Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uruguay and Venezuela (Bolivarian Republic of)

Against:

Austria, Bulgaria, Czechia, Denmark, France, Germany, India, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Armenia, Bahamas, Fiji, Libya, Malawi and Uzbekistan]

46/14. Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic

The Human Rights Council,

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

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

Recalling that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or

humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling other relevant international human rights instruments, including the Declaration on the Right to Development, and the Vienna Declaration and Programme of Action, in which it is established that all human rights are universal, indivisible and interdependent and interrelated,

Recalling also General Assembly resolutions 74/270 of 2 April 2020, 74/274 of 20 April 2020, 74/306 of 11 September 2020 and 74/307 of 11 September 2020, Human Rights Council resolutions 41/10 of 19 July 2019 and 44/2 of 21 July 2020, World Health Assembly resolution WHA 73.1 of 19 May 2020 and the statement made by the President of the Human Rights Council on 29 May 2020,³⁷

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and the Sustainable Development Goals enshrined therein, in particular the commitment made by all States to ensure healthy lives and to promote well-being for all at all ages, to achieve gender equality and to reduce inequalities within and among countries,

Recognizing that the availability of vaccines, medicines, health technologies and health therapies is an essential dimension of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Noting that, since the beginning of the vaccine roll-out, the majority of all vaccines administered have been concentrated in high-income countries, while low-income countries still lag behind in gaining access to coronavirus disease (COVID-19) vaccines,

Expressing its serious concern over the disparity between developing countries and developed countries in terms of the distribution of COVID-19 vaccines, which prevents the entire international community from achieving the complete elimination of COVID-19 as soon as possible, and also further hampers progress in the realization of the 2030 Agenda for Sustainable Development,

Recognizing the need to tackle health inequities and inequalities within and among countries through political commitment, international cooperation and policies, including those that address the social, economic and environmental determinants of health,

Welcoming the global initiatives promoting global solidarity in response to the pandemic, including the efforts of countries that have supplied COVID-19 vaccines, and recalling the thirty-first special session of the General Assembly, in response to the COVID-19 pandemic, held on 3 and 4 December 2020, the high-level meeting of the Assembly on universal health coverage, held on 23 September 2019, and the political declaration of the high-level meeting, entitled “Universal health coverage: moving together to build a healthier world”,³⁸

Recognizing that the encouragement and development of international partnerships and cooperation in the scientific and cultural fields contribute to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, bearing in mind that everyone has the right to enjoy the benefits of scientific progress and its applications,

Recognizing also the importance of international cooperation and effective multilateralism in ensuring that all States, in particular developing States, including the least

³⁷ [A/HRC/PRST/43/1](#).

³⁸ General Assembly resolution 74/2.

developed States, have affordable, timely, equitable and universal access to COVID-19 vaccines in order to minimize negative effects in all affected States and to avoid the resurgence of the pandemic,

Recognizing further that universal health coverage implies that all people have access without discrimination to nationally determined sets of needed promotive, preventive, curative, palliative and rehabilitative essential health-care services and essential, safe, affordable, effective and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population,

Stressing the importance of improving the transparency of markets for medicines, vaccines and other health products across the whole value chain, and taking note of World Health Assembly resolution WHA72.8 of 28 May 2019,

Taking note of the guidance issued by the treaty bodies and the special procedures of the Human Rights Council on States' human rights obligations in the context of the COVID-19 pandemic, in particular the statement issued on 15 December 2020 by the Committee on Economic, Social and Cultural Rights, on universal and equitable access to COVID-19 vaccines,³⁹ and the joint statement of several special procedure mandate holders, entitled "Universal access to vaccines is essential for the prevention and containment of COVID-19 around the world",

Acknowledging with appreciation the guidance note issued on 13 May 2020 by the Office of the United Nations High Commissioner for Human Rights, on human rights-compliant responses to the COVID-19 pandemic, and the guidance note issued by the Office on 17 December 2020, on human rights and access to COVID-19 vaccines,

Taking note of the report of the United Nations High Commissioner for Human Rights on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices and areas of concern,⁴⁰

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which requires that States take the steps necessary to prevent, treat and control epidemic, endemic, occupational and other diseases and to create the conditions that would assure medical services and medical attention for all in the event of sickness,

Deeply concerned about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasizing the importance of human rights in shaping the response to the pandemic, in terms of both the public health emergency and the broader impact on people's lives and livelihoods,

Underscoring that equitable access to health products is a matter of global priority and that the availability, accessibility, acceptability and affordability of health products of assured quality are fundamental to tackling the pandemic, and expressing its concern about the fact that the unequal distribution of vaccines delays the end of the pandemic,

Reaffirming the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in providing support to States, and in this regard acknowledging the crucial leading role played by the World Health Organization,

Emphasizing the central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, and in advancing sustainable development and the realization of human rights,

Recognizing the primary responsibility of States to adopt and implement responses to the COVID-19 pandemic that are specific to their national context, and that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk, applied in a non-discriminatory way, have a specific focus

³⁹ E/C.12/2020/2.

⁴⁰ A/HRC/46/19.

and duration and be in accordance with States' obligations under applicable international human rights law,

Deeply concerned about the disproportionate and negative impact of the COVID-19 pandemic on the enjoyment of human rights by women and girls and on gender equality worldwide, including due to the increased incidence of domestic violence and interrupted access to sexual and reproductive health, and underscoring the need to ensure a human rights-based and gender-responsive approach to recovery, mindful in particular of the need to ensure the full enjoyment by women and girls of their human rights,

Recognizing that persons with disabilities face a greater risk of COVID-19 infection and have higher mortality rates, and face aggravated barriers to access to timely and quality health care and services,

Deeply concerned that the COVID-19 pandemic perpetuates and exacerbates existing inequalities and that those most at risk are persons in vulnerable and marginalized situations, including older persons, migrants, refugees, internally displaced persons, persons with disabilities, persons belonging to minorities, indigenous peoples, persons deprived of their liberty, homeless persons and persons living in poverty, and recognizing the need to ensure non-discrimination and equality while stressing the importance of age-responsive, gender-responsive and disability-sensitive measures in this regard,

Noting with concern the uneven access to quality, safe, efficacious and affordable COVID-19 vaccines and the difficulties that a large number of countries face in gaining access to and supplying them to their populations, stressing the important role of the Access to COVID-19 Tools (ACT) Accelerator initiative and of other relevant initiatives that are aimed at accelerating development, production and equitable access to COVID-19 diagnostics, therapeutics and vaccines to all countries and at strengthening health systems, and recognizing in particular its vaccines pillar, the COVID-19 Vaccine Global Access (COVAX) Facility, which will be key to ensuring an equitable global distribution of vaccines to all States,

Recognizing that the COVID-19 pandemic requires a global response based on unity, solidarity and multilateral cooperation, to ensure that all States, in particular developing States, including the least developed countries, have unhindered, timely, fair and equitable access to safe diagnostics, therapeutics, medicines, vaccines and essential health technologies and their components, as well as equipment, bearing in mind that immunization against COVID-19 is a global public good for health in preventing, containing and stopping transmission, and in bringing the pandemic to an end,

1. *Emphasizes* the urgent need to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to facilitate the development of robust health systems and universal health coverage, encompassing universal, timely and equitable access to all essential health technologies, diagnostics, therapeutics, medicines and vaccines in response to the COVID-19 pandemic and other health emergencies, in order to ensure full access to immunization for all, in particular persons and groups in vulnerable situations, as a matter of global priority for all States;

2. *Calls upon* States and other relevant stakeholders to take appropriate measures to guarantee the fair, transparent, equitable, efficient, universal and timely access and distribution of safe, quality, efficacious, effective, accessible and affordable COVID-19 vaccines and to enable international cooperation;

3. *Calls for* intensified international cooperation and solidarity to contain, mitigate and overcome the pandemic and its consequences, including the human rights implications, through responses that are people-centred, gender-responsive, multidimensional, coordinated, inclusive, innovative, swift and decisive at all levels, with full respect for human rights, including by supporting the exchange of information, scientific knowledge and best practices and enhancing maintenance capacity, in particular to assist people in vulnerable situations, including all migrants, and the poorest and most vulnerable countries, to build a more equitable, inclusive, sustainable and resilient future and to realize the 2030 Agenda for Sustainable Development;

4. *Encourages* States to work in partnership with all relevant stakeholders to increase research and development funding for vaccines and medicines, leverage digital technologies and strengthen the scientific international cooperation necessary to combat COVID-19 and to bolster coordination, including with the private sector, towards the further development, manufacturing and distribution of diagnostics, antiviral medicines, personal protective equipment and vaccines while adhering to the objectives of quality, efficacy, safety, equity, accessibility and affordability;

5. *Recognizes* the importance of tools to achieve extensive immunization against COVID-19 as a global public good for health in preventing, containing and stopping transmission, and to bring the pandemic to an end, by ensuring the availability of safe, quality, efficacious, effective, accessible and affordable vaccines;

6. *Calls upon* States and other relevant stakeholders to remove unjustified obstacles restricting the export of COVID-19 vaccines, resulting in an unequal distribution in access to them between developed and developing countries, and to promote equitable global distribution and universal access to vaccines, in order to further the principles of international cooperation and solidarity, to end the current pandemic and to promote the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Urges* States to facilitate the trade, acquisition, access to and distribution of COVID-19 vaccines as a crucial element of their responses to the pandemic, to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to support the administration of vaccines to address the pandemic, in accordance with international human rights obligations and the Sustainable Development Goals and other international legal frameworks, taking into account the principles of non-discrimination and transparency;

8. *Reiterates* the call for States to continue to collaborate, as appropriate, on models and approaches that support the delinking of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases, to ensure their sustained accessibility, affordability and availability and to support access to treatment for all those in need;

9. *Calls upon* States and all relevant stakeholders to promote research and capacity-building initiatives, and to enhance cooperation on and access to science, innovation, technologies, technical assistance and knowledge-sharing, to ensure universal, equitable and affordable access for all persons to COVID-19 vaccines, including through improved coordination among mechanisms, especially with developing countries, in a collaborative, coordinated and transparent manner and on mutually agreed terms, in response to the COVID-19 pandemic and towards advancing the realization of the Sustainable Development Goals;

10. *Urges* States to leverage digital technologies for the response to COVID-19, including in support of efficient, transparent and robust immunization, addressing the socioeconomic impact of COVID-19, paying particular attention to digital inclusion, patient empowerment and the right to privacy and protection of personal data;

11. *Reaffirms* the right of States to use the provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the flexibilities therein, as reaffirmed in the Doha Declaration on the TRIPS Agreement and Public Health, in which it is recognized that the agreement should be interpreted and implemented in a manner supportive of the right of States to protect public health, in particular to promote access to medicines for all, to facilitate access for all to COVID-19 vaccines and to bolster coordination, including with the private sector, towards the rapid development, manufacturing and distribution of vaccines, while adhering to the objectives of transparency, efficacy, safety, equity, accessibility and affordability;

12. *Calls upon* States, other partners and donors to urgently support funding and close the funding gap for the Access to COVID-19 Tools Accelerator and its mechanisms, such as the COVID-19 Vaccine Global Access (COVAX) Facility, to support the equitable distribution of diagnostics, therapeutics and vaccines and to further explore innovative

financing mechanisms aimed at ensuring affordable, timely, equitable and universal access to, and the fair distribution of, COVID-19 vaccines for all and the continuity and strengthening of essential health services;

13. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right of everyone to enjoy the benefits of scientific progress and its applications, including through access to medicines that are affordable, safe, efficacious and of quality and through financial and technical support for and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

14. *Requests* all States, international organizations and relevant stakeholders to commit to transparency in all matters relating to the production, distribution and fair pricing of vaccines, in accordance with national and regional legal frameworks, and urges States to take immediate steps to prevent speculation and undue export controls and stockpiling that may hinder affordable, timely, equitable and universal access for all countries to COVID-19 vaccines;

15. *Recognizes* the immense logistical challenges posed by the lack of infrastructure for the distribution of vaccines in developing countries, including the least developed countries, and calls for greater assistance and building the capacities of developing countries, including through effective training programmes in vaccine delivery in this regard;

16. *Strongly urges* all States to refrain from taking any economic, financial or trade measures that may adversely affect equitable, affordable, fair, timely and universal access to COVID-19 vaccines, in particular in developing countries;

17. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, funds and programmes, in particular the World Health Organization, the special procedures of the Human Rights Council, the treaty bodies, civil society organizations and other stakeholders, to prepare a report on the human rights implications of the lack of affordable, timely, equitable and universal access and distribution of COVID-19 vaccines and the deepening inequalities between States, including the related vulnerabilities and challenges and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, for submission to the Human Rights Council, at its forty-ninth session, and to provide an oral update thereon to the Council at its forty-eighth session;

18. *Decides* to hold, at its forty-ninth session, a half-day panel discussion on the matter, and requests the Office of the High Commissioner to make the discussion fully accessible to persons with disabilities.

*49th meeting
23 March 2021*

[Adopted without a vote.]

46/15. Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolution 31/31 of 24 March 2016,

Recalling also that the prohibition of torture is a jus cogens norm and that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, which must be respected and protected under all circumstances, including in times of international and non-international armed conflict or

disturbance and tension or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling further the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules),

Recognizing that police and other law enforcement officials play a vital role in the protection of the right to life, liberty and security of person, and in serving the community and protecting all persons against acts of torture and other cruel, inhuman or degrading treatment or punishment, and that, in the performance of their duties, law enforcement officials are obligated to respect and protect the human rights of all persons,

Convinced that public confidence in police and other law enforcement officials is paramount for their ability to perform their functions effectively and depends on, inter alia, their respect for the human rights, fundamental freedoms and human dignity of all persons,

Acknowledging the efforts of the Convention against Torture Initiative in supporting States to strengthen their policies to professionalize police services, with the objective of contributing to the full implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by all States parties,

Mindful of existing principles, guidelines and standards relevant to arrest, detention and interrogation, including the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, adopted by the African Commission on Human and Peoples' Rights; the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, adopted by the Inter-American Commission on Human Rights; the European Code for Police Ethics, adopted by the Council of Europe; and the revised standards for law enforcement agencies, issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

1. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to affirm publicly the absolute prohibition against torture and to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

2. *Urges* States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto as a matter of priority;

3. *Emphasizes* that no one shall be subjected to arbitrary arrest or detention and that all arrests must be carried out pursuant to a warrant or based on a reasonable suspicion that a person has committed or is about to commit an offence, and that police or other law enforcement officials conducting an arrest should be identifiable, including the organization and, as applicable, the unit to which they belong;

4. *Stresses* the obligation of States to ensure that anyone who is arrested is informed at the time of arrest of the reasons for the arrest, is promptly informed of any charges against him or her in accessible forms of communication, including in a language that he or she understands, and is provided with information about and an explanation of his or her rights;

5. *Calls upon* States to ensure effective legal and procedural safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, and notably that any individual arrested or detained by police or law enforcement officials is brought promptly before a judge or other independent judicial official, and at any stage of

detention enjoys, without undue delay, access to a lawyer and a doctor, including, where necessary, an age- and gender-responsive medical examination, and having the fact of one's detention notified to a relative or another third party, and is provided with consular notification and access, as appropriate;

6. *Emphasizes* that conditions of detention, including in police custody, must respect the dignity and human rights of persons deprived of their liberty, calls upon States to address and prevent detention conditions amounting to torture or other cruel, inhuman or degrading treatment or punishment, and encourages States to take effective measures to address overcrowding in detention facilities;

7. *Recognizes* that the separation of the roles and responsibilities of police and other law enforcement officials can lead to greater safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, as well as greater specialization, professionalism and efficiency in policing and law enforcement, and invites States to consider designating dedicated arresting officers, custody officers and investigating officers;

8. *Stresses* the importance of developing corroborating methods of crime investigation to eliminate or reduce the sole reliance on confessions for the purpose of securing convictions, and the importance of seeking corroborative evidence through all available modern methods of crime investigation, including through appropriate equipment for, inter alia, audio and audiovisual recordings, skilled human resources and international cooperation on capacity-building, while ensuring the principle of non-discrimination and the right to privacy;

9. *Emphasizes* that the purpose of interviewing is to obtain accurate and reliable information in order to elicit the truth about matters under investigation, and that the use of torture or other cruel, inhuman or degrading treatment or punishment does not contribute to achieving that goal;

10. *Also emphasizes* that States shall keep under systematic review interviewing rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment under their jurisdiction;

11. *Welcomes* the collaboration between police and law enforcement practitioners, lawyers, human rights experts and other relevant stakeholders on the development of international guidelines on non-coercive interviewing and associated safeguards;

12. *Calls upon* all States to take effective measures to ensure that the use of force by police and other law enforcement officials, including the use of less-lethal weapons, is in conformity with international obligations and the principles of legality, necessity, proportionality, accountability and non-discrimination, and that those using force account for each use of force, bearing in mind that lethal force may only be used to protect against grievous bodily harm or an imminent threat to life;

13. *Emphasizes* that, in the context of assemblies, police and other law enforcement officials play a key role in enabling and upholding the right of peaceful assembly and the rights to freedom of expression and of association, and urges all States to ensure that police and other law enforcement officials avoid using force during assemblies, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;

14. *Affirms* that police and other law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives;

15. *Stresses* the importance of police and other law enforcement officials taking effective measures to protect the human rights, dignity and integrity of all persons, fully respecting the principle of non-discrimination, in particular persons in situations of

vulnerability or marginalization, including on the basis of gender, age, physical or mental health, or disability;

16. *Urges* all States to adopt a gender-responsive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, and to pay special attention to women and girls subject to violence, including sexual and gender-based violence;

17. *Stresses* the importance of preventing and tackling racism, xenophobia and racial discrimination and related intolerance in policing, and their negative effects on the ability of police and law enforcement officials to carry out their duties and to maintain the confidence of the communities they serve;

18. *Urges* States to promote a culture of accountability for police and other law enforcement officials, and calls upon States to put in place clear reporting and independent complaint procedures, such as an external police oversight mechanism, for instances or suspicion of torture or other cruel, inhuman or degrading treatment or punishment;

19. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, also wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

20. *Encourages* all States to ensure that police and other law enforcement officials charged with or under official investigation of torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending and, if such persons are convicted, after the conviction;

21. *Calls upon* States to protect and assist all victims of acts of torture or other cruel, inhuman or degrading treatment or punishment, giving due attention to age, disability and gender-specific needs, and to encourage and facilitate victims to report such crimes and to provide them with adequate and trauma-sensitive support, as well as effective access to compensation and rehabilitation;

22. *Stresses* that States must ensure that no statement or evidence that is established to have been obtained as a result of torture is invoked as evidence in any proceedings except against persons accused of torture as evidence that the statement or evidence was obtained, urges States to extend that prohibition to statements or evidence obtained as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

23. *Emphasizes* that, in order for police and other law enforcement officials to be able to play their role in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, States should ensure the proper functioning of the criminal justice system, in particular by taking effective measures to combat corruption, ensure due process, establish proper legal aid programmes, provide for the adequate selection, training, remuneration and equipment of law enforcement officials while fully respecting the principle of non-discrimination, and take measures to improve the representation of women and persons belonging to minorities within law enforcement ranks whenever possible;

24. *Calls upon* States to include education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of police and other law enforcement personnel, including the critical importance of reporting such acts to superior authorities or to a competent domestic authority;

25. *Also calls upon* States to give special attention in the training of law enforcement officials, including in-service training, to police ethics and human rights, especially in the investigative process and interviewing methods, to alternatives to the use of

force and firearms, including de-escalation and the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, and to technical means, with a view to limiting the use of force and firearms;

26. *Further calls upon* States to establish, appoint, maintain or enhance independent and effective mechanisms that have experts with the required capabilities and professional knowledge to undertake monitoring visits to places of detention, including police stations, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and urges State parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to establish a national preventive mechanism;

27. *Welcomes* the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and takes note with appreciation of his latest report;⁴¹

28. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures, within their respective mandates, to take the present resolution into account in their future work.

*49th meeting
23 March 2021*

[Adopted without a vote.]

46/16. Mandate of Special Rapporteur on the right to privacy

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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the right to privacy in the digital age and other relevant resolutions, including the resolutions on the promotion, protection and enjoyment of human rights on the Internet and on new and emerging digital technologies and human rights,

Recalling also that business enterprises 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,

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 noting with appreciation its reports thereon,⁴² and the report of the High Commissioner on the impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests,⁴³

Recognizing 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 proper safeguards, on the enjoyment of the right to privacy and other human rights,

⁴¹ [A/HRC/46/26](#).

⁴² [A/HRC/27/37](#) and [A/HRC/39/29](#).

⁴³ [A/HRC/44/24](#).

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

1. *Decides* to extend the mandate of the Special Rapporteur on the right to privacy for a period of three years, whose tasks will include:

(a) To gather relevant information, including on international and national frameworks, national practices and experience, to study trends, developments and challenges in relation to the right to privacy, 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, and to make recommendations to ensure its promotion and protection, including in connection with the challenges arising from new and emerging technologies;

(b) To seek, receive and respond to information, while avoiding duplication, from States, the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations, the private sector, including business enterprises, and any other relevant stakeholders or parties;

(c) To identify possible obstacles to the promotion and protection of the right to privacy and to identify, exchange and promote principles and best practices at the national, regional and international levels and to submit proposals and recommendations to the Human Rights Council in that regard, including with a view to particular challenges arising in the digital age and during the design, development and deployment of new and emerging technologies;

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

(e) To raise awareness concerning the importance of promoting and protecting the right to privacy, including with a view to the particular challenges arising in the digital age, and concerning the importance of providing individuals whose right to privacy has been violated with access to an effective remedy, consistent with international human rights obligations;

(f) To integrate a gender perspective and the principle of non-discrimination throughout the work of the mandate;

(g) To report on alleged violations, wherever they may occur, of the right to privacy, 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, including in connection with the challenges arising from new and emerging technologies, and to draw the attention of the Human Rights Council and the United Nations High Commissioner for Human Rights to situations of particularly serious concern;

(h) To submit an annual report to the Human Rights Council and to the General Assembly;

(i) To cooperate with other special procedure mandate holders and the Envoy of the Secretary-General on Technology, in accordance with their mandates;

2. *Calls upon* all States to cooperate fully with and to assist the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

3. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

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

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

*49th meeting
23 March 2021*

[Adopted without a vote.]

46/17. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 43/25 of 22 June 2020 and Assembly resolution 75/190 of 16 December 2020, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

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

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,⁴⁴ which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned about the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and about the impunity of perpetrators, as described in the report of the commission of inquiry,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting that the General Assembly, in its resolution 75/190, recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators were prosecuted and brought to justice,

Concerned that the precarious humanitarian situation in the country is exacerbated by the restrictions imposed by the Government of the Democratic People's Republic of Korea on the free and unimpeded access for humanitarian agencies to all populations in need,

Deeply concerned that the humanitarian and human rights situation in the Democratic People's Republic of Korea and the conditions for international staff in the country may further deteriorate as a result of the global coronavirus disease (COVID-19) pandemic, emphasizing the importance of timely assistance to the Democratic People's Republic of Korea in addressing the impact of COVID-19, and underlining in this regard the importance of allowing entry into and exit out of the country by international staff, free and unimpeded access to all populations in need and the import of materials necessary for assisting vulnerable people, in accordance with relevant Security Council resolutions,

⁴⁴ [A/HRC/25/63](#).

Stressing that any restrictions on addressing the pandemic must be necessary, proportionate, non-discriminatory, time-bound, transparent and strictly in line with international law, including the obligations of the Democratic People's Republic of Korea under international human rights law and relevant Security Council resolutions,

Acknowledging General Assembly resolution 75/190, in which the Assembly noted with concern the findings of the United Nations that 10.4 million people in the Democratic People's Republic of Korea were estimated to be undernourished, one third of children 6 to 23 months of age did not receive a minimum acceptable diet, one in five children suffered from stunting (chronic malnutrition), around 9 million people were estimated to have limited access to quality health services and 33 per cent, or an estimated 8.4 million, of people did not have access to a safely managed drinking water source, including 56 per cent of people in rural areas, condemning the Democratic People's Republic of Korea for its national policies of, among other things, diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people and their access to food, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions [2321 \(2016\)](#) of 30 November 2016, [2371 \(2017\)](#) of 5 August 2017, [2375 \(2017\)](#) of 11 September 2017 and [2397 \(2017\)](#) of 22 December 2017,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including the right to an adequate standard of living, including adequate food, and to respect, among other things, freedom of movement, freedom of religion or belief, freedom of expression and freedom of association and peaceful assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and older persons and the need to ensure their full enjoyment of all their human rights and fundamental freedoms against neglect, abuse, exploitation and violence, and taking note in this regard of the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second to fourth periodic reports of the Democratic People's Republic of Korea⁴⁵ and the concluding observations of the Committee on the Rights of the Child on the fifth periodic report of the Democratic People's Republic of Korea,⁴⁶

Encouraging the Democratic People's Republic of Korea to implement all of the recommendations made by the Special Rapporteur on the rights of persons with disabilities in her report on her visit to the Democratic People's Republic of Korea, submitted to the Human Rights Council at its thirty-seventh session,⁴⁷ and noting with appreciation the submission of the initial report of the Democratic People's Republic of Korea on the implementation of the Convention on the Rights of Persons with Disabilities,⁴⁸ in December 2018,

Acknowledging the participation of the Democratic People's Republic of Korea in the third cycle of the universal periodic review, noting the acceptance by the Government of the Democratic People's Republic of Korea of 132 of the 262 recommendations contained in the outcome of the review⁴⁹ and its stated commitment to implementing them and to looking into the possibility of implementing a further 56 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Noting with regret that independent civil society organizations cannot operate in the Democratic People's Republic of Korea and that, as a result, no civil society organization based in the Democratic People's Republic of Korea was able to submit a stakeholder report for the universal periodic review process,

⁴⁵ [CEDAW/C/PRK/CO/2-4](#).

⁴⁶ [CRC/C/PRK/CO/5](#).

⁴⁷ [A/HRC/37/56/Add.1](#).

⁴⁸ [CRPD/C/PRK/1](#).

⁴⁹ [A/HRC/42/10](#).

Stressing the importance of extending the cooperation of the Government of the Democratic People's Republic of Korea to the Office of the United Nations High Commissioner for Human Rights,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Stressing again with grave concern the urgency and importance of the issue of international abductions and of the immediate return of all abductees, as they and their family members age, expressing grave concern at the long years of suffering experienced by abductees and their families and the lack of positive action by the Democratic People's Republic of Korea, notably since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and strongly demanding that the Democratic People's Republic of Korea address all allegations of enforced disappearances, to faithfully provide accurate and detailed information to the families of victims on the fate and whereabouts of their missing relatives, and to resolve all issues relating to all abductees at the earliest possible date, in particular the realization of the immediate return of all abductees of Japan and the Republic of Korea,

Noting with concern the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants,

Welcoming the international community's diplomatic efforts, and stressing the importance of dialogue, including inter-Korean dialogue, engagement and cooperation for the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Stressing the urgency and importance of the issue of separated families, including affected Koreans worldwide, in this regard encouraging the resumption of reunions of separated families across the border and in accordance with the commitments made on this issue at the inter-Korean summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families, and highlighting the importance of allowing permanent regular reunions and contact between separated families, including through meetings at an easily accessible location and regular facility, regular written correspondence, video reunions and the exchange of video messages, in accordance with relevant Security Council resolutions,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses again its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(a) The denial of the right to freedom of thought, conscience and religion, including the right to adopt a religion or belief, and of the rights to freedom of opinion, expression and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to adequate food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape and other grave forms of sexual and gender-based violence and persecution on any grounds, including on the grounds of political opinion, religion or belief and sexual orientation and gender identity, in political prison camps and ordinary prisons, and the widespread practice of collective punishment, with harsh sentences imposed on innocent individuals;

(f) Persistent violations and abuses of all rights of women and girls, who remain the most vulnerable to trafficking for the purposes of prostitution, domestic servitude or early, child or forced marriage and to other forms of sexual and gender-based violence;

(g) The enforced and involuntary disappearance of persons by arrest, detention or abduction against their will, the refusal to disclose the fate and whereabouts of the persons concerned and the refusal to acknowledge the deprivation of their liberty, which places persons subjected thereto outside the protection of the law and which has had the effect of inflicting severe suffering on them and their families;

(h) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge its crimes, abuses and human rights violations, in and outside of the country, and to take immediately all steps necessary to end all such crimes, abuses and violations through, inter alia, the implementation of relevant recommendations contained in the report of the commission of inquiry and in General Assembly resolution [75/190](#), including, but not limited to, the following steps:

(a) Ensuring the right to freedom of thought, conscience and religion or belief and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media;

(b) Ending discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and taking immediate steps to ensure gender equality and the full enjoyment by women and girls of their human rights and the protection of women and girls from sexual and gender-based violence;

(c) Ensuring the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(d) Promoting equal access to food, including by allowing humanitarian access to all people in need and full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons, including individuals in detention;

(e) Allowing humanitarian organizations to carry out their activities in the context of the COVID-19 pandemic, commencing with the immediate reopening of the national borders of the Democratic People's Republic of Korea, for the delivery of urgently required humanitarian goods such as food, medicines and agricultural supplies;

(f) Halting immediately all human rights violations relating to prison camps, including the practice of forced labour and the use of torture and other cruel, inhuman and degrading treatment or punishment and sexual and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, and ensuring that justice sector reforms provide for protections for fair trials and due process;

(g) Resolving the issue of all persons who have been abducted or otherwise forcibly disappeared and their descendants, in a transparent manner, including by ensuring their immediate return;

(h) Ensuring the reunion of separated families across the border;

(i) Abolishing immediately the practice of guilt-by-association punishment;

(j) Ensuring that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(k) Providing nationals of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with and access to consular officers, in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

3. *Recalls* General Assembly resolution [75/190](#), in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

4. *Also recalls* paragraph 11 of Security Council resolution [2371 \(2017\)](#), paragraph 17 of Council resolution [2375 \(2017\)](#) and in particular paragraph 8 of Council resolution [2397 \(2017\)](#), in which the Council decided that States Members of the United Nations should repatriate to the Democratic People's Republic of Korea all nationals of the Democratic People's Republic of Korea earning income in their jurisdictions and all Democratic People's Republic of Korea government safety oversight attachés monitoring Democratic People's Republic of Korea workers abroad immediately, but no later than 24 months from 22 December 2017, urges all States to fully comply, unless the particular State determines that the national is a national of that State or is prohibited from repatriation under applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations or the Convention on the Privileges and Immunities of the United Nations, and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers that were repatriated to the Democratic People's Republic of Korea by 22 December 2019, in accordance with paragraph 8 of Council resolution [2397 \(2017\)](#);

5. *Further recalls* paragraph 4 of General Assembly resolution [75/190](#), in which the Assembly underscored its very serious concern regarding reports of torture, cruel, inhuman and degrading treatment or punishment, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

6. *Reiterates* its deep concern at the findings of the commission of inquiry concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment or punishment, sexual and gender-based violence, enforced disappearance or the death penalty, in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, with a view to protecting the human rights of those who seek refuge, and once again urges States to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

7. *Stresses and restates* its grave concern at the finding of the commission of inquiry that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State

for decades and by institutions under the effective control of its leadership, and that the crimes against humanity entail extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape, forced abortions and other sexual and gender-based violence, persecution on political, religious, racial and gender-related grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

8. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations and abuses, and encourages all States, the United Nations system, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and other stakeholders to cooperate with accountability efforts, especially the efforts made by the Office of the United Nations High Commissioner for Human Rights, and to ensure that the crimes do not remain unpunished;

9. *Welcomes* General Assembly resolution [75/190](#), in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations, which the commission has indicated may constitute crimes against humanity;

10. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

11. *Welcomes* the report of the Special Rapporteur;⁵⁰

12. *Recalls* the recommendations of the commission of inquiry and those contained in General Assembly resolution [75/190](#), and reiterates the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the High Commissioner to strengthen those activities;

13. *Welcomes* the report of the High Commissioner, submitted to the Human Rights Council pursuant to its resolution [40/20](#), on promoting accountability in the Democratic People's Republic of Korea,⁵¹ commends the Office of the High Commissioner, including its field-based structure in Seoul, for the efforts it has made to date, and encourages it to take into account the experience of other relevant mechanisms and to actively engage and cooperate with national, regional and international mechanisms, as appropriate, as part of its efforts to identify strategies for accountability, in accordance with international law standards;

14. *Decides* to continue to strengthen, for a period of two years, the capacity of the Office of the High Commissioner, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report, aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository and having experts in legal accountability assess all information and testimonies, with a view to developing possible strategies to be used in any future accountability process;

15. *Requests* the High Commissioner to provide an oral update on the progress made in this regard to the Human Rights Council at its forty-ninth session, and to submit a full report on the implementation of the recommendations to the Council at its fifty-second session;

⁵⁰ [A/HRC/46/51](#).

⁵¹ [A/HRC/46/52](#).

16. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution [37/28](#), for a period of one year;

17. *Requests* the High Commissioner to include additional options for strengthening, institutionalizing and further advancing work on accountability in the Democratic People's Republic of Korea, in the report to be submitted to the Human Rights Council at its fifty-second session;

18. *Requests* the Office of the High Commissioner to organize a series of consultations and outreach activities with victims, affected communities and other relevant stakeholders with a view to including their views into avenues for accountability;

19. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report, in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

20. *Encourages* the field-based structure of the Office of the High Commissioner in Seoul to continue its endeavours, welcomes its regular reports to the Human Rights Council, and invites the High Commissioner to provide the Council with regular updates on the situation of human rights in the Democratic People's Republic of Korea;

21. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources to fulfil its mandate, that it enjoys full cooperation with relevant States and that it is not subjected to any reprisals or threats;

22. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

23. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

24. *Urges* the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with all special procedure mandate holders, especially the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, to provide them with all information necessary to enable them to fulfil such a mandate and to promote technical cooperation with the Office of the High Commissioner;

25. *Encourages* the Government of the Democratic People's Republic of Korea to extend an invitation to the Office of the High Commissioner to visit the country;

26. *Also encourages* the Government of the Democratic People's Republic of Korea to provide comprehensive information on the implementation of the recommendations it accepted in the second and third cycles of the universal periodic review, and to further expand cooperation with other United Nations human rights mechanisms in order to address all human rights violations and abuses in the country;

27. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

28. *Encourages* all States, the United Nations, including its relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;

29. *Encourages* all States, the United Nations, including its relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders to support efforts aimed at improving dialogue on and engagements with regard to the humanitarian and human rights situation, including international abductions, in the Democratic People's Republic of Korea, including inter-Korean dialogue;

30. *Urges* the Democratic People's Republic of Korea to refrain from the use of deadly and other excessive force at its borders and elsewhere, to work with the international community, including the United Nations system, in the context of COVID-19, and facilitate conditions to alleviate the suffering of the citizens of the Democratic People's Republic of Korea and to allow international staff to operate in the country so that the international community can provide assistance based on independent needs assessments, including of vulnerable populations in detention centres, and a monitoring capacity, consistent with international standards and humanitarian principles and in accordance with relevant Security Council resolutions;

31. *Encourages* the United Nations system as a whole to continue to address the grave situation of human rights in the Democratic People's Republic of Korea in a coordinated and unified manner, including through consideration by the Security Council;

32. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations and abuses, including by closing political prison camps and undertaking profound institutional reforms;

33. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with sufficient resources and the support necessary to carry out the mandate effectively, including to support the information and evidence repository, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

34. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

49th

meeting

23 March 2021

[Adopted without a vote.]

46/18. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

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

Recalling Human Rights Council resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014, 28/21 of 27 March 2015, 31/19 of 23 March 2016, 34/23 of 24 March 2017, 37/30 of 23 March 2018, 40/18 of 22 March 2019 and 43/24 of 22 June 2020, General Assembly resolution 75/191 of 16 December 2020 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests made by the Council and the Assembly in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,⁵² and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

⁵² A/HRC/46/50.

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

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its forty-ninth session and to the General Assembly at its seventy-sixth session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

49th meeting
23 March 2021

[Adopted by a recorded vote of 21 to 12, with 14 abstentions. The voting was as follows:

In favour:

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

Against:

Armenia, Bangladesh, Bolivia (Plurinational State of), China, Cuba, India, Indonesia, Pakistan, Philippines, Russian Federation, Uzbekistan and Venezuela (Bolivarian Republic of)

Abstaining:

Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Libya, Mauritania, Namibia, Nepal, Senegal, Somalia, Sudan, Togo and Uruguay]

46/19. The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, and all resolutions of the Commission on Human Rights on the issue,

Recalling also the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his or her health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development, in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

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

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

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the

Declaration of the World Summit on Food Security, adopted on 16 November 2009, and reaffirming the Five Rome Principles for Sustainable Global Food Security, and the recommendations and commitments made therein,

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

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

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

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in the realization of the right to food through an increased and sustained effort of international cooperation and solidarity, with a view to building a community of shared future for humanity,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Reaffirming that food security is a national responsibility, and that any plan for addressing food security challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders, and recognizing the commitment to strengthening the multilateral system in the channelling of resources and in the promotion of policies dedicated to fighting hunger and malnutrition,

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

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

Recognizing in that context that the coronavirus disease (COVID-19) crisis is exacerbating food insecurity, including through its devastating impact on the livelihoods of people, agriculture and food systems, value chains, food prices, nutrition and food security,

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

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

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

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

Reaffirming the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Acknowledging the contribution of relevant interagency mechanisms, such as the tripartite collaboration among the Food and Agriculture Organization of the United Nations, the World Organization for Animal Health and the World Health Organization, in promoting cooperation and guidance towards safe and sustainable food supplies and practices,

Looking forward to the contribution of the Food Systems Summit, to be held in 2021, to the realization of the right to food,

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

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

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

4. *Expresses deep concern* that, owing to the COVID-19 pandemic, the total number of people estimated to be suffering from acute hunger has doubled, increasing from 130 million in 2019 to 265 million by the end of 2020, while recognizing that the world had already been falling behind on fully realizing the right to food before the onset of the pandemic;

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

6. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and ensuring that women and girls have equal access to social protection and resources, including income, land and water, and their ownership, and full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

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

8. *Takes note with appreciation* of the report of the Special Rapporteur on the right to food,⁵³ which highlights thematic areas of focus for the mandate in the upcoming years;

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

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

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

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

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

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

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

16. *Recognizes* the advances made through South-South and triangular cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

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

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

⁵³ [A/HRC/46/33](#).

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

20. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,⁵⁴ and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take action to address those obstacles and challenges and the continuous discrimination against indigenous peoples;

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

22. *Requests* all States, private actors, international organizations and agencies, within their mandates, to take fully into account the need to promote the effective realization of the right to food for all;

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

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

25. *Requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, paying particular attention to Sustainable Development Goal 2 with respect to achieving zero hunger;

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

27. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur by supplying all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable more effective fulfilment of the mandate;

28. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of the mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

29. *Requests* the Special Rapporteur to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their programmes of work;

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

50th meeting
24 March 2021

[Adopted without a vote.]

⁵⁴ General Assembly resolution 69/2.

46/20. Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Having held an urgent debate at its forty-fifth session to discuss the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 45/1 of 18 September 2020,

Recalling also the statements made by the United Nations High Commissioner for Human Rights on 12 August 2020 and 25 February 2021, the statement made by the Office of the Secretary-General on 13 August 2020 and the joint statements made by special procedure mandate holders of the Human Rights Council since the presidential election held in Belarus on 9 August 2020,

Welcoming the interim oral update presented by the High Commissioner to the Human Rights Council on 4 December 2020 and the subsequent report of the High Commissioner on the situation of human rights in Belarus in the context of the 2020 presidential election⁵⁵ and the recommendations and conclusions contained therein, including the recommendation that the Government of Belarus ensure that independent, impartial, prompt, thorough, effective, credible and transparent investigations are conducted into all allegations of human rights violations in the context of peaceful protests, including those involving loss of life and injuries, and torture or ill-treatment, including acts of sexual violence, and that perpetrators are brought to justice and adequately held to account,

Recalling the report of the rapporteur of the Organization for Security and Cooperation in Europe, appointed under the Moscow Mechanism, invoked with regard to alleged human rights violations during the presidential election of 9 August 2020 in Belarus, and the recommendations contained therein,

1. *Expresses deep concern* about the overall situation of human rights in Belarus and its deterioration in the run-up to the presidential election held on 9 August 2020 and in its aftermath;

2. *Condemns* the ongoing grave violations of human rights in Belarus in connection with the 2020 presidential election, including the systematic denial of human rights and fundamental freedoms, the arbitrary arrests and detention of opposition members, journalists and media workers, human rights defenders and citizens in general for exercising their human rights and fundamental freedoms, and the prison sentences handed down to media workers for performing their professional duties;

3. *Regrets* that the Government of Belarus has not fulfilled its obligations with regard to the right of every citizen to vote and to be elected at free and fair periodic elections, which should be by universal and equal suffrage and should be held by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with its obligations under article 25 (b) of the International Covenant on Civil and Political Rights, and also regrets the failure of Belarus to implement previous recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe on holding free and fair elections that meet international standards, and its non-cooperation in issuing a timely invitation, which precluded the deployment of a mission by that Office to observe the recent presidential election;

4. *Expresses serious concern* at reports that human rights violations were committed in Belarus in the run-up to the 2020 presidential election and in its aftermath, including numerous acts of torture; enforced disappearances; abduction and arbitrary

⁵⁵ [A/HRC/46/4](#).

expulsions, including the politically motivated arbitrary expulsion from the territory of Belarus of members of the Coordination Council; arbitrary arrests and detention, including of minors; acts of sexual and gender-based violence; arbitrary deprivation of life; attacks against and harassment, intimidation and arbitrary detention of members of the political opposition, including members of the Coordination Council, human rights defenders, civil society representatives, journalists and other media workers, and people seeking to peacefully exercise their civil and political rights; denial of the right to freedom of peaceful assembly; and denial of the right to freedom of opinion and expression, both online and offline, including through attacks on the media and the regular harassment of journalists while they exercise their legitimate functions in the context of assemblies, by revoking foreign media workers' accreditations, blocking independent media websites and shutting down the Internet;

5. *Expresses particular concern* at reports of numerous acts of torture and other cruel, inhuman or degrading treatment or punishment by law enforcement and prison officers, including in prisons and detention centres, which urgently require an independent investigation, and regrets that, despite being a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Belarus has, according to reports, not complied with its obligations under that treaty, reflecting long-standing, chronic patterns of systemic violations and impunity;

6. *Calls upon* the Belarusian authorities to cease using excessive force against peaceful demonstrators, and torture and other cruel, inhuman or degrading treatment or punishment and enforced disappearance, and to stop carrying out arbitrary arrests, detentions and imprisonment of persons for exercising their human rights, and urges the Belarusian authorities to immediately and unconditionally release all political prisoners, journalists and other media workers, human rights defenders, members of strike committees, students and those arbitrarily detained in the lead-up to, during and after the presidential election for exercising their human rights and fundamental freedoms;

7. *Also calls upon* the Belarusian authorities to ensure free and fair elections, and to enter into a genuine dialogue with the political opposition, including the Coordination Council and civil society, in order to restore and maintain the rule of law, democracy and respect for human rights law and standards, and to that end to engage meaningfully with the Organization for Security and Cooperation in Europe;

8. *Recognizes* the important role played by journalists and civil society, including human rights defenders, in particular women human rights defenders, in continuing to carry out essential human rights work, including by documenting and monitoring, in challenging circumstances, allegations of human rights violations in the lead-up to, during and after the election;

9. *Urges* the Belarusian authorities to fulfil their obligations under international human rights law, in particular with regard to the freedoms of peaceful assembly and of association, the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion and expression, both online and offline, including its obligations relating to freedom of the media and freedom of information;

10. *Stresses* the need for accountability for human rights violations, which is critical for the prevention of further violations, and regrets that, to date, nothing indicates that criminal cases have been opened in Belarus following the thousands of complaints filed by alleged victims of torture or other ill-treatment, or that criminal charges have been laid relating to the death of at least four people in the context of the protests;

11. *Urges* the Belarusian authorities to ensure independent, transparent and impartial investigations into all reported human rights violations committed in the context of the election, including allegations of torture and other cruel, inhuman or degrading treatment or punishment of detainees and protesters and of enforced disappearance, and to guarantee that victims have access to justice and redress and that perpetrators are held fully accountable;

12. *Urges* Belarus to cooperate fully with the Special Rapporteur on the situation of human rights in Belarus, in particular by granting her free, full and unhindered access to

the territory of the country, including unhindered access to all places of detention, and to extend full cooperation to the thematic special procedures of the Human Rights Council;

13. *Requests* the United Nations High Commissioner for Human Rights, with assistance from relevant experts and special procedure mandate holders:

(a) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged human rights violations committed in Belarus since 1 May 2020, including the possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations, and to collect, consolidate, preserve and analyse information and evidence with a view to contributing to accountability for perpetrators and justice for victims and, where possible, to identify those responsible;

(b) To make general recommendations on improving respect for and the protection of human rights, and to provide guidance on access to justice and accountability, as appropriate;

(c) To engage with the Belarusian authorities and all stakeholders, in particular Belarusian, regional and international civil society, international human rights organizations, United Nations agencies, the Organization for Security and Cooperation in Europe and relevant States with a view to exchanging information, as appropriate, and providing support for national, regional and international efforts to promote accountability for human rights violations in Belarus;

14. *Requests* the immediate operationalization of the mandate;

15. *Encourages* all efforts, including by Belarusian and international civil society groups, and particularly before the operationalization of the above-mentioned mandate, to document human rights violations and abuses in Belarus;

16. *Requests* the Office of the High Commissioner to present an interim oral update to the Human Rights Council at its forty-eighth session, and a comprehensive written report at its forty-ninth session, both to be followed by an interactive dialogue;

17. *Calls upon* Belarus to extend full and transparent access to the Office of the High Commissioner;

18. *Requests* the Secretary-General to provide the Office of the High Commissioner with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate.

*50th meeting
24 March 2021*

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

In favour:

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

Against:

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

Abstaining:

Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Senegal, Somalia, Sudan, Togo and Uzbekistan]

46/21. Situation of human rights in Myanmar

For the text of the resolution, see chapter II.

46/22. Situation of human rights in the Syrian Arab Republic

For the text of the resolution, see chapter II.

46/23. Situation of human rights in South Sudan

The Human Rights Council,

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

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

Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,

Recalling Human Rights Council resolutions 34/25 of 24 March 2017, 37/31 of 23 March 2018, 40/19 of 22 March 2019 and 43/27 of 22 June 2020, the twenty-sixth special session of the Council, including its resolution S-26/1 of 14 December 2016, and its resolution 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,

Noting all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union of 14 November 2019 and 27 January 2020, in which the Peace and Security Council, inter alia, re-emphasized its request to the Government of South Sudan and the African Union Commission to accelerate the establishment of all transitional justice mechanisms as provided for in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, including the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority,

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

Emphasizing also the importance of good governance and the rule of law as key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, and stressing that the Government of South Sudan should respect and protect freedom of expression, of peaceful assembly and of association, and take measures to prevent attacks on and the harassment of journalists, media workers, civil society groups and human rights defenders, in the interest of fostering an open and inclusive political environment that supports sustainable peace,

Recognizing that transitional justice mechanisms are important elements in a national reconciliation process, as they, inter alia, address accountability, reparations, truth-seeking and guarantees of non-recurrence, emphasizing the importance of the agreed principles for transitional justice and the establishment of the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority, as outlined in chapter V of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, and underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Recalling the signing of the Rome Declaration on the peace process in South Sudan on 12 January 2020, in which the Government of South Sudan and non-signatories to the Revitalized Agreement recommitted to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017, and calling upon all parties to the Rome process to resume fully inclusive talks mediated by the Community of Sant'Egidio, while expressing concern at ongoing violations of the permanent ceasefire and the Agreement

on Cessation of Hostilities, Protection of Civilians and Humanitarian Access, and urging all parties to the conflict to fully honour their commitments in this regard,

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

Recognizing that the provision of technical assistance and capacity-building by the international community to South Sudan, including in response to requests from the Government of South Sudan, remains vital to efforts by all actors to realize peace, stability and a sustainable improvement in the situation in South Sudan,

Recognizing also the continued need to step up the scale, coordination, coherence and quality of all capacity development in and technical assistance to South Sudan in the field of human rights,

Recognizing further existing technical assistance and capacity-building efforts, such as the work undertaken by the United Nations Mission in South Sudan, the United Nations Development Programme, the United Nations police and the Office of the United Nations High Commissioner for Human Rights to provide technical assistance and capacity-building to the armed forces, State institutions and the justice system of South Sudan,

Welcoming the appointment of governors and deputy governors in all States, and the ongoing consultations to implement the reconstitution of the Transitional National Legislative Assembly,

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

Observing that, as the situation of human rights improves in South Sudan, it would be appropriate to consider this matter under agenda item 10 at future sessions of the Human Rights Council,

1. *Welcomes* the recent steps taken by the Government of South Sudan towards finalizing governance structures in South Sudan, and calls upon the Government to continue to make progress in finalizing all layers of State and local government and reconstituting the Transitional National Legislative Assembly, in accordance with the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

2. *Stresses* that States have the primary responsibility for the promotion and protection of human rights, and should take measures to prevent human rights violations and abuses and to provide an effective remedy for victims of such violations and abuses, and recalls that the Government of South Sudan has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity;

3. *Urges* the Government of South Sudan to address the previous and current findings of the Commission on Human Rights in South Sudan, which include corruption and economic crimes, such as tax evasion, money laundering and bribery; the recruitment and use of children in armed conflict; localized conflict characterized by killings with the support of militias affiliated with the South Sudan People's Defence Forces and the Sudan People's Liberation Army (in Opposition), the abduction, torture and displacement of people and the looting and destruction of property; the use of starvation as a method of warfare; the denial of humanitarian access and attacks on civilian infrastructure, and violence against and intimidation of civil society, human rights defenders, humanitarian personnel and journalists; and sexual and gender-based violence, including rape, gang rape, sexual mutilation, forced marriage, abduction and sexualized and gender-based torture;

4. *Recognizes* the political will of the Government of South Sudan to promote and protect human rights and its desire for tangible progress and the prevention of further human rights violations and abuses;

5. *Stresses* that those responsible for violations and abuses of human rights and violations of international humanitarian law, including any that amount to war crimes or crimes against humanity, should be held accountable while affording fair trial protections to the accused, supporting victims and protecting potential witnesses before, during and after legal proceedings;

6. *Welcomes* the recent announcement by the Government of South Sudan on commencing the establishment of the hybrid court for South Sudan and other transitional justice mechanisms set out in chapter V of the Revitalized Agreement, and urges the Government to work with the African Union to take all steps necessary to formally establish and operationalize the hybrid court, including by adopting the statute of the hybrid court and by signing the relevant memorandum of understanding as an urgent priority, and to take all steps necessary to establish the commission for truth, reconciliation and healing and the compensation and reparation authority;

7. *Also welcomes* ongoing efforts under the national action plan on sexual and gender-based violence signed in 2019, and the formation and operationalization of a court addressing gender-based violence in January 2021; the action plans of the Sudan People's Liberation Army (in Opposition) and the South Sudan People's Defence Forces to tackle conflict-related sexual and gender-based violence, initiated in 2019; and recent efforts to address sexual and gender-based violence by the use of mobile military courts in Central Equatoria; and encourages efforts to address conflict-related sexual violence and to strengthen accountability for crimes involving sexual and gender-based violence, to be replicated to scale to address impunity, which remains widespread;

8. *Acknowledges* that demonstrable progress in key human rights issues of concern is critical to any future change to the mandate of the Commission on Human Rights in South Sudan, and in this regard requests the Office of the United Nations High Commissioner for Human Rights, in cooperation with the Government of South Sudan and the Commission on Human Rights in South Sudan, the Intergovernmental Authority on Development, the African Union and relevant States to propose a clear transition plan, with benchmarks and milestones to inform future consideration by the Human Rights Council of the situation of South Sudan under agenda item 10;

9. *Requests* the Office of the High Commissioner to facilitate ongoing consultations among the Government of South Sudan, the Commission on Human Rights in South Sudan, the Intergovernmental Authority on Development and the African Union on progress made concerning the implementation of the above transition plan, once developed;

10. *Recognizes* the continued importance of an inclusive process for national dialogue and constitutional reform to help to ensure that the Revitalized Agreement delivers long-term stable governance, and urges all parties and international partners to engage constructively with the African Union Commission, the African Union High Representative for South Sudan and the institutions created pursuant to the Revitalized Agreement;

11. *Stresses* the continuing need for the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation, including adherence to the gender quota of 35 per cent for executive appointments as set out in the Agreement, and to have regard to the need to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

12. *Calls upon* the Government of South Sudan to allow and facilitate, in accordance with relevant provisions of international law, including international humanitarian law and humanitarian principles, the full, safe, rapid and unhindered access of relief personnel, equipment and supplies, free of unnecessary duties and taxes and without intimidation or harassment, to the millions of people in need of humanitarian assistance in South Sudan, including internally displaced persons and refugees, and to enable affected persons to have access to assistance and protection in accordance with the provisions of the Revitalized Agreement and the Agreement on the Cessation of Hostilities;

13. *Recognizes* the continued important role and efforts of the Intergovernmental Authority on Development in bringing parties together to advance the implementation of the

Revitalized Agreement, and to support the inclusion of civil society, women and youth in all negotiations, including those relating to constitutional reform;

14. *Also recognizes* the vital role played by human rights defenders, women peacebuilders, the media and civil society organizations in promoting human rights, highlights the critical importance of freedom of expression in South Sudan, and urges the Government of South Sudan to promote and protect political and civic space and to respect these freedoms;

15. *Further recognizes* the continued important role of the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism in supporting the implementation of the Revitalized Agreement and its ceasefire provisions, and urges all parties and international partners to engage constructively with all the bodies created pursuant to the Revitalized Agreement;

16. *Urges* all parties to the comprehensive action plan to end and prevent all six grave violations against children, to take immediate and effective steps towards its implementation, including by releasing all children that have been recruited and abducted, and to take measures to ensure that all survivors have access to justice as well as to gender- and age-responsive medical, psychological and other support services, including for survivors of sexual and gender-based violence;

17. *Welcomes* the third report of the Secretary-General on children and armed conflict in South Sudan,⁵⁶ expresses its serious concern at the finding that children continue to be victims of human rights violations and abuses, and of the six grave violations identified in the report, which are committed against children by all parties to the conflict, urges all parties to ensure that the recommendations made in the report are implemented fully, and recalls that the best interests of the child should be a primary consideration in all actions concerning children taken by the Government of South Sudan;

18. *Stresses* its continued and serious concern at the findings of the Panel of Experts on South Sudan submitted pursuant to Security Council resolution 2428 (2018),⁵⁷ and encourages constructive engagement with the Panel of Experts;

19. *Also stresses* its concern at the findings made in the joint report of the Office of the High Commissioner and the United Nations Mission in South Sudan entitled “Access to health for survivors of conflict-related sexual violence in South Sudan”, published in May 2020, which builds on previous reports, including “Conflict-related violations and abuses in Central Equatoria: September 2018–April 2019”, regarding the persistence of localized conflict-related sexual and gender-based violence against women and men, boys and girls, the lack of accountability for perpetrators, and the lack of health support for survivors;

20. *Takes note with appreciation* of the report of the Commission on Human Rights in South Sudan⁵⁸ and the recommendations contained therein;

21. *Expresses concern* at the findings of the Commission in its report regarding widespread and pervasive violence at the subnational level, localized conflicts, often with the participation of organized armed militias affiliated with the South Sudan People’s Defence Forces or the Sudan People’s Liberation Army (in Opposition), including violations against civilians, such as abductions, including of children, murder, rape and other forms of sexual violence, and also expresses concern at the arbitrary arrest and detention or enforced disappearance of persons exercising their freedoms of expression or of peaceful assembly;

22. *Welcomes* the continued cooperation of the Government of South Sudan with the Office of the High Commissioner, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to continue to cooperate fully and constructively

⁵⁶ S/2020/1205.

⁵⁷ S/2019/301.

⁵⁸ A/HRC/46/53.

with and to give unhindered access to them, as well as to the United Nations Mission in South Sudan, and regional, subregional and international mechanisms on the ground;

23. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensuring that those responsible are held to account, and welcomes the recommendations made by the Commission on ending impunity and ensuring accountability;

24. *Urges* States, the United Nations High Commissioner for Human Rights, the Commission on Human Rights in South Sudan, relevant United Nations agencies and other stakeholders to continue to support the efforts of the Government of South Sudan to further improve the situation of human rights in the country, including by responding to the Government's requests for further technical assistance and capacity-building;

25. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(a) To monitor and report on the situation of human rights in South Sudan, and to make recommendations to prevent a deterioration in the situation with a view to its improvement;

(b) To determine and report the facts and circumstances of, to collect and preserve evidence of, and to clarify responsibility for alleged violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Revitalized Agreement, including the hybrid court for South Sudan, once established in cooperation with the African Union;

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

(d) To engage with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan and the African Union, including by building upon the work of the African Union Commission of Inquiry on South Sudan and the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the reconstituted Joint Monitoring and Evaluation Commission and civil society, with a view to promoting accountability for human rights violations and abuses committed by all parties;

(e) To make recommendations on technical assistance and capacity-building, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

(f) To make recommendations on technical assistance and capacity-building for the implementation of chapter V of the Revitalized Agreement;

(g) To make recommendations on a follow-up process for the provision of technical assistance and capacity-building to South Sudan;

26. *Requests* the Commission on Human Rights in South Sudan to convene two workshops on transitional justice, with the participation of relevant stakeholders;

27. *Also requests* the Commission on Human Rights in South Sudan to work collaboratively with the African Commission on Human and Peoples' Rights, including with the Country Rapporteur for South Sudan;

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

29. *Also requests* the Office of the High Commissioner to provide the Government of South Sudan with technical assistance in order to support the realization of the indicators contained in the present resolution;

30. *Requests* the Secretary-General to provide the Office of the High Commissioner with all the resources necessary to enable it to provide such administrative, technical and logistical support as necessary to the Commission on Human Rights in South Sudan;

31. *Requests* the Commission on Human Rights in South Sudan to present an oral update to the Human Rights Council at its forty-eighth session, including on progress made on the provisions of the present resolution, during an enhanced interactive dialogue, with the participation of representatives of the African Union, and to present a comprehensive written report to the Council at its forty-ninth session during an interactive dialogue;

32. *Also requests* the Commission on Human Rights in South Sudan to submit its report and recommendations to the Human Rights Council and then to share them with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

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

*51st meeting
24 March 2021*

[Adopted by a recorded vote of 20 to 16, with 11 abstentions. The voting was as follows:

In favour:

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

Against:

Bahrain, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Libya, Mauritania, Pakistan, Philippines, Russian Federation, Somalia, Sudan and Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Brazil, Burkina Faso, India, Indonesia, Malawi, Namibia, Nepal, Senegal, Togo and Uzbekistan]

46/24. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolutions 74/90 of 13 December 2019 and 75/99 of 10 December 2020, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Recalling further General Assembly resolutions 73/98 of 7 December 2018, 74/88 of 13 December 2019 and 75/97 of 10 December 2020,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,⁵⁹ and in this connection deploring the Israeli settlements in the occupied Arab territories, and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention) and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolutions 37/33 of 23 March 2018, 40/21 of 22 March 2019 and 43/30 of 22 June 2020,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, *inter alia*, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Deplores* the continuing settlement policies and practices in the occupied Syrian Golan, including the recent plans for the establishment and expansion of illegal settlements, and demands that Israel, the occupying Power, immediately cease all settlement-related plans and activities in the occupied Syrian Golan;

3. *Calls upon* Israel, the occupying Power, to cease changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

4. *Also calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;⁶⁰

5. *Further calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

6. *Demands* that Israel stop its repressive measures against the Syrian citizens in the occupied Syrian Golan, and release immediately the Syrian detainees in Israeli prisons;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian

⁵⁹ A/75/199.

⁶⁰ Ibid.

Golan are null and void, constitute a flagrant violation of international law and of the Fourth Geneva Convention, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Deplores* the practices of the Israeli occupation authorities affecting the human rights of the Syrian citizens in the occupied Syrian Golan, including the confiscation of private properties of Syrians by imposing so-called “Israeli documents” on them, expresses grave concern at the continued illegal exploitation of natural resources,⁶¹ the unlawful mine-laying practices of the Israeli occupation forces in the occupied Syrian Golan, and also expresses deep concern at the non-cooperation of Israel with the Office of the United Nations High Commissioner for Human Rights;

10. *Also deplores* the approval given to commence construction works on a wind turbine project despite its harmful impact on a wide range of human rights of the Syrian population in the occupied Syrian Golan, and calls upon Israel, the occupying Power, to stop immediately all action on the project;

11. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its forty-ninth session;

12. *Decides* to continue its consideration of the human rights violations in the occupied Syrian Golan at its forty-ninth session.

*51st meeting
24 March 2021*

[Adopted by a recorded vote of 26 to 18, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d’Ivoire, Cuba, Eritrea, Gabon, India, Indonesia, Libya, Mauritania, Mexico, Namibia, Nepal, Pakistan, Russian Federation, Senegal, Somalia, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Brazil, Bulgaria, Cameroon, Czechia, Denmark, France, Germany, Italy, Japan, Malawi, Marshall Islands, Netherlands, Poland, Republic of Korea, Togo, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Fiji, Philippines and Uruguay]

46/25. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

⁶¹ See [A/HRC/46/65](#) and [A/HRC/46/64](#).

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this *jus cogens* norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploing the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and expressing deep regret about the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the diaspora,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Noting that the failure to bring the occupation to an end after 50 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine remains unresolved 73 years since General Assembly resolution 181 (II) on partition,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Also reaffirms* the need to achieve a just, comprehensive and lasting peaceful solution to the Israeli-Palestinian conflict, in conformity with international law and other internationally agreed parameters, including all relevant United Nations resolutions;

3. *Calls upon* Israel, the occupying Power, to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and further reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

4. *Expresses grave concern* at any action taken in contravention of the General Assembly and Security Council resolutions relevant to Jerusalem;

5. *Also expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are the result of Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

6. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

7. *Calls upon* all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel, in particular of the prohibition of the acquisition of territory by force, in order to ensure the exercise of the right to self-determination, and also calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of Israel's illegal policies and practices;

8. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

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

*51st meeting
24 March 2021*

[Adopted by a recorded vote of 42 to 3, with 2 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, China, Côte d'Ivoire, Cuba, Denmark, Eritrea, Fiji, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Togo, Ukraine, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Czechia, Marshall Islands and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Cameroon and Malawi]

46/26. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling all relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also all relevant United Nations reports, including reports by mechanisms of the Human Rights Council, and calling upon all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained therein,

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

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention) to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, and reaffirming that States should not recognize as lawful a situation arising from breaches of peremptory norms of international law,

Affirming that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, thereby causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining its viability, creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and making the two-State solution physically impossible to implement,

Noting that the International Court of Justice concluded, inter alia, that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Expressing its grave concern at any action taken by anybody, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

Expressing its grave concern also at the calls made by Israeli officials for the annexation of Palestinian lands,

Noting that Israel has been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Affirming that the Israeli settlement policies and practices in the Occupied Palestinian Territory, including East Jerusalem, seriously endanger the viability of the two-State solution,

undermining the physical possibility of its realization and entrenching a one-State reality of unequal rights,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely undermining the exercise of Palestinian self-determination, and deeply concerned that the magnitude, persistence and character of the settlement enterprise suggest that the occupation has been established with the intention of making it permanent, in violation of the prohibition of acquisition of territory resulting from the use of force,

Noting also that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Deploing in particular the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the West Bank, including East Jerusalem, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Gravely concerned about all acts of terror, violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land, denial of access to farmers and the dispossession of their land and crops, the forced diversion of water resources, the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, including the loss of livelihoods in the agricultural sector, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Aware also that numerous Israeli policies and practices relating to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, amount to blatant discrimination, including through the creation of a system privileging Israeli settlements and settlers against the Palestinian people, and in violation of their human rights,

Recalling the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, aware that the conditions of harvesting and production of products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied

Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard, including the obligation to ensure respect for the Fourth Geneva Convention,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel, and concerned about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Noting that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and to cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and in this regard calls for the full implementation of all relevant Security Council resolutions, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 497 (1981) of 17 December 1981, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice, including to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, and to make reparation for the damage caused to all natural or legal persons affected by the construction of the wall;

5. *Condemns* the continuing settlement and related activities by Israel, including the transfer of its nationals into the occupied territory, the construction and expansion of settlements, the expropriation and de facto annexation of land, the demolition of homes and community infrastructure, disruptions to the livelihood of protected persons, the confiscation and destruction of property, including humanitarian relief consignments, the forcible transfer of Palestinian civilians or the threat thereof, including of entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, constitute a violation of international humanitarian law, in particular article 49 of the Fourth Geneva Convention, and of international human rights law, and undermine the viability of the two-State solution;

6. *Expresses its grave concern* at and calls for the cessation of:

(a) The conduct of economic activities in the Occupied Palestinian Territory, including East Jerusalem, for the benefit of the settlement enterprise and associated activities;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and “relocation” plans, the obstruction and destruction of humanitarian assistance, including projects funded by the international community, and the creation of a coercive environment and unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of “State lands”, closed “military zones”, “national parks” and “archaeological sites” to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel’s obligations under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing the full participation of Palestinians in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

7. *Calls upon* Israel, the occupying Power:

(a) To end without delay its occupation of the territories occupied since 1967, which may be contrary to international law, to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its so-called E-1 plan;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(c) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of institutionalized discrimination;

(d) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called State land, and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all practices and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including the confiscation of arms and the enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage to, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

8. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

9. *Urges* all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and to continue to actively pursue policies that ensure respect for their obligations under international law with regard to these and all other illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem;

10. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention;

11. *Calls upon* all States:

(a) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories with regard to, inter alia, the issue of trade with settlements, consistent with their obligations under international law;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the immitigable nature of the adverse impact of their activities on human rights;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, the importation of settlement products, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(d) To increase monitoring of settler violence with a view to promoting accountability;

12. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights, and to avoid contributing to the establishment, maintenance, development or consolidation of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory;

13. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human

Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

14. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the provisions of the present resolution to the Human Rights Council at its forty-ninth session;

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

*51st meeting
24 March 2021*

[Adopted by a recorded vote of 36 to 3, with 8 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d’Ivoire, Cuba, Denmark, Eritrea, Fiji, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Czechia, Marshall Islands and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Austria, Bahamas, Brazil, Bulgaria, Cameroon, Malawi, Togo and Ukraine]

46/27. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014, 28/29 of 27 March 2015, 31/26 of 24 March 2016, 34/32 of 24 March 2017, 37/38 of 23 March 2018, 40/25 of 22 March 2019 and 43/34 of 22 June 2020, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014, 70/157 of 17 December 2015, 71/195 of 19 December 2016, 72/196 of 19 December 2017, 73/164 of 17 December 2018, 74/163 of 18 December 2019 and 75/187 of 16 December 2020,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can

play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons on the basis of their religion or belief in all regions of the world,

Deploping any advocacy of discrimination or violence based on religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Recalling General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul

Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and recalling the initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme “United in diversity” and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons on the basis of their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence and of negative stereotyping of individuals on the basis of religion or belief continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of expert meetings held in Washington, D.C., London, Geneva, Doha, Jeddah, Singapore and The Hague, in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that open, public debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and is convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws upon his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence on the basis of religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of their ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 43/34, summarizing the contributions received from States,⁶² and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its forty-ninth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief.

*51st meeting
24 March 2021*

[Adopted without a vote.]

⁶² [A/HRC/46/67](#).

46/28. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

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

Recalling also 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 Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, 25/36 of 28 March 2014, 31/28 of 24 March 2016, 34/39 of 24 March 2017, 37/39 of 23 March 2018, 40/26 of 22 March 2019 and 43/38 of 22 June 2020, by which it extended the mandate of the Independent Expert,

Reaffirming the primary responsibility of all States to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Taking note with satisfaction of the report of the Independent Expert on the situation of human rights in Mali,⁶³

Deeply concerned about the disruption of the constitutional order in Mali, noting the establishment of the architecture of the transition in Mali, through the appointment of a president, a vice-president, a prime minister, a transitional government and a national transitional council, and the publication of a transitional charter, and calling for an inclusive transition process and the rapid launching of the reforms announced in the Government's Action Plan, in particular those that will allow for the organization of free, fair and transparent elections in 2022, in order to restore the constitutional order,

Deeply concerned also about the ongoing deterioration of the security situation in Mali, mainly in the north and centre of the country, in particular the expansion of terrorist activities, the intensification of violent extremism and intercommunal violence, the proliferation of small arms, the smuggling of drugs and migrants, trafficking in persons and other forms of transnational organized crime,

Remaining concerned about continued human rights violations and breaches, including abuses, conflict-related sexual violence, violence against children and other vulnerable groups and violations of international humanitarian law, and concerned also about the slow progress in the implementation of some of the relevant provisions of the Agreement on Peace and Reconciliation in Mali, particularly with regard to the actions to be taken in the area of justice and reconciliation provided for in section V of the Agreement, and the delays in the redeployment of government services and the access of the population to basic social services,

Remaining concerned also about the food and humanitarian crisis experienced by the population groups affected by the conflict, including internally displaced persons, and about the insecurity that continues to hamper humanitarian access, stressing that the deteriorating humanitarian situation has a disproportionate impact on women and girls, and condemning attacks on humanitarian personnel,

⁶³ [A/HRC/46/68](#).

Recalling in this regard that all the perpetrators of such acts must be held accountable and that on 16 January 2013, at the request of the Malian transitional authorities, the Prosecutor of the International Criminal Court opened an investigation into the alleged crimes committed in Mali since January 2012,

Noting the commitment expressed by the Malian transitional authorities and the signatory groups to the Agreement for Peace and Reconciliation in Mali, expressing concern about the delays in the peace process, and encouraging all parties to continue the dialogue within the framework of the Agreement Monitoring Committee and to fulfil their obligations under the Agreement,

Welcoming the resumption of the peace process with the holding in Kidal on 11 February 2021 of a new meeting on the work of the Agreement Monitoring Committee,

Noting with satisfaction the increase in the number of women participating in the work of the Agreement Monitoring Committee and the announcement that women's participation will be increased, including in the subcommittees, and the adoption of the new National Action Plan on the Implementation of Security Council resolution 1325 (2000) of 31 October 2000 for the period 2019–2023,

Welcoming the progress made in the disarmament, demobilization and reintegration process and the effective integration of 1,730 former members of armed groups into the Malian defence and security forces, and the ongoing redeployment of the country's reconstituted armed forces, in particular in Kidal, Ménaka, Gao and Timbuktu,

Welcoming also Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against, in particular, those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, not least women and children, and noting the adoption by the Security Council of two series of sanctions in December 2018 and July 2019, respectively,

Noting the will of the Government and the people of Mali, expressed in various circumstances, in particular during the national reconciliation conference, the inclusive national dialogue and the national consultations, to give priority to dialogue and reconciliation in resolving the crisis,

Calling upon the Malian transitional authorities to intensify their efforts to restore the rule of law and combat impunity effectively,

Welcoming the cooperation of Mali with international human rights mechanisms, notably its participation in the third cycle of the universal periodic review in 2018, and the invitations issued to special procedures mandate holders of the Council, and welcoming also the endorsement by Mali of the call for humanitarian action,

Taking note of the latest report of the Secretary-General on the situation in Mali,⁶⁴ in which he expresses concern about the deterioration of the security situation in the north and centre of Mali, and of the humanitarian situation, and about the increase in human rights violations, calling on the Malian transitional authorities to take all measures in this regard, and indicating that the implementation of the Agreement on Peace and Reconciliation in Mali and the strengthening of mechanisms and institutions for the protection of human rights in the country are priorities for the transition in place,

Taking note with interest the conclusions of the Working Group on Children and Armed Conflict on the situation in Mali,⁶⁵

Welcoming the consideration given by the Joint Force of the Group of Five for the Sahel to the human rights due diligence policy on United Nations support to non-United Nations security forces, welcoming also the initiatives of the States members of the Group of Five for the Sahel and the Joint Force to implement the human rights and international

⁶⁴ [S/2020/1281](#).

⁶⁵ [S/AC.51/2020/11](#).

humanitarian law compliance framework funded by the European Union and its member States, and encouraging all parties to continue their efforts to ensure the full application of this framework,

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, including those involving violations and abuses of women's rights, notably sexual and gender-based violence, violations and abuses of children's rights, in particular the recruitment and use of children in violation of international law, and extrajudicial and summary executions, enforced disappearances, arbitrary arrests and detention, mistreatment of prisoners, killing and maiming, and attacks on schools and hospitals;

2. *Calls upon* all parties to respect the civilian character of schools as such in accordance with international humanitarian law and to cease detaining children for violations of national security in breach of applicable international law, urges all parties to put an end to such violations and abuses and abide by their obligations under applicable international law, including international human rights and humanitarian law, welcomes in this regard the endorsement by the Malian authorities of the Safe Schools Declaration in February 2019, and encourages them to follow up on it, including by drawing up a list of the schools closed as a result of direct threats or insecurity;

3. *Recalls* in this regard that all perpetrators of such acts must be held accountable before the competent courts, at both the national and the international level;

4. *Strongly condemns* the attacks, including terrorist attacks, on civilians, representatives of local, regional and central institutions, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces deployed in the framework of Operation Barkhane, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Transitional Government of Mali to ensure that those responsible for these acts are prosecuted, where appropriate;

5. *Also strongly condemns* the continuation of intercommunal violence in the centre and north of the country in the past year and calls upon the Transitional Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the international community, to strengthen its efforts to achieve national reconciliation and to prevent violence in identified hotspots, and notes with satisfaction the efforts made to resolve these conflicts through the setting up of communal reconciliation committees;

6. *Underscores* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance, development and reconciliation, as well as respect for, and protection and promotion of, human rights;

7. *Reiterates* its call for an immediate halt to all human rights violations and abuses and violations of international humanitarian law and for the strict observance of all human rights and fundamental freedoms;

8. *Requests* all parties to allow, in accordance with international humanitarian law and humanitarian principles, safe, full, immediate and unhindered humanitarian access, to facilitate the safe and unrestricted passage of aid, so that it may be rapidly distributed to all those who need it in any part of Mali, and to ensure the safety and protection of the civilians receiving it and of the humanitarian and health personnel working in Mali;

9. *Encourages* the Malian transitional authorities to continue to implement the recommendations accepted during the third cycle of the universal periodic review of Mali, and calls in particular for the adoption of the bill on gender-based violence and for the continuation of efforts to combat slavery;

10. *Also encourages* the international community to continue its support for the efforts of the transitional authorities and the Malian parties to ensure greater participation of women in the national reconciliation process and in all decision-making bodies of the peace

process, and their political empowerment at all levels, and further encourages the transitional authorities and the Malian parties to strengthen their efforts in this regard;

11. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former fighters, the redeployment of Malian armed forces throughout the territory, decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes in this regard the inclusion of women in the Agreement Monitoring Committee, and also welcomes the involvement of the Carter Center as an independent observer of the Agreement;

12. *Encourages* the Malian transitional authorities to put in place all necessary measures to prevent the recruitment and use of children in violation of international law, to put a stop to these practices, to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account, and to adopt the law on the protection of the child;

13. *Also encourages* the Malian transitional authorities to put in place appropriate measures to comply with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, in particular, to strengthen measures for the further implementation of the Protocol on the Release and Handover of Children Associated with Armed Forces and Groups signed by the United Nations and the Government of Mali in 2013, and to strengthen the training programmes of the Malian defence and security forces in this regard, and calls on partners to support the Malian transitional authorities in order to ensure better access to justice and to social, medical and psychosocial services for all survivors of gender-based violence;

14. *Notes* that the Prosecutor of the International Criminal Court, in January 2013, initiated an investigation into crimes committed on the territory of Mali since January 2012, that, on 27 September 2016, the Court found an individual guilty of war crimes for having intentionally directed attacks against buildings of a religious and historical character in Timbuktu and opened, on 14 July 2020, the trial against an individual for war crimes and crimes against humanity, and that all Malian stakeholders decided to lend the Court their support and cooperation;

15. *Supports* in this regard the efforts of the Malian transitional authorities to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before impartial and independent courts, and urges the transitional authorities to intensify their efforts to combat impunity;

16. *Urges* the Malian transitional authorities to ensure that measures taken to promote national harmony are developed in an inclusive manner and to cooperate closely with civil society by ensuring that the most serious crimes are prosecuted and that the victims are provided with adequate compensation;

17. *Strongly condemns* the summary executions of civilians, encourages the Malian transitional authorities to see through to completion the judicial investigations that have been opened and those that are forthcoming in order to bring to justice those responsible for these serious human rights violations, and welcomes the initiation of judicial proceedings before the Mopti Assize Court in terrorism cases, and the ongoing investigation into cases involving elements of the armed and security forces in operation before the military courts of Mopti and Bamako, following allegations of human rights violations;

18. *Welcomes* the report of the International Commission of Inquiry on Mali,⁶⁶ a body established by the Secretary-General to investigate the grave violations and abuses of international human rights and humanitarian law, including the allegations of gender-based violence during the conflict, that were committed on Malian territory from 1 January 2012 to 19 January 2018, and urges the Malian transitional authorities to establish adequate mechanisms for follow-up on the recommendations of the Commission;

⁶⁶ S/2020/1332, annex.

19. *Encourages* the Malian transitional authorities to continue to support the work of the Truth, Justice and Reconciliation Commission, which has collected more than 19,800 testimonies from victims in several regions of Mali and held two public hearings, on 8 December 2019 and 5 December 2020, and to guarantee the independence and means of the Commission so that it can fulfil its mandate to support the victims of the crises in Mali;

20. *Also encourages* the Malian transitional authorities and all regional and international actors to continue their efforts to establish peace and security in Mali;

21. *Commends* the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali for the efforts of the Malian transitional authorities to restore State authority and the rule of law in the country, and deplores the loss of life the Mission is experiencing;

22. *Calls upon* the Joint Force of the Group of Five for the Sahel to continue its efforts to implement the human rights and international humanitarian law compliance framework funded by the European Union and its member States, including by ensuring the effectiveness of its own accountability mechanisms, which are essential to making certain that each incident involving civilian victims or alleged human rights violations or abuses or violations of international humanitarian law is subject to a prompt, impartial, independent and thorough investigation, and that immediate steps are taken against the units and individuals alleged to be responsible, where appropriate;

23. *Requests* all parties to respect human rights and to ensure strict compliance with international human rights law and international humanitarian law, and welcomes in this regard the establishment of criminal investigation units composed of gendarmes, all military criminal investigation officers, within the military forces involved in counter-terrorism operations;

24. *Urges* the Malian transitional authorities to speed up the return of the administration, notably the judiciary, and basic services in the centre and north of the country and work to restore an acceptable level of security;

25. *Requests* friendly countries and partner organizations that have made pledges at successive conferences on the development of Mali to honour those pledges in order to assist the Malian transitional authorities to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

26. *Calls for* a fair, free, transparent and inclusive electoral process with a view to the re-establishment of the constitutional order after the transitional period, in the first quarter of 2022;

27. *Welcomes* the close cooperation of the Malian transitional authorities with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him, all calls upon the transitional authorities to implement his recommendations;

28. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Malian transitional authorities in their efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

29. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to help him carry out his mandate;

30. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, the Group of Five for the Sahel and its member States, neighbouring States and all other international organizations concerned, and with Malian civil society;

31. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its forty-ninth session;

32. *Decides* to hold a dialogue at its forty-ninth session, in the presence of the Independent Expert and representatives of the Transitional Government of Mali, to assess the

changes in the situation of human rights in the country, with a particular focus on the issue of space for civil society and human rights defenders;

33. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

34. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Transitional Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali;

35. *Urges* the international community to continue to provide Mali with the assistance needed to ensure its stability with a view to promoting respect for all human rights and making a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

36. *Decides* to remain seized of this matter.

51st meeting
24 March 2021

[Adopted without a vote.]

46/29. Technical assistance and capacity-building for South Sudan

The Human Rights Council,

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

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

Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,

Recalling all relevant Human Rights Council resolutions, including 26/31 of 27 June 2014 and 29/13 of 2 July 2015, on technical assistance and capacity-building for South Sudan in the field of human rights,

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

Noting with appreciation the promulgation in 2013 of the Media Authority Act, which guarantees freedom of expression and that of peaceful assembly, through which more than 100 media agencies and approximately 25 different political forces currently operate in South Sudan,

Recognizing the establishment of a task force in December 2020 by the Ministry of Justice to implement chapter V of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, namely the establishment of a commission for truth, reconciliation and healing, a compensation and reparation authority and a hybrid court for South Sudan,

Recalling the Rome Declaration on the peace process in South Sudan signed on 12 January 2020, in which the Government of South Sudan and non-signatories to the Revitalized Agreement recommitted to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017, and calling upon all parties to the Rome process to resume fully inclusive talks mediated by the Community of Sant'Egidio, while expressing concern at ongoing violations of the permanent ceasefire and the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access and urging all parties to the conflict to fully honour their commitments in this regard,

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

Welcoming the formation of State governments in February 2021, and appreciating the ongoing consultations to implement the reconstitution of the Transitional National Legislative Assembly,

1. *Appreciates* the cooperation of the Government of South Sudan with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of their mandates, including by authorizing travel to and within the country and providing meetings and relevant information, and giving unhindered access to them, as well as to the United Nations Mission in South Sudan, and regional, sub-regional and other international mechanisms in South Sudan;

2. *Welcomes* all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union of 14 November 2019 and 27 January 2020, in which the Council, inter alia, re-emphasized its request to the Government of South Sudan and the African Union Commission to accelerate the establishment of all transitional justice mechanisms as provided for in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, including a commission for truth, reconciliation and healing, a compensation and reparation authority and a hybrid court for South Sudan;

3. *Also welcomes* the recent steps taken by the Government of South Sudan towards finalizing governance structures in South Sudan, and calls upon the Government to continue to make progress on finalizing all layers of State and local government and reconstituting the Transitional National Legislative Assembly, in accordance with the Revitalized Agreement;

4. *Stresses* that States have the primary responsibility for the promotion and protection of human rights, and should take measures to prevent human rights violations and abuses and to provide an effective remedy for victims of such violations and abuses, and recalls that the Government of South Sudan has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity;

5. *Recognizes* the political will of the Government of South Sudan to promote and protect human rights and its desire for tangible progress and for the prevention of further human rights violations and abuses, as corroborated by the appointment of a high-level peace committee to address communal violence leading to the disarmament of the rural population of small and light weapons and a considerable reduction in violence;

6. *Also recognizes* the important role of the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism in supporting the implementation of the Revitalized Agreement and its ceasefire provisions, and urges all parties and international partners to engage constructively with all institutions created pursuant to the Revitalized Agreement;

7. *Further recognizes* the importance of an inclusive process for national dialogue and the implementation of the Revitalized Agreement, and urges all parties and international partners to engage constructively with the African Union Commission, the African Union High Representative for South Sudan and the institutions created pursuant to the Revitalized Agreement;

8. *Calls upon* all parties to allow and facilitate, in line with the principles of international humanitarian law, the safe, unhindered and unrestricted access of humanitarian assistance so that it can be rapidly distributed to civilians in areas of need, to ensure the protection of humanitarian workers, and to guarantee their operations in the territory;

9. *Emphasizes* the need for the Government of South Sudan to ensure the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation and to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

10. *Recognizes* the measures taken by the Government of South Sudan to protect and promote the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations, and to ensure that members of civil society organizations and the media can operate freely and without intimidation;

11. *Welcomes* the recent announcement by the Government of South Sudan on the beginning of the establishment of the hybrid court for South Sudan and the other transitional justice mechanisms set out in chapter V of the Revitalized Agreement, and urges the Government to work with the African Union to take all steps necessary to formally establish and operationalize the hybrid court, including by adopting the statute of the hybrid court and by signing the relevant memorandum of understanding as an urgent priority, and to take all steps necessary to establish the commission for truth, reconciliation and healing and the compensation and reparation authority;

12. *Also welcomes* ongoing efforts under the national action plan on sexual and gender-based violence signed in 2019, the formation and operationalization of a court addressing gender-based violence in January 2021, the action plans of the Sudan People's Liberation Army (in Opposition) and the South Sudan People's Defence Forces to tackle conflict-related sexual and gender-based violence, initiated in 2019, and the recent efforts to address sexual and gender-based violence by the use of mobile military courts in Central Equatoria, and encourages efforts to address conflict-related sexual violence and to strengthen accountability for crimes involving sexual and gender-based violence, to be replicated to scale to address impunity;

13. *Recognizes* the important role that women play in peacebuilding, and appreciates the efforts made by the Government of South Sudan for the protection and promotion of the rights of women and their empowerment and participation in peacebuilding, conflict resolution, post-conflict processes and humanitarian responses, in accordance with Security Council resolutions 1325 (2000) of 31 October 2000 and subsequent resolutions on women and peace and security, including Council resolutions 2242 (2015) of 13 October 2015 and 2493 (2019) of 29 October 2019;

14. *Also recognizes* the continued importance of an inclusive process for national dialogue and constitutional reform to help to ensure that the Revitalized Agreement delivers long-term stable governance;

15. *Stresses* the continuing need for the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation, including adherence to the gender quota of 35 per cent for executive appointments as set out in the Agreement, and to have regard to the need to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

16. *Recognizes* the continued important role and efforts of the Intergovernmental Authority on Development in bringing parties together to advance the implementation of the Revitalized Agreement, and to support the inclusion of civil society, women and youth in all negotiations, including those relating to constitutional reform;

17. *Urges* all parties to the comprehensive action plan to end and prevent all six grave violations against children to take immediate and effective steps towards its implementation, including by releasing all children that have been recruited and abducted, and to take measures to ensure that all survivors have access to justice as well as to gender- and age-responsive medical, psychological and other support services, including for survivors of sexual and gender-based violence;

18. *Commends* the signing into law of the action plan in February 2020 to effectively address concerns over children associated with armed conflict, and calls for its implementation;

19. *Takes note* of the report of the Commission on Human Rights in South Sudan⁶⁷ and the recommendations contained therein;

20. *Appreciates* the efforts of the Government of South Sudan, through its Ministry of Gender, Child and Social Welfare, to combat violations and abuses against women and children, particularly sexual and gender-based violence;

21. *Reaffirms* the importance of continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensuring that those responsible are held to account, welcomes the recommendations made by the Commission on Human Rights in South Sudan on ending impunity and ensuring accountability, and requests the United Nations High Commissioner for Human Rights to provide technical assistance to the Government of South Sudan in areas, to be identified by the Government and other human rights institutions in South Sudan, to strengthen its capacity to monitor and establish the facts and circumstances of alleged violations and abuses of human rights, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Revitalized Agreement, including the hybrid court for South Sudan, once established in cooperation with the African Union with a view to ensuring that those responsible are held to account;

22. *Requests* the Office of the High Commissioner, in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to urgently assist South Sudan to address human rights challenges in the post-conflict transition, by:

(a) Monitoring and reporting on the situation of human rights in South Sudan, and to make recommendations to prevent any deterioration in the situation with a view to improving it;

(b) Assessing the technical assistance and capacity-building needs of South Sudan in consultation with the Government of South Sudan and relevant African Union mechanisms;

(c) Providing the required technical assistance and capacity-building, particularly with regard to the implementation of the Revitalized Agreement;

(d) Providing guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and making recommendations on technical assistance to the Government of South Sudan to support accountability, reconciliation and healing;

(e) Engaging with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan and the African Union, including by building upon the work of the African Union, the Commission on Human Rights in South Sudan and the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the reconstituted Joint Monitoring and Evaluation Commission and civil society, with a view to promoting accountability for human rights violations and abuses committed by all parties;

(f) Making recommendations on technical assistance and capacity-building, including for law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

(g) Making recommendations on technical assistance and capacity-building for the implementation of chapter V of the Revitalized Agreement;

(h) Making recommendations on a follow-up process for the provision of technical assistance and capacity-building to South Sudan;

23. *Requests* the Office of the High Commissioner to provide technical assistance to South Sudan in order to convene two workshops on transitional justice, with the participation of relevant stakeholders;

⁶⁷ [A/HRC/43/56](#).

24. *Also requests* the Office of the High Commissioner to work collaboratively with the African Commission on Human and Peoples' Rights, including with the Country Rapporteur for South Sudan;

25. *Further requests* the Office of the High Commissioner to provide the Government of South Sudan with the technical assistance necessary to support the realization of the indicators contained in the present resolution;

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

27. *Requests* the High Commissioner to present an oral update to the Human Rights Council at its forty-eighth session, including on progress made in the provisions described in the present resolution, during an enhanced interactive dialogue, with the participation of representatives of the African Union, and to present a comprehensive written report to the Council at its forty-ninth session during an interactive dialogue;

28. *Also requests* the High Commissioner to share the above-mentioned report and the recommendations contained therein with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

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

*51st meeting
24 March 2021*

[Adopted without a vote.]

46/30. Cooperation with Georgia

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Taking note of the judgment of the European Court of Human Rights in the case *Georgia v. Russia (II)*,

Recalling Human Rights Council resolutions 34/37 of 24 March 2017, 37/40 of 23 March 2018, 40/28 of 22 March 2019 and 43/37 of 22 June 2020,

Expressing serious concern that the provisions of the above resolutions with regard to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, have not been implemented,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

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

Recognizing the importance of the Geneva International Discussions established on the basis of the ceasefire agreement of 12 August 2008 as an instrument for addressing security, stability, human rights and humanitarian issues on the ground,

Underlining the role of the Incident Prevention and Response Mechanisms in Gali and Ergneti in finding durable solutions for the safety and humanitarian needs of conflict-affected persons on the ground,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights and its office in Tbilisi, and with other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the reports of the United Nations High Commissioner for Human Rights,⁶⁸ and noting the recommendations by the High Commissioner made therein,

Stressing the findings of the High Commissioner in the reports, in which the High Commissioner underscored the responsibility of the authorities exercising effective control in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to uphold the fundamental freedoms and human rights of all people living therein and expressed regret at the refusal of those in control of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to grant unimpeded access to staff members of the Office of the High Commissioner and to the United Nations human rights mechanisms to both regions,

Expressing serious concern at the continued process of installation and advancement of barbed wire fences and different artificial barriers, which are enforced periodically along the administrative boundary line in Abkhazia, Georgia, and Tskhinvali region/South Ossetia, Georgia, and adjacent areas, including during the coronavirus disease (COVID-19) pandemic,

Noting with concern that, despite the Secretary-General's appeal for an immediate global ceasefire, the situation of human rights has further deteriorated in both Georgian regions, particularly owing to growing violations and restrictions on humanitarian access,

Expressing serious concern at various forms of reported discrimination against ethnic Georgians, infringements of the right to life, the right to liberty and security of person, the right to the highest attainable standard of health and property rights, kidnappings, restrictions on education in one's native language in both Georgian regions, and the continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia,

Expressing serious concern also at the negative consequences of the prolonged closure of the so-called crossing points and the increasing restrictions on freedom of movement, particularly the denial of medical evacuations by the authorities exercising effective control in both regions, which has contributed to a number of deaths and the further isolation of the regions, thereby aggravating the humanitarian and socioeconomic situation on the ground which has been compounded by the COVID-19 pandemic,

Expressing serious concern further at the lack of accountability for unlawful killings of ethnic Georgians committed in the period from 2014 to 2019, which continues to contribute to impunity in both Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, in a safe and dignified manner,

Recognizing with appreciation the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights, and in this context welcoming the cooperation of the Government with the United Nations and regional human rights mechanisms,

Expressing serious concern at the repeated denial of access to international and regional monitors, including the United Nations human rights mechanisms, to both Georgian regions by the authorities exercising effective control in those regions,

⁶⁸ [A/HRC/36/65](#), [A/HRC/39/44](#), [A/HRC/42/34](#) and [A/HRC/45/54](#).

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through the Office of the United Nations High Commissioner for Human Rights in Tbilisi;

2. *Demands* that immediate and unimpeded access be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its forty-seventh session, and to present a written report on developments relating to and the implementation of the present resolution at its forty-eighth session.

*51st meeting
24 March 2021*

[Adopted by a recorded vote of 19 to 8, with 19 abstentions. The voting was as follows:

In favour:

Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Japan, Libya, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Somalia, Ukraine and United Kingdom of Great Britain and Northern Ireland

Against:

Bolivia (Plurinational State of), Cameroon, China, Cuba, Eritrea, Philippines, Russian Federation and Venezuela (Bolivarian Republic of)

Abstaining:

Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Côte d'Ivoire, Gabon, India, Indonesia, Mauritania, Namibia, Nepal, Pakistan, Republic of Korea, Senegal, Sudan, Togo, Uruguay and Uzbekistan]

B. Decisions

46/101. Outcome of the universal periodic review: Belarus

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 Belarus on 2 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Belarus, comprising the report thereon of the Working Group on the Universal Periodic Review,⁶⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁰

36th meeting
16 March 2021

[Adopted without a vote.]

46/102. Outcome of the universal periodic review: Libya

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 Libya on 11 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Libya, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷²

36th meeting
16 March 2021

[Adopted without a vote.]

46/103. Outcome of the universal periodic review: Malawi

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,

⁶⁹ [A/HRC/46/5](#).

⁷⁰ [A/HRC/46/5/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁷¹ [A/HRC/46/17](#).

⁷² [A/HRC/46/17/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

Having conducted the review of Malawi on 3 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Malawi, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁴

36th meeting
16 March 2021

[Adopted without a vote.]

46/104. Outcome of the universal periodic review: Panama

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 Panama on 3 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Panama, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁶

37th meeting
16 March 2021

[Adopted without a vote.]

46/105. Outcome of the universal periodic review: Mongolia

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 Mongolia on 4 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mongolia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁸

⁷³ [A/HRC/46/7](#).

⁷⁴ [A/HRC/46/7/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁷⁵ [A/HRC/46/8](#).

⁷⁶ [A/HRC/46/8/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁷⁷ [A/HRC/46/9](#).

⁷⁸ [A/HRC/46/9/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

37th meeting
16 March 2021

[Adopted without a vote.]

46/106. Outcome of the universal periodic review: Maldives

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 Maldives on 4 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Maldives, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸⁰

37th meeting
16 March 2021

[Adopted without a vote.]

46/107. Outcome of the universal periodic review: Andorra

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 Andorra on 5 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Andorra, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸²

37th meeting
16 March 2021

[Adopted without a vote.]

46/108. Outcome of the universal periodic review: Honduras

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

⁷⁹ [A/HRC/46/10](#).

⁸⁰ [A/HRC/46/10/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁸¹ [A/HRC/46/11](#).

⁸² [A/HRC/46/11/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

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 Honduras on 5 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Honduras, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸⁴

*37th meeting
16 March 2021*

[Adopted without a vote.]

46/109. Outcome of the universal periodic review: Bulgaria

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 Bulgaria on 6 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Bulgaria, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁸⁶

*38th meeting
17 March 2021*

[Adopted without a vote.]

46/110. Outcome of the universal periodic review: Marshall Islands

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 Marshall Islands on 9 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Marshall Islands, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments

⁸³ [A/HRC/46/12](#).

⁸⁴ [A/HRC/46/12/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁸⁵ [A/HRC/46/13](#).

⁸⁶ [A/HRC/46/13/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁸⁷ [A/HRC/46/14](#).

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.⁸⁸

*38th meeting
17 March 2021*

[Adopted without a vote.]

46/111. Outcome of the universal periodic review: United States of America

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 States of America on 9 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the United States of America, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹⁰

*38th meeting
17 March 2021*

[Adopted without a vote.]

46/112. Outcome of the universal periodic review: Croatia

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 Croatia on 10 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Croatia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹²

*38th meeting
17 March 2021*

[Adopted without a vote.]

⁸⁸ [A/HRC/46/14/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁸⁹ [A/HRC/46/15](#).

⁹⁰ [A/HRC/46/15/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁹¹ [A/HRC/46/16](#).

⁹² [A/HRC/46/16/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

46/113. Outcome of the universal periodic review: Liberia

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 Liberia on 2 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Liberia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹⁴

*39th meeting
17 March 2021*

[Adopted without a vote.]

46/114. Outcome of the universal periodic review: Jamaica

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 Jamaica on 11 November 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Jamaica, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁹⁶

*39th meeting
17 March 2021*

[Adopted without a vote.]

46/115. High-level panel discussion on the occasion of the tenth anniversary of the Voluntary Technical Assistance Trust Fund to support the participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council

At its 50th meeting, on 24 March 2021, the Human Rights Council decided to adopt the text below:

"The Human Rights Council,

⁹³ [A/HRC/46/6](#).

⁹⁴ [A/HRC/46/6/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

⁹⁵ [A/HRC/46/18](#).

⁹⁶ [A/HRC/46/18/Add.1](#); see also [A/HRC/46/2](#), chap. VI.

Recalling its resolution 19/26 of 23 March 2012, in which the Human Rights Council established the terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council,

Recalling also its decision 31/115 of 23 March 2016 on the holding of a high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council and the value placed upon the participation of all States Members of the United Nations in the work of the Council,

Recalling further its resolution 34/40 of 24 March 2017 on promoting 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,

Welcoming the efforts of the Trust Fund to meet fully its mandate and the voluntary contributions of States to the Trust Fund, while encouraging all States to make such voluntary contributions,

Recognizing the contribution of the Trust Fund to the commemoration of the tenth anniversary of the Human Rights Council at its thirty-second session, at which there was universal representation of all States Members of the United Nations for the first time,

Noting that March 2022 will mark the tenth anniversary of the Trust Fund,

Recognizing that universal and meaningful participation is enhanced by strengthening the capacity of delegations of least developed countries and small island developing States to participate in the activities of the Human Rights Council, and welcoming the contributions of all relevant stakeholders in that regard,

Emphasizing that the tenth anniversary offers an important opportunity to underline and reiterate the importance of the universal participation of all States Members of the United Nations in the work of the Human Rights Council,

1. *Decides* to convene, during the high-level segment of its forty-ninth session, a high-level panel discussion on the occasion of the tenth anniversary of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council focused on the benefits of universal and meaningful participation of all States Members of the United Nations in the work of the Human Rights Council, and that the discussion shall be fully accessible to persons with disabilities;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion, and to liaise with States and other stakeholders with a view to ensuring their participation in it, while taking into account geographical representation;

3. *Also requests* the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary and to submit it to the Human Rights Council at its fiftieth session;

4. *Further requests* the Office of the High Commissioner, through the Trust Fund, to secure the participation of Member States that do not have a permanent resident mission in Geneva so as to achieve universal participation of all States Members of the United Nations at the forty-ninth session of the Human Rights Council, including in the high-level panel discussion.”

[Adopted without a vote.]

VI. Resolution adopted at the thirtieth special session

S-30/1. Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as affirmed in the Charter and in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Reaffirming also the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming further that all High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and recalling their obligations under articles 146, 147 and 148 with regard to penal sanctions and grave breaches,

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

Recalling also the report of the Secretary-General submitted to the General Assembly pursuant to Assembly resolution ES-10/20 of 13 June 2018,⁹⁷ and the need for the operationalization of the protection options contained therein,

Recalling further the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict,

Firmly convinced that justice and respect for the rule of law and human rights are the indispensable bases for peace, and stressing that long-standing and systemic impunity for international law violations has thwarted justice, created a protection crisis and undermined all efforts to achieve a just and peaceful solution that warrants action in line with international law and relevant United Nations resolutions,

1. *Decides* to urgently establish an ongoing independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity;

2. *Also decides* that the commission of inquiry shall:

(a) Establish the facts and circumstances that may amount to such violations and abuses and of crimes perpetrated;

(b) Collect, consolidate and analyse evidence of such violations and abuses and of crimes perpetrated, and systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, in accordance with international law standards, in order to maximize the possibility of its admissibility in legal proceedings;

⁹⁷ [A/ES-10/794](#).

(c) Have the capacity to document and verify relevant information and evidence, including through field engagement and by cooperating with judicial and other entities, as appropriate;

(d) Identify, where possible, those responsible, with a view to ensuring that perpetrators of violations are held accountable;

(e) Identify patterns of violations over time by analysing the similarities in the findings and recommendations of all United Nations fact-finding missions and commissions of inquiry on the situation;

(f) Make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations, and justice for victims;

(g) Make recommendations on measures to be taken by third States to ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and in fulfilment of their obligations under articles 146, 147 and 148 of the Fourth Geneva Convention, including by ensuring that they do not aid or assist in the commission of internationally wrongful acts;

(h) Report on its main activities on an annual basis to the Human Rights Council under agenda item 2 as of its fiftieth session, and to the General Assembly as of its seventy-seventh session;

3. *Calls upon* all relevant parties to cooperate fully with the commission of inquiry and to facilitate its access;

4. *Calls upon* all States, and encourages civil society, the media and other relevant stakeholders, to cooperate fully with the commission of inquiry to allow it to effectively fulfil its mandate and, in particular, to provide it with any information or documentation they may possess or come to possess, as well as any other form of assistance pertaining to their respective mandates;

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

6. *Requests* the Secretary-General to allocate the resources necessary for the implementation of the present resolution and for the Office of the United Nations High Commissioner for Human Rights to provide the logistical and technical resources necessary to support the functioning of the commission of inquiry;

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

8. *Calls upon* all States, international agencies and other donors to urgently mobilize humanitarian support for the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, and to address their prevailing needs, and calls upon Israel, the occupying Power, to ensure the unimpeded delivery of that humanitarian assistance;

9. *Requests* the United Nations High Commissioner for Human Rights to provide an oral update on the progress made in the implementation of the present resolution to the Human Rights Council at its forty-eighth session;

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

*2nd meeting
27 May 2021*

[Adopted by a recorded vote of 24 to 9, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Libya, Mauritania, Mexico, Namibia, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Bulgaria, Cameroon, Czechia, Germany, Malawi, Marshall Islands, United Kingdom of Great Britain and Northern Ireland and Uruguay

Abstaining:

Bahamas, Brazil, Denmark, Fiji, France, India, Italy, Japan, Nepal, Netherlands, Poland, Republic of Korea, Togo and Ukraine]

VII. Forty-seventh session

A. Resolutions

47/1. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Right of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international human rights law,

Recalling relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolutions 75/238 of 31 December 2020 and 75/287 of 18 June 2021 and Council resolutions 29/21 of 3 July 2015, 34/22 of 24 March 2017, 37/32 of 23 March 2018, 39/2 of 27 September 2018, 40/29 of 22 March 2019, 42/3 of 26 September 2019, 43/26 of 22 June 2020, 46/21 of 24 March 2021 and S-27/1 of 5 December 2017, and Council decision 36/115 of 29 September 2017,

Welcoming the reports of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses faced by the Rohingya and other minorities in Myanmar to the Human Rights Council at its forty-third session,⁹⁸ and on the implementation of the recommendations of the independent fact-finding mission on Myanmar, including those on accountability, and on progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, submitted to the Council at its forty-fifth session,⁹⁹ and reiterating the urgency of full implementation of the recommendations contained in both reports,

Noting the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the continued non-cooperation of Myanmar with the mandate and the denial of access to Myanmar since December 2017, and urging Myanmar to extend full cooperation to the Special Rapporteur,

Welcoming the work of the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue with Myanmar and all other relevant stakeholders, including civil society, and affected populations, such as Rohingya Muslims in Myanmar,

Welcoming also the ongoing work of the Independent Mechanism for Myanmar and its annual reports,

Recalling the significant work done by the independent international fact-finding mission on Myanmar and all its reports, including its final report¹⁰⁰ and its papers on the economic interests of the Myanmar military¹⁰¹ and on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts,¹⁰² and furthermore deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

⁹⁸ [A/HRC/43/18](#).

⁹⁹ [A/HRC/45/5](#).

¹⁰⁰ [A/HRC/42/50](#).

¹⁰¹ [A/HRC/42/CRP.3](#), available at

www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx.

¹⁰² [A/HRC/42/CRP.4](#), available at

www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx.

Condemning strongly the gross human rights violations and abuses perpetrated by the security and armed forces of Myanmar against Rohingya Muslims and other minorities, as evidenced by the findings of the independent international fact-finding mission on Myanmar which, according to the fact-finding mission, undoubtedly amount to the gravest crimes under international law, and regretting the continued insincerity of Myanmar in creating conducive conditions for the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims from Bangladesh to Myanmar, as highlighted by the fact-finding mission,

Reiterating its deep concern at the escalating violence as well as violations and abuses of human rights against the Rohingya Muslims and the continuing forced displacement of civilians, including of Rohingya Muslims and other ethnic minorities, thus making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons to Myanmar, including Rohingya Muslims,

Expressing its concern that recent developments resulting from the declaration of the state of emergency by the Myanmar military pose serious challenges to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and all internally displaced persons, including those displaced since 1 February 2021, and in this regard stressing the need to address the root causes of the crisis in Rakhine State and reaffirming the necessity of an immediate cessation of the use of military force that would lead to further displacement of Rohingya Muslims and other minorities, both internally and across borders,

Expressing its concern also at the restrictions on civil society, journalists and media workers that may exacerbate further the plight of Rohingya Muslims and other ethnic minorities in Myanmar,

Expressing its unequivocal support for the people of Myanmar and their democratic aspirations and for the democratic transition in Myanmar as well as for the need to strengthen democratic institutions and processes, to refrain from violence and to fully respect human rights, fundamental freedoms and the rule of law,

Reiterating the urgent need to ensure that all those responsible for crimes relating to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to account through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Security Council in this regard,

Recognizing the complementary and mutually reinforcing work of the various United Nations mandate holders and mechanisms, including international justice and accountability mechanisms working on Myanmar to improve the humanitarian situation and the situation of human rights in the country, and noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons, and to the affected areas from which many people continue to be forcibly displaced and in which many others are living in precarious conditions, such as Rohingya Muslims, thereby exacerbating the humanitarian crisis,

Noting the ongoing processes to ensure justice and accountability in respect of alleged crimes committed against Rohingya Muslims and other ethnic minorities in Myanmar,

Noting also that the International Criminal Court has authorized its Prosecutor to investigate alleged crimes within the Court's jurisdiction relating to the investigation *Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar*,

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

Re-emphasizing the right of all refugees and the importance of all displaced persons being able to return home, and that such returns should be in safety and dignity and in a

voluntary and sustainable manner, and calling upon the international community to take collective responsibility in handling forcibly displaced persons in the region,

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

Affirming the importance of the Advisory Commission on Rakhine State and the relevance of its recommendations at the time they were made, and underlining the urgency of making greater efforts to implement the recommendations of the Advisory Commission that remain relevant and of action to address the root causes of the crisis, including ending the persecution of and granting citizenship to Rohingya Muslims, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with members of all ethnic minorities and persons in vulnerable situations, including Rohingya Muslims,

Emphasizing the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health-care products and technologies necessary to ensure an adequate and effective response to the coronavirus disease (COVID-19) pandemic, including for Rohingya Muslims and other ethnic minorities in Myanmar,

Underscoring the need for the implementation of and subsequent follow-up on the status of implementation of the memorandum of understanding signed by Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of all persons displaced from Rakhine State, including Rohingya Muslims, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine so that they can engage meaningfully with the process,

Commending the ongoing remarkable humanitarian efforts that the Government of Bangladesh has extended to those fleeing human rights violations and abuses in Myanmar, in cooperation with United Nations agencies and the international community,

Expressing grave concern at the lack of genuine efforts by Myanmar to address the situation in the Rakhine State, including commencing the repatriation process in a voluntary, safe, dignified and sustainable manner, in accordance with its bilateral agreements with Bangladesh,

Underscoring the urgency of the implementation of the national strategy for the sustainable closure of camps for internally displaced persons in Myanmar, in full consultation with United Nations agencies, humanitarian and development actors and displaced persons to ensure their voluntary, safe, dignified and sustainable return and resettlement in accordance with international standards and guarantee non-discriminatory access to citizenship, the reassertion of those persons' control over their original land and safety and security, freedom of movement, unimpeded access to livelihoods and essential services, including health services, education and shelter, and compensation for all losses,

Recalling that States have the primary responsibility to respect and protect human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for crimes involving violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice,

Recognizing the important role of regional organizations, in particular of the Association of Southeast Asian Nations, in facilitating the creation of an environment in Myanmar that is conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced persons, including Rohingya Muslims, to Myanmar, and reiterating the need to

work in close coordination and in full consultation with Rohingya Muslims, as well as with all relevant United Nations agencies and international partners and to address the root causes of the crisis and displacement so that affected communities can rebuild their lives after their return to Myanmar,

Welcoming the statement made by the Chairman of the Association of Southeast Asian Nations on the Leaders' Meeting held on 24 April 2021 in Jakarta, in which the Chairman, inter alia, encouraged the Secretary-General of the Association to continue to identify possible areas that could effectively facilitate the repatriation process for displaced persons from Rakhine State, while underscoring the importance of efforts to address the root causes of the situation in Rakhine State,

Acknowledging the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aiming to bring peace and stability to Rakhine State, including through the work of its Secretary-General's special envoy for Myanmar,

1. *Expresses its grave concern* at continuing reports of serious human rights violations and abuses in Myanmar, in particular against Rohingya Muslims and other minorities, including of arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, the deliberate killing and maiming of children, forced labour, the use of school buildings for military purposes, indiscriminate shelling in civilian areas, the destruction of buildings, homes and civilian properties, socioeconomic exploitation, forced displacement, hate speech and incitement to hatred, and sexual and gender-based violence against women and children, as well as restrictions on exercising the rights to freedom of religion or belief, of expression and of peaceful assembly, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States and Sagaing and Mandalay regions, even during the ongoing COVID-19 pandemic;

2. *Expresses its concern* about those who have been arbitrarily detained, charged or arrested during and in the aftermath of 1 February 2021;

3. *Calls for* engagement in a constructive and peaceful dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar, including Rohingya Muslims and other ethnic minorities;

4. *Strongly condemns* all violations and abuses of human rights in Myanmar, and calls upon Myanmar to end immediately all violence and violations of international law in Myanmar, to ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and other minorities, in an equal, non-discriminatory and dignified manner in order to prevent further instability and insecurity and alleviate suffering, to address the root causes of the crisis, including by repealing or reforming all discriminatory legislation, to forge a viable, lasting and durable solution to the crisis by ensuring repatriation, to take all measures necessary to provide justice to victims, and to ensure full accountability and end impunity for all violations of human rights by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;

5. *Reiterates* the importance of conducting international, independent, fair and transparent investigations into gross human rights violations and abuses in Myanmar, including those involving sexual and gender-based violence and abuses against women and children and alleged war crimes, and of holding accountable all those responsible for brutal acts and crimes against all persons, including Rohingya Muslims, in order to deliver justice to victims using all appropriate legal instruments and domestic, regional and international judicial mechanisms, including the International Court of Justice and the International Criminal Court, as applicable;

6. *Welcomes* the order of the International Court of Justice of 23 January 2020 that indicated provisional measures, and urges Myanmar, in accordance with the Court's order in relation to members of the Rohingya in its territory, to take all measures within its power to prevent the commission of all acts within the scope of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, to ensure that its military and any irregular armed units that may be directed or supported by it and any organizations and persons that may be subject to its control, direction or influence do not commit, inter alia,

any such acts, to prevent the destruction and ensure the preservation of evidence and to report to the Court as ordered on all measures taken to give effect to the order;

7. *Expresses deep concern* that, despite the provisional measures ordered by the International Court of Justice on 23 January 2020, Rohingya Muslims in Myanmar, including women and children, continue to suffer from targeted killings, indiscriminate violence and serious injuries, including by indiscriminate fire, shelling, landmines or unexploded ordnance;

8. *Calls for* the immediate cessation of fighting and hostilities, of the targeting of civilians and of all violations and abuses of international human rights law and international humanitarian law, and the implementation of an inclusive and comprehensive national political dialogue and nationwide reconciliation process while ensuring the full, effective and meaningful participation of all ethnic groups, including Rohingya Muslims and other minorities, women and young people, and persons with disabilities, as well as civil society and religious leaders, with the objective of achieving lasting peace, and also calls for a peaceful resolution through dialogue towards national unity;

9. *Reiterates* its urgent call upon Myanmar to take the measures necessary to promote the inclusion, human rights and dignity of all people living in Myanmar, to address the spread of discrimination and prejudice, and to take credible steps to end legal and factual discrimination against ethnic and religious minorities, including Rohingya Muslims;

10. *Calls upon* Myanmar to combat incitement to hatred and hate speech against Rohingya Muslims and other minorities by publicly condemning such acts and enacting necessary anti-hate speech laws, in accordance with international human rights law, and by promoting interfaith dialogue in cooperation with the international community, and encourages political, religious and community leaders in the country to work towards national unity through dialogue;

11. *Also calls upon* Myanmar to lift the shutdown of Internet and telecommunications services fully in all areas in Myanmar, including Rakhine State, and to repeal article 77 of the Telecommunications Act in order to avoid any further cutting of Internet and telecommunications access and the stifling of the rights to freedom of opinion and expression, including freedom to seek, receive and impart information, in accordance with international human rights law;

12. *Further calls upon* Myanmar to protect the rights of all children, including Rohingya children, to acquire citizenship in order to eliminate statelessness, in accordance with the obligations of Myanmar under the Convention on the Rights of the Child, to ensure the protection of all children in armed conflict, and to end the illegal recruitment and use of children in forced labour;

13. *Urges* Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar, the Special Envoy of the Secretary-General on Myanmar, the Independent Mechanism for Myanmar established by the Human Rights Council in its resolution 39/2, referred to by the Secretary-General as the Independent Investigative Mechanism for Myanmar in his terms of reference for the Mechanism, relevant United Nations agencies and international and regional human rights bodies to independently monitor the situation of human rights, and to ensure that individuals can cooperate without hindrance with these mechanisms without fear of reprisal, intimidation or attack, and expresses deep concern that international access to affected areas, including Northern Rakhine State, remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

14. *Welcomes* the work of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, in particular in Rakhine, Kachin and Shan States, making use of the information handed over by the independent international fact-finding mission, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or

international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law, and its reports submitted to the Human Rights Council;

15. *Calls for* close cooperation between the Independent Mechanism for Myanmar and any ongoing or future investigations pertaining to serious international crimes and violations of international law in Myanmar by national, regional or international courts or tribunals;

16. *Calls upon* the United Nations to ensure that the Independent Mechanism for Myanmar is afforded the flexibility that it needs in terms of staffing, location and operational freedom so that it can deliver as effectively as possible on its mandate, and urges Myanmar, States, in particular those in the region, judicial authorities and private entities to fully cooperate with the Mechanism, including by granting it access and by providing it with every assistance in the execution of its mandate;

17. *Reiterates* the importance of the implementation of the recommendations contained in the reports of the independent international fact-finding mission, and urges Myanmar and the international community to give due consideration in this regard;

18. *Also reiterates* the importance of the full implementation of all recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis, including those on the right to nationality and equal access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with all ethnic and religious minorities and persons in vulnerable situations, including Rohingya Muslims, and with civil society;

19. *Calls upon* Myanmar to make serious efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to Rohingya Muslims, by, inter alia, repealing and replacing the 1982 Citizenship Law, which has led to the deprivation of human rights; by ensuring everyone's right to a nationality and equal access of all people in Myanmar, in particular Rohingya Muslims, to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights by allowing for self-identification; by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control; and by lifting all local orders restricting the rights to freedom of movement and access to civil registration, health and education services and livelihoods;

20. *Also calls upon* Myanmar to rapidly implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021 to facilitate a peaceful solution through inclusive dialogue and the immediate cessation of violence in the interests of the people of Myanmar and their livelihoods, including of Rohingya Muslims and other ethnic minorities, and to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the special envoy of the Chair of the Association, and expresses its support for these efforts;

21. *Encourages* the Special Envoy of the Secretary-General on Myanmar to continue her engagement towards dialogue with Myanmar and all other relevant stakeholders, including civil society, and affected populations, such as Rohingya Muslims and other minorities in Myanmar, aiming at the early resolution of the crisis in Myanmar;

22. *Encourages* Myanmar to review and repeal the amendments made in 2018 to the Vacant, Fallow and Virgin Lands Management Law, and to establish an inclusive land governance framework and to resolve issues of land tenure, in full consultation with affected populations, including ethnic and religious minority communities, in particular Rohingya Muslims;

23. *Urges* Myanmar to take all measures necessary to reverse and abandon policies, directives and practices that marginalize Rohingya Muslims and other minorities, to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or residential buildings belonging to all people, to ensure that all displaced persons, including Rohingya

Muslims and persons belonging to other minorities, in Rakhine State and throughout Myanmar, including the 128,000 Rohingya and Kaman Muslims who have been confined in camps in central Rakhine since 2012, can return to their homes and properties with freedom of movement and unimpeded access to livelihoods and essential services, to review relevant laws, and to address the root causes of their vulnerable situations and forced displacement;

24. *Calls upon* Myanmar to dismantle the camps for internally displaced persons in Rakhine State with a clear timeline, ensuring that the return or relocation of internally displaced persons is carried out in accordance with international standards and best practices, including those set forth in the Guiding Principles on Internal Displacement, in cooperation with the United Nations and the international community;

25. *Also calls upon* Myanmar, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, to take concrete steps towards the creation of a conducive environment for the voluntary safe, dignified and sustainable return of the forcibly displaced Rohingya Muslims and other minorities of Myanmar temporarily sheltering in Bangladesh, and to disseminate authentic information, in partnership with the United Nations and other relevant actors, on the conditions in Rakhine State in order to reasonably address the core concerns of Rohingya Muslims;

26. *Further calls upon* Myanmar to build trust among Rohingya Muslims in camps in Bangladesh for their return to Myanmar through confidence-building measures, including direct communication between Rohingya representatives and Myanmar authorities and by arranging “go and see” visits to Rakhine State by Rohingya representatives, and thereby encourage them to return to their places of origin in Myanmar;

27. *Urges* Myanmar to immediately commence the voluntary, safe, dignified and sustainable return and reintegration of all forcibly displaced Rohingya Muslims and other minorities from Bangladesh to Myanmar, including by extending full cooperation to the Government of Bangladesh and the United Nations, in particular the Office of the United Nations High Commissioner for Refugees and, as applicable, the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, with the assurance of providing returnees with freedom of movement and unimpeded access to livelihoods and social services, including health services, education and shelter, and compensating them for all losses;

28. *Calls upon* the United Nations and encourages other international agencies to provide all support necessary for the Government of Bangladesh and Myanmar to expedite the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities from Myanmar, including internally displaced persons;

29. *Expresses grave concern* at the continuing restrictions on humanitarian access, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States, and calls upon Myanmar to ensure full respect for international humanitarian law and to allow the full, safe and unhindered access of humanitarian personnel to all areas in Myanmar, and to provide humanitarian assistance, including age- and gender-responsive assistance, as well as the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their tasks of assisting the affected civilian populations, including internally displaced persons, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisals;

30. *Expresses concern* at the continued irregular maritime movement of Rohingya Muslims, who risk their lives in perilous conditions at the hands of exploitative smugglers and human traffickers, which highlights their desperate situation and the urgent need to address the root causes of their plight, and calls upon the international community to effectively address such irregular maritime movements of Rohingya Muslims, in cooperation with the relevant United Nations agencies, and to ensure international burden- and responsibility-sharing, especially by the States parties to the 1951 Convention relating to the Status of Refugees;

31. *Encourages* the international community, in the true spirit of interdependence and equal burden- and responsibility-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to forcibly displaced Rohingya Muslims and other

minorities until their return to Myanmar, and to assist Myanmar in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, including in Rakhine State, taking into account the vulnerable situation of women, children, older persons and persons with disabilities;

32. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to implement the Guiding Principles on Business and Human Rights;

33. *Requests* the United Nations High Commissioner for Human Rights to monitor and follow up on the implementation of the recommendations made by the independent international fact-finding mission, including those on accountability, and to continue to track progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, with the support of specialist experts and in complementarity to the work of the Independent Mechanism for Myanmar and the reports of the Special Rapporteur, and to present an oral update to the Human Rights Council at its fiftieth session and a written report at its fifty-second session, each to be followed by an interactive dialogue, and a written report to the General Assembly at its seventy-seventh session;

34. *Decides* to hold a panel discussion on the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar at its fiftieth session, and requests the High Commissioner to submit a report on the panel discussion to the Human Rights Council at its fifty-second session.

35th meeting
12 July 2021

[Adopted without a vote.]

47/2. Situation of human rights in Eritrea

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2, both of 18 June 2007, resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights and all previous Council resolutions on the situation of human rights in Eritrea,

Noting the regional developments in recent months and their implications, including for human rights in Eritrea,

Welcoming the report of the Special Rapporteur on the situation of human rights in Eritrea¹⁰³ and his conclusions therein,

Expressing deep concern at the ongoing human rights violations and abuses, as outlined by the Special Rapporteur in his report,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to present an oral update to the Human Rights Council at its forty-ninth session on progress made in the cooperation between Eritrea and the Office of the High Commissioner, and its impact on the situation of human rights in Eritrea;

2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a further period of one year, and to continue to assess and report on the situation of human rights in follow-up to the report of the Special Rapporteur, and requests the Special Rapporteur to present an oral update to the Human Rights Council at its forty-ninth session during an interactive dialogue, and to present during an interactive

¹⁰³ [A/HRC/47/21](#).

dialogue a report on the implementation of the mandate to the Council at its fiftieth session and to the General Assembly at its seventy-sixth session;

3. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting him access to the country and committing to making progress on the benchmarks proposed by the previous mandate holder;¹⁰⁴

4. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil the mandate;

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

35th meeting
12 July 2021

[Adopted by a recorded vote of 21 to 13, with 13 abstentions. The voting was as follows:

In favour:

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

Against:

Bahrain, Bolivia (Plurinational State of), Cameroon, China, Cuba, Eritrea, India, Pakistan, Philippines, Russian Federation, Somalia, Sudan and Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Burkina Faso, Côte d'Ivoire, Gabon, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Senegal, Togo and Uzbekistan]

47/3. Civil society space: COVID-19: the road to recovery and the essential role of civil society

The Human Rights Council,

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

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

Recalling Human Rights Council resolutions 24/21 of 27 September 2013 on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment, 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, and 38/12 of 6 July 2018 on civil society space: engagement with international and regional organizations,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Deeply concerned about the loss of life and livelihoods and the disruption to economies and societies caused by the coronavirus disease (COVID-19) pandemic, and its negative impact on the enjoyment of human rights around the world,

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

Reaffirming that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk and applied in a

¹⁰⁴ See [A/HRC/41/53](#), paras. 78–82.

non-discriminatory way, have a specific focus and duration and be in accordance with the State's obligations under applicable international human rights law,

Recognizing that civil society, working both online and offline at the local, national, regional and international levels, is critical to providing accurate information about the situation and needs on the ground, designing responsive measures that are inclusive, safe and enabling, contributing to the implementation of measures adopted by the authorities, providing essential services and feedback on recovery and response measures, and pursuing transparency and accountability,

Recognizing also that the pandemic has exacerbated and accelerated existing challenges, both online and offline, for civil society space, including human rights defenders, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; restrictions on the rights to freedom of peaceful assembly and association, and freedom of expression; and increased the impact of the digital divide,

Reaffirming the important role that national human rights institutions play in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Recognizing the need for all stakeholders to be part of the responses to COVID-19, to have access to timely and accurate information online and offline, to be involved in decisions that affect them, and also the need to facilitate contributions by civil society as well as the private sector to those responses,

1. *Reaffirms* that creating and maintaining a safe and enabling environment, both online and offline, in which civil society can operate free from hindrance and insecurity, assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Commends* the work of the Office of the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council to promote and protect civil society space, both online and offline, including their work on widening the democratic space, and invites them to continue their efforts in this regard;

3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on engagement with international and regional organizations,¹⁰⁵ the Secretary-General's Call to Action for Human Rights, and the United Nations guidance note on the protection and promotion of civic space;

4. *Notes with appreciation* the guidance of the High Commissioner on human rights-compliant responses to the COVID-19 pandemic and the Secretary-General's policy brief on COVID-19 and human rights entitled "We are all in this together";

5. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including indigenous peoples and others not associated with or organized in non-governmental organizations;

6. *Urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, including human rights defenders, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to

¹⁰⁵ [A/HRC/44/25](#).

create and maintain a safe and enabling environment, online and offline, in which civil society can operate free from hindrance, insecurity and reprisals;

7. *Also urges* States to acknowledge the important contribution of civil society, including human rights defenders, journalists and media workers, to the promotion of human rights, and to ensure a safe and enabling environment for their work, both online and offline;

8. *Notes with appreciation* the focus on civil society in the report of the High Commissioner on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices and areas of concern,¹⁰⁶ as a way to “build back better”;

9. *Requests* the High Commissioner to prepare a report, examining in detail the key challenges that civil society faces, both online and offline, and also examining best practices, and also requests the High Commissioner, in the preparation of the report, to draw on the views of States, non-governmental organizations, national human rights institutions and other relevant stakeholders, including special procedure mandate holders, and to present the report to the Human Rights Council at its fifty-first session;

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

35th meeting
12 July 2021

[Adopted without a vote.]

47/4. Menstrual hygiene management, human rights and gender equality

The Human Rights Council,

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

Recalling General Assembly resolution 74/141 of 18 December 2019, in which the Assembly recognized that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, workplaces, health centres and public facilities, negatively affects gender equality, the empowerment of women and girls and their enjoyment of human rights, including the right to education and the right to the enjoyment of the highest attainable standard of physical and mental health,

Recalling also all previous resolutions of the Human Rights Council and the General Assembly relevant to the human rights to safe drinking water and sanitation, and to menstrual hygiene, including Assembly resolutions 70/169 of 17 December 2015, 72/178 of 19 December 2017 and 74/126 of 18 December 2019, and Council resolutions 33/10 of 29 September 2016, 39/8 of 27 September 2018 and 45/8 of 6 October 2020,

Bearing in mind that 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 International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families include guarantees to ensure the enjoyment of human rights by women and men, and girls and boys, on an equal footing,

Recalling the Vienna Declaration and Programme of Action, which reaffirms that all human rights, including the right to development, are universal, indivisible, interdependent and interrelated, the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action,

Recalling also the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),

¹⁰⁶ [A/HRC/46/19](#).

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative goals and targets, and reaffirming also the commitment to leave no one behind,

Recalling General Assembly resolution 71/222 of 21 December 2016, by which the Assembly proclaimed the period from 2018 to 2028 the International Decade of Action, “Water for Sustainable Development”,

Recalling also that the human rights to safe drinking water and to sanitation are derived from the right to an adequate standard of living, and are inextricably related to the right to the enjoyment of the highest attainable standard of physical and mental health and to the right to life and human dignity,

Noting that the right to the enjoyment of the highest attainable standard of physical and mental health includes access to medical care and medicines to identify and treat menstruation-related health issues or pain, and to information relating to menstrual hygiene management,

Expressing concern at the adverse effect of the health issues relating to menstrual hygiene, and the lack of access to appropriate information and treatment in this regard,

Deeply concerned that the lack of access to adequate water and sanitation services, especially for menstrual hygiene management, in schools, workplaces, health centres and public facilities and buildings, negatively affects gender equality and women’s and girls’ enjoyment of human rights, including the rights to education, to health and to safe and healthy working conditions, and to participate in public affairs,

Recognizing that girls’ and women’s attendance at school and professional fulfilment can be affected by negative perceptions of menstruation and discrimination, and the lack of means to maintain safe personal hygiene, such as water, sanitation and hygiene facilities in schools and work environments that meet the needs of girls and female teachers, and further that this has a severe impact on their dignity and well-being, as well as on their right to education and to employment,

Recognizing also that the full, meaningful and effective participation of women of all ages in all fields, including the participation of women in leadership at all levels of decision-making in public and private sectors, is essential for the full realization of their human rights and the full and complete economic, political social and cultural development of a country, and for achieving lasting solutions to global challenges and the realization of peace,

Noting with regret that a large number of women and girls, particularly women and girls with disabilities, who face compounding levels of discrimination, and those in vulnerable situations continue to face discrimination based on harmful social norms and stereotypes, making it difficult for them to manage their menstrual hygiene safely and with dignity,

Deeply concerned that the lack of adequate and accessible sanitation and hygiene facilities increases women’s and girls’ vulnerability to violence, including sexual violence and harassment, as well as to child, early and forced marriage,

Mindful that the silence, stigma, misconceptions and taboos around menstruation, the lack of adequate access to menstrual hygiene products or to medical care and medicines to identify and treat health issues relating to menstrual hygiene, and the absence of appropriate information and education on menstrual hygiene management undermine the dignity, rights and well-being of women and girls, and constitute therefore an obstacle to the achievement of gender equality,

Stressing that situations of economic, humanitarian and health crisis, including the coronavirus disease (COVID-19) pandemic and its resulting social isolation and economic, social and health impacts, exacerbate existing challenges to menstrual hygiene management, especially for women and girls with disabilities,

Noting that the management of used menstrual hygiene management products is often neglected, resulting in inappropriate and unsafe disposal practices and leading to unsanitary living conditions and environmental degradation, as well as to health risks,

Recognizing that all harmful practices, including female genital mutilation, when perpetrated against girl children, have particularly detrimental consequences for their health and growth and pose specific challenges to menstrual hygiene management, and recalling in that regard the need to guarantee the right of girl children to be free from all forms of violence,

Noting that none of the core international human rights instruments deals explicitly and directly with the issue of menstrual hygiene, and regretting that, despite the efforts made by relevant bodies and mechanisms within the United Nations human rights system, including in particular the treaty-monitoring bodies and the special procedures of the Human Rights Council, this issue continues to receive limited attention in policy, research, programming and resource allocation,

Underscoring that States have the primary responsibility to ensure the full realization of all human rights, including those relating to menstrual hygiene, and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to respond fully to menstrual hygiene needs by all appropriate means, including in particular through the adoption of relevant legislative measures,

Stressing the importance of an effective remedy to violations of economic, social and cultural rights, including those relating to menstrual hygiene management, and in this regard of judicial, non-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and also of adequate procedures to avoid infringements of such rights,

1. *Calls upon* States to ensure that women and girls have access to adequate facilities, information and products for optimal and effective menstrual hygiene management, including by taking measures:

(a) To ensure that women and girls, including in particular those in vulnerable situations, have equitable access to affordable, safe and clean water, adequate sanitation, hygiene and washing facilities with soap, including a choice of menstrual hygiene products, such as sanitary pads that are safe, culturally sensitive and environmentally friendly;

(b) To eliminate or reduce sales taxes on menstrual hygiene management products, including sanitary pads, and to provide support to women and girls in situations of economic vulnerability;

(c) To develop safe and efficient infrastructures and means of transport for the delivery of sanitary pads and other menstrual hygiene products in rural or isolated areas, including humanitarian settings, and to reduce the digital divide among and within countries in order to increase access to information about menstrual hygiene in these areas;

(d) To ensure that women and girls, including those with disabilities, have access to separate and adequate basic sanitation facilities in public and private spaces, including affordable and accessible disposal options for used menstrual hygiene management products;

(e) To ensure that women and girls with disabilities and those in vulnerable situations have free access to medical care and medicines to prevent, identify and treat health issues relating to menstrual hygiene;

(f) To conduct publicity and awareness-raising campaigns to tackle the stigma, shame, stereotypes and negative social norms surrounding menstruation and menstrual hygiene, such as the requirement that women and girls isolate themselves during menstruation or wear dark school uniforms, in order to foster a culture in which menstruation is recognized as healthy and natural, and to ensure that men and boys are also included in all educational initiatives;

(g) To integrate menstrual hygiene management into relevant national policies, including water, sanitation and hygiene programmes and emergency preparedness and response programming, and to promote women's and girls' access to adequate and accessible

information and education on menstrual hygiene management, including within family units and out-of-school settings;

(h) To include information on progress made and challenges affecting menstrual hygiene management in relevant periodic reports to the human rights treaty bodies and to the Working Group on the Universal Periodic Review, as well as in the context of existing regional and other human rights review processes, as appropriate;

2. *Urges* States to ensure access to infrastructure and public services, including access to safe and affordable water and sanitation, as well as menstrual hygiene management for all women and girls, and safe and affordable transportation, inter alia during humanitarian emergencies, including in rural areas and informal settlements, settlements for internally displaced persons, refugee camps, and migrant shelters;

3. *Decides* to convene a panel discussion on menstrual hygiene management, human rights and gender equality at its fiftieth session, inviting States, civil society organizations, United Nations agencies, women and girls and other relevant stakeholders to address the implementation of States' obligations under relevant provisions of international human rights law, and to discuss challenges and best practices in this regard, and requests the United Nations High Commissioner for Human Rights to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its fifty-third session;

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

35th meeting
12 July 2021

[Adopted without a vote.]

47/5. 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 resolutions 32/20 of 1 July 2016 and 35/22 of 22 June 2017,

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,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly addressed the need to achieve gender equality and the empowerment of all women and girls in order to ensure that no one is left behind, and stated that the systematic mainstreaming of a gender perspective in the implementation of the 2030 Agenda for Sustainable Development is crucial,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development, and in this regard encouraging States to effectively implement the 2030 Agenda, including Sustainable Development Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning

opportunities for all, underlining the commitment therein to eliminate gender disparities in education, and Goal 5 on achieving gender equality and empowering 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 and provide safe, non-violent, inclusive, accessible and effective learning environments for all,

Recalling also the Incheon Declaration: Education 2030 – towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, from 19 to 22 May 2015,

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 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,

Recognizing 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 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,

Reaffirming the equal right of every child to education without discrimination of any kind, and concerned by the continuation of the multiple and intersecting forms of discrimination faced by girls,

Recognizing that gender stereotypes about the role of women and girls underpin many of the barriers to girls' equal enjoyment of access to at least 12 years of quality education, and that stereotypes are also perpetuated in school curricula and materials,

Deeply concerned by the wide-ranging, negative impact of the coronavirus disease (COVID-19) pandemic on the equal right of every child to education and on the realization of the equal enjoyment of the right to education by every girl, as an estimated 11 million girls are at risk of not returning to school,

Deeply concerned also by the mass school closures and the estimated 58 million children who were not enrolled in primary school prior to the COVID-19 pandemic, of which approximately 54 per cent were girls,

Deeply concerned further that the disproportionate impact of the COVID-19 pandemic on the social and economic situation of all women and girls and their access to education, and the reported surge of sexual and gender-based violence, including domestic violence, and violence and sexual harassment in digital contexts, during lockdowns, are deepening already existing inequalities and risks, reversing the progress made in achieving gender equality and the empowerment of all women and girls in recent decades,

Recognizing that, despite gains in providing access to quality education, rural girls are still more likely than rural boys to remain excluded from education and that among the gender-specific barriers to girls' equal enjoyment of their right to education are the feminization of poverty, child labour undertaken by girls, child, early and forced marriage, female genital mutilation, early and repeat pregnancies, all forms of violence, including gender-based violence, abuse and harassment on the way to, from and at school and in the technology-mediated environment, the disproportionate share of unpaid care and domestic work performed by girls, and gender stereotypes and negative social norms that lead families and communities to place less value on the education of girls than that of boys and may influence the decision of parents to allow girls to attend school,

Noting with concern that millions of girls are engaged in child labour and its worst forms, including those who have been victims of trafficking in persons and affected by armed

conflict and humanitarian emergencies, that children without nationality or birth registration are vulnerable to trafficking in persons and child labour, and that many children face the double burden of having to combine economic activities with unpaid care and domestic work, which deprive them of their childhood and hamper the full enjoyment of their right to education and opportunities for decent employment in the future, and noting in this regard the need to recognize, reduce and redistribute girls' disproportionate share of unpaid care and domestic work,

Noting with concern also that, despite gains in providing access to education, girls are still more likely than boys to remain excluded from primary and secondary education, and recognizing that the attendance of girls at school can be affected by negative perceptions of menstruation and by lack of means to maintain safe personal hygiene, such as water, sanitation and hygiene facilities in schools that meets the needs of girls,

Deeply concerned that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education and 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 and are excluded and stigmatized, and are thus prevented from realizing their full potential, including in accessing at least 12 years of quality education,

Deeply concerned also that humanitarian crises and armed conflicts are depriving children, especially girls and girls with disabilities, of access to education, and that this has been further exacerbated by the COVID-19 pandemic, resulting in girls being two and a half times more likely than boys to be out of school in these settings,

Deplores attacks on and the abduction of girls because they attend or wish to attend school, as well as all attacks, including terrorist attacks, on educational institutions as such, their students and staff, and during girls' journeys to school, and strongly recognizing the negative impact that such attacks have on the progressive realization of the right to education, in particular of girls, and the obligations of States to provide an enabling and secure environment to ensure the safety of schools,

Noting that the impact of the COVID-19 pandemic has disproportionately affected persons in vulnerable situations and that marginalized girls are at a high risk of not returning to school,

Stressing the crucial importance of the contribution of parliamentarians, national human rights institutions and civil society, including non-governmental organizations, women's rights organizations, faith actors and institutions and youth organizations, to ensuring the equal enjoyment of the right to education by every girl,

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. *Recognizes* that the COVID-19 pandemic has generated a global learning crisis that risks reversing decades of progress and exacerbating the barriers that all girls face in the realization of their equal enjoyment of the right to education, and notes in this regard the statements made by the Secretary-General, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and other United Nations agencies and bodies indicating that evidence from past epidemics shows that adolescent girls are at particular risk of dropping out of school or not returning to school, even after the crisis is over;

2. *Reaffirms* that the right to education, enshrined in international human rights law, can help to enable the realization of many other human rights, particularly for girls;

3. *Recognizes* that the realization of the equal enjoyment of the right to education by every girl is crucial to achieving the Sustainable Development Goals, particularly Goals 4 and 5, towards the full, equal and meaningful participation of all girls in society and to leave no one behind;

4. *Calls upon* States to place greater emphasis on ensuring at least 12 years of quality education for all girls in the COVID-19 recovery effort, as applicable, including catch-up, non-formal and literacy education for those who have not received formal education, and special, well-financed initiatives for keeping girls in school and ensuring their return to school throughout post-primary education, and to promote access to skills and entrepreneurship training for girls;

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 girls and boys at all levels of education, particularly 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, customs, traditions or religious considerations, financial barriers, violence, including sexual violence and harassment on the way to and from school and in the school environment, the worst forms of child labour, early pregnancy, harmful practices such as female genital mutilation, gender stereotypes and child, early and forced marriage;

(c) To eliminate gender stereotypes from all educational processes, practices and teaching materials, including through periodic review and revision of school curricula, textbooks, programmes and teaching methods, and the inclusion of human rights education, including on gender equality and non-discrimination, as part of the mandatory school curriculum, and to ensure that all girls are encouraged to freely choose non-traditional fields of study;

(d) To provide all girls with adequate access to water and safe, separate and quality sanitation facilities in schools and to promote appropriate hygiene behaviour and educational and health practices, in collaboration with civil society and other relevant actors, in order to foster a culture in which menstruation is recognized as healthy and natural and girls are not stigmatized on this basis, addressing the negative social norms around the issue and recognizing that girls' attendance at school can be affected by negative perceptions of menstruation and by lack of means to maintain safe personal hygiene, such as water, sanitation and hygiene facilities in schools that meet the needs of girls;

6. *Calls upon* States:

(a) To promote the progressive realization of girls' right to education by providing them with access to at least 12 years of quality education by implementing appropriate measures, as applicable, eliminating barriers to enable their return to school in the immediate aftermath of the COVID-19 pandemic and promoting continuous education throughout the pandemic;

(b) To strengthen and intensify their efforts to prevent and eliminate all forms of school-related violence against girls, and to hold accountable those responsible for such acts;

(c) To ensure that girls, married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education, and in this regard 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;

7. *Also calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, on re-entry policies and on vocational training and skills development, which empower young women and girls subjected to child,

early and forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills, and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

8. *Urges* States to promote long-term awareness-raising initiatives in education, in communities, in the media and online, engaging men and boys, through the incorporation of curricula on all women's and girls' rights into teacher training courses, on topics including the root causes of gender-based discrimination;

9. *Requests* States to ensure equal access to inclusive, equitable and quality education, which may require transformations in education systems, mainstreaming a gender perspective into education programmes, infrastructure development and teacher training, and in this regard calls upon States to invest in quality education, including through adequate financing, to ensure that all girls, including those who are marginalized or in vulnerable situations, enjoy their right to education on the basis of equal opportunity and non-discrimination;

10. *Also requests* States, in the COVID-19 recovery effort, to promote gender sensitivity and disability inclusion within education systems in planning, budgeting, implementing, monitoring and reporting, to gather data disaggregated by sex and disability and to share knowledge and experience on educational programmes and policies that support the empowerment of all girls and women;

11. *Encourages* States to support girls' access to skills development and technical and vocational education and training, such as by expanding the scope of education and training opportunities ranging from basic digital fluency to advanced technical skills in science, technology, engineering and mathematics, and in information and communications technology, and to close the digital gender divide, addressing the barriers to girls' equal and safe access to online spaces, so as not to leave girls further behind, particularly during the mass closure of schools during the COVID-19 pandemic;

12. *Also encourages* States to increase investments and international cooperation to provide equal opportunities for all girls to complete free, equitable, inclusive and quality early childhood, primary and secondary education, 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 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. *Further encourages* States to allocate appropriate financial and technical resources in support of country-led national education plans, and an increase in voluntary contributions to the Global Partnership for Education at the Global Education Summit in July 2021, which has a critical role to play in the global education recovery from COVID-19;

14. *Encourages* international cooperation to complement the efforts of States in matters relating to girls' education, in particular with a view to effectively eliminating all forms of discrimination and stereotypes in education, and supports the efforts of the United Nations system in this regard;

15. *Reaffirms* the importance of continuing to develop and enhance standards and methodologies at the national, regional and international levels to improve the collection, analysis and dissemination of gender statistics and data on access to education, in particular

access to universal primary education, the gender gap in youth literacy, the number of out-of-school children, and others;

16. *Also reaffirms* the importance of enhancing the dialogue among the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, UN-Women, the Special Rapporteur on the right to education and other partners who pursue the goals of girls' education with a view to promoting further the right to education and ensuring that all girls have access to at least 12 years of quality education, as applicable, in the operational activities of the United Nations system;

17. *Encourages* the Office of the United Nations High Commissioner for Human Rights and relevant special procedure mandate holders 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;

18. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, in particular the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the World Health Organization, UN-Women, the special procedures of the Human Rights Council, the treaty bodies, civil society organizations and other stakeholders, to prepare a report on the impact of the COVID-19 pandemic on the realization of the equal enjoyment of the right to education by every girl, highlighting the most important challenges and barriers that girls face and making recommendations, for submission to the Human Rights Council at its fiftieth session, and to provide an oral update thereon to the Council at its forty-ninth session;

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

35th meeting
12 July 2021

[Adopted without a vote.]

47/6. The right to education

The Human Rights Council,

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

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also the 2030 Agenda for Sustainable Development and the Sustainable Development Goals contained therein, particularly 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 Sustainable Development Goals,

Reaffirming further Human Rights Council resolution 8/4 of 18 June 2008, and recalling all other resolutions of the Council on the right to education, the most recent of which is resolution 44/3 of 16 July 2020, and also the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Expressing concern that, in spite of the progress achieved in the implementation of Sustainable Development Goal 4, according to the United Nations Educational, Scientific and Cultural Organization there are still 773 million adults who are not literate, two thirds of whom are women, and 258 million children, adolescents and youth who do not attend school, and that, according to the United Nations Children's Fund, 50 per cent of pre-primary-age children around the world – at least 175 million – are not enrolled in pre-primary education,

Recalling the Incheon Declaration: Education 2030 – towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including for women and girls, persons belonging to national or ethnic, religious and linguistic minorities, stateless and internally displaced persons, migrants, asylum seekers and refugees,

Reiterating the commitments to strengthen the means of implementation, including Sustainable Development Goal 17 and the commitments under each of the Sustainable Development Goals, and the actions outlined in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the realization of those Goals,

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

Expressing deep concern about the impact of the coronavirus disease (COVID-19) pandemic on the right to education for all, taking into account that more than 1.5 billion learners have been affected by the closure of educational institutions worldwide,

Expressing concern that, despite the tremendous efforts made by States and other stakeholders, the COVID-19 pandemic has disproportionately affected those in the most vulnerable and marginalized situations, including in particular girls and women, persons with disabilities, persons living in poverty, migrants, asylum seekers, refugees, stateless and internally displaced persons and students in developing countries, and has exposed and exacerbated the entrenched structural inequalities in the enjoyment of human rights, including the right to education,

Reiterating the importance of early childhood development as a valuable foundation of lifelong learning and the entire education system, and the need to invest in early childhood education and care,

Strongly condemning the recurring attacks on students, teachers, schools and universities, and the military use of educational facilities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, gender-based discrimination and violence, including sexual violence and harassment; lack of a safe learning environment; child, early or forced marriage or unplanned pregnancy; the lack of appropriate water and sanitation facilities and menstrual health and hygiene supplies; discriminatory laws; gender stereotypes; patriarchal social norms; lack of empowerment, including on economic grounds, especially when education is not free; and discrimination based on any other grounds, such as race, colour, age, language, religion, political or other opinion, national or social origin, property, birth, migration or other status,

Recognizing further the role that access to information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education, in particular in situations of emergencies, and recalling its important role during the COVID-19 pandemic, when on-site education has had to be suspended,

Expressing concern at the inequalities in access to information and communications technology, which have increased the digital divide and expanded technological gaps, including but not limited to those based on gender, age, disability and migration or refugee status, and with their negative impact on the realization of the right to education,

Stressing in this respect that the incorporation of digital technologies in education, notwithstanding its potential to expand and complement access to education, is not a long-term replacement for on-site schooling, and the need for a thorough debate on the role of digital technologies in education, keeping in mind not only equality of opportunities, including for conflict-affected areas, but also its potential unintended negative effects, including on children's and young persons' health, education and interpersonal development, the changes it may create in the organization of education systems and the potential to serve as an equalizer for marginalized children and young persons,

Reaffirming that the human rights principles of non-discrimination and equality are central to the full realization of the right to education as enshrined in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and the International Covenant on Economic, Social and Cultural Rights, and emphasizing that everyone is entitled to the right to education without discrimination of any kind,

Noting that education systems should nurture cultural diversity with a view to protecting cultural rights and fostering mutual understanding, respect for diversity and tolerance,

Welcoming the steps taken to fully realize the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, and ensuring justiciability of this right, and aware of the role that communications procedures at the regional and international levels can play in promoting the justiciability of the right to education,

Noting the development by experts of guiding principles and tools for States, such as the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education,

Noting also the efforts aimed at promoting and protecting the right to education and facilitating continuation of education in armed conflict, including the efforts of States that are signatories to the Safe Schools Declaration,

1. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means and without discrimination of any kind;

2. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

3. *Also calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in accordance with human rights laws and standards, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

4. *Urges* all States to strengthen their legal frameworks, to adopt adequate policies and programmes and to allocate sufficient resources, either individually or through international assistance and cooperation, to the full realization of the right to education;

5. *Also urges* all States to expand educational opportunities for all, without discrimination, including by:

(a) Implementing targeted programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education;

(b) Recognizing the significant importance of investment in public education, and doing so to the maximum of available resources;

(c) Increasing and improving domestic and external financing for education, including in sanitary and humanitarian emergencies and conflict situations;

(d) Ensuring that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments;

(e) Strengthening engagement with all relevant stakeholders, including communities, children and youth, parents and legal guardians, local actors and civil society, to contribute to education as a public good;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms for all, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Also calls upon* States to take all measures necessary, including by making education a priority in their national budgets by granting sufficient budgetary allocations to education, to ensure accessible, inclusive, equitable and non-discriminatory quality education to all at all levels, and to promote lifelong learning opportunities for all, paying particular attention to women and girls, children in the most vulnerable and marginalized situations, older persons, persons with disabilities, persons belonging to national or ethnic, religious and linguistic minorities and all persons in vulnerable and marginalized situations, including those affected by humanitarian emergencies and conflict situations;

8. *Further calls upon* States to continue to strengthen the protection of preschools, schools and universities against attacks, making them free from all forms of violence, including by taking measures to deter the military use of schools, such as by considering implementing the Guidelines for Protecting schools and universities from military use during armed conflict, and encourages efforts to provide safe, non-violent inclusive, effective and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

9. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination, harmful practices such as female genital mutilation and child, early and forced marriage, and all forms of violence abuse and harassment, including moral and sexual harassment, school-related sexual and gender-based violence, and bullying in schools and other educational settings both online and offline, in particular against those persons who are most vulnerable, discriminated against and marginalized, and to guarantee gender equality and the right to education for all;

10. *Urges* States to take all necessary measures with a view to eliminate gender bias and gender stereotypes in education at all levels, including through the facilitation of gender-neutral learning environments and the promotion of equal opportunities in all fields of study;

11. *Calls upon* all States to take appropriate measures to accelerate efforts to bridge the digital divide and technological gaps, including but not limited to those based on gender, age, disability and migration or refugee status, and not only to combat discrimination and bias in the development and use of new technologies, particularly in terms of access to products and services that are essential for the enjoyment of the right to education, but also to ensure accessible and quality education at all levels, in order to increase the digital competencies and innovation skills of all, including of women, girls and persons with disabilities, while ensuring the protection of personal data in the use of technology in education;

12. *Urges* all States to regulate and monitor all education providers, private and public, including those operating independently or in partnership with States, inter alia by

putting in place adequate mechanisms to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, to address the negative impact of the commercialization of education, and to strengthen access to appropriate remedies and reparation for victims of violations of the right to education;

13. *Takes note with appreciation* of the two most recent reports of the Special Rapporteur on the right to education presented to the Human Rights Council, on the impact of the coronavirus disease crisis on the right to education: concerns, challenges and opportunities,¹⁰⁷ and on the cultural dimensions of the right to education, or the right to education as a cultural right;¹⁰⁸

14. *Calls upon* States, in the context of the current COVID-19 pandemic, to consider re-opening education institutions as a priority with adequate attention to the health and safety of students, teachers and all other educational personnel; to conduct a careful assessment of the impact of the closures of educational institutions on all learners from early childhood to adulthood, taking into account the intersectionality of discrimination, and to adopt or enhance targeted measures, including through international cooperation, to mitigate the impact of such closures, especially on those learners in most vulnerable situations;

15. *Also calls upon* States to urgently take measures to encourage and facilitate the safe and responsible return of children to school, with a special emphasis on girls and women, who have had their right to education particularly affected by the pandemic;

16. *Encourages* all States to develop and strengthen emergency education preparedness within their respective education systems, grounded on human rights, and to train educational planners at all levels;

17. *Urges* all States to recognize that cultural diversity, in its broadest sense, is a fundamental characteristic of contemporary societies that should be reflected at all levels of education systems, and to take appropriate measures to ensure that all education institutions, public or private, promote respect for the universal values of human rights and fundamental freedoms and cultural diversity in their curricula and learning methods, and in their determination to respect persons with different cultural references;

18. *Encourages* States to promote the diversity of the educational landscape, to develop a governance of education systems that is participatory, and to allow an adequate degree of decentralization and autonomy of education institutions to set up projects in response to the educational needs of students with specific cultural references;

19. *Welcomes:*

(a) The work of the Special Rapporteur on the right to education;

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, and the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, which is the lead agency on Sustainable Development Goal 4, the Office of the United Nations High Commissioner for Refugees and other relevant United Nations agencies and bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

20. *Stresses* the importance of international cooperation, including policy dialogue and the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

¹⁰⁷ A/HRC/44/39.

¹⁰⁸ A/HRC/47/32.

21. *Encourages* all States to measure progress in the realization of the right to education, inter alia by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

22. *Encourages* States to give domestic legal effect to the right to education, including by ensuring its justiciability;

23. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure to consider doing so as a matter of priority;

24. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

25. *Encourages* the High Commissioner to collaborate with relevant United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, the Global Partnership for Education, and civil society organizations to provide technical support to States to realize the right to education in the COVID-19 and post-COVID context;

26. *Commends* the contribution of national human rights institutions, national mechanisms for implementation, reporting and follow-up, civil society, including non-governmental organizations, children and youth and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

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

35th meeting
12 July 2021

[Adopted without a vote.]

47/7. The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

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

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also that the United Nations Convention against Corruption, to which 140 States are signatories and 186 States are parties, has been the most comprehensive and universal instrument on corruption since its entry into force on 14 December 2005, the purposes of which are outlined in its article 1,

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Noting with interest the outcomes of the sessions of the Conference of the States Parties to the United Nations Convention against Corruption, and stressing the need for States parties to the Convention to ensure the effective implementation of the decisions and resolutions adopted by the Conference,

Welcoming the upcoming ninth session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in Egypt in December 2021,

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector,¹⁰⁹

Acknowledging that the poor and those in marginalized and vulnerable situations are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that the promotion and protection of human rights and the prevention of and fight against corruption are mutually reinforcing, and that improvements in the promotion and protection of human rights at the domestic level have a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing also that good governance, democracy and the rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential in domestic efforts to prevent and fight against corruption,

Highlighting the transnational character of corruption and the consequential need for international cooperation and technical assistance to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption, as defined in the United Nations Convention against Corruption,

Recognizing the importance of creating a safe and enabling environment, in law and in practice, for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors, lawyers and judges, and of protecting these individuals from any threats arising from their activities in preventing and fighting against corruption,

Recognizing also that independent media and a diverse and pluralistic media landscape play an important role in ensuring transparency and scrutiny, which includes reporting on, investigating and exposing corruption and increasing public awareness of the link between corruption and human rights violations,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, objective and impartial prosecution and the integrity of the judicial system to prevent and fight corruption and to address its negative impact on human rights, in line with the rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination,

Emphasizing that human rights education and awareness-raising campaigns and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impact arising from acts of corruption involving State and non-State actors, including the private sector, through effective regulatory and investigative mechanisms with a view to holding perpetrators to account, recovering assets derived from acts of corruption and providing redress to victims, in accordance with the provisions of the United Nations Convention against Corruption, including Chapter V,

Recalling the obligation of States parties to the United Nations Convention against Corruption to implement policies in accordance with article 5 of the Convention with a view to fighting corruption, and inviting States to address the prevention and effect of corruption in the development of relevant national plans of action, including plans on business and human rights,

Highlighting that States should, in accordance with their respective legal systems, endeavour to establish and promote effective practices and tools aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to

¹⁰⁹ [A/HRC/44/27](#).

public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impact of economic activities,

Recognizing that corruption is even more damaging in times of crisis, such as the coronavirus disease (COVID-19) pandemic, and has the potential to seriously undermine good governance around the world, erodes public trust in government, and constitutes an obstacle to work to achieve the Sustainable Development Goals and to respond to the pandemic,

Highlighting that the response to the virus is creating new opportunities to exploit weak oversight and inadequate transparency,

Acknowledging that, with health-care systems strained worldwide due to the COVID-19 pandemic, the diversion of critical resources due to corruption poses an even greater threat to the right to everyone to the enjoyment of the highest attainable standard of physical and mental health and the right to life,

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights through their complaint procedures, investigations and analysis,

Recognizing the opportunities provided by open data and digital technologies to strengthen transparency and accountability and to prevent, detect and investigate corruption,

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of Human Rights Council mechanisms, such as the universal periodic review, and the treaty bodies in raising awareness and strengthening the commitment to tackle the negative impact of corruption,

Underlining also the importance of mainstreaming anti-corruption efforts in national development strategies and processes in order to address corruption and to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the United Nations Convention against Corruption through appropriate measures, such as the development of national plans of action to strengthen the implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting States parties in meeting the objectives of the Convention,

1. *Urges* States that have not yet ratified or acceded to the United Nations Convention against Corruption to consider doing so, and calls upon States parties to the Convention to effectively implement it;

2. *Recognizes* the negative impact of widespread corruption on the enjoyment of human rights, including by reducing the resources available for all sectors, thereby hampering the realization of all human rights;

3. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5 on substantially reducing corruption and bribery in all their forms;

4. *Also welcomes* the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, adopted by the General Assembly at its thirty-second special session, held from 2 to 4 June 2021, on challenges and measures to prevent and combat corruption and strengthen international cooperation;¹¹⁰

¹¹⁰ See A/S-32/2/Add.1.

5. *Takes note* of the joint statement of 30 May 2021 of the treaty bodies on corruption and human rights;

6. *Underlines* the necessity to step up cooperation and coordination among different stakeholders, including the private sector and civil society at the national, regional and international levels, to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;

7. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, calls for the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

8. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

9. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be prevented and addressed through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy;

10. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and plans of action to fight corruption and its negative impact on the enjoyment of human rights;

11. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, to exchange views and to keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights, as appropriate and within their respective mandates, under the aegis of the United Nations Office on Drugs and Crime;

12. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights, and encourages treaty bodies to take into account the impact of corruption on human rights in their activities and recommendations;

13. *Stresses* the importance of policy coherence among the intergovernmental processes in Geneva, Vienna and New York on the issue of corruption and its impact on the enjoyment of human rights;

14. *Decides* to convene an intersessional panel discussion, before the fiftieth session of the Human Rights Council, on the challenges and good practices in the prevention of corruption, and the impact of corruption on the enjoyment of human rights in the context of the COVID-19 pandemic, and also decides that the discussions will be fully accessible to persons with disabilities;

15. *Requests* the Office of the High Commissioner to organize the above-mentioned panel discussion in coordination with the United Nations Office on Drugs and Crime, and to liaise with relevant stakeholders, including States, international and regional organizations, the Advisory Committee, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations agencies, funds and programmes within their respective mandates;

16. *Also requests* the Office of the High Commissioner to prepare a summary report on the above-mentioned panel discussion and to present it to the Human Rights Council at its fifty-first session.

17. *Decides* to remain seized of this issue.

35th meeting
12 July 2021

[Adopted without a vote.]

47/8. Elimination of harmful practices related to accusations of witchcraft and ritual attacks

The Human Rights Council,

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

Reaffirming the fundamental principles of equality, non-discrimination and human dignity that underlie the Charter and international human rights instruments,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and the optional protocol thereto, and all other relevant international human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling the commitment to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, contained in Sustainable Development Goal 5, and the commitments to promote peaceful and inclusive societies for sustainable development, to provide access to justice for all and to build effective, accountable and inclusive institutions at all levels, contained in Sustainable Development Goal 16, and taking into account the commitment to leave no one behind,

Reaffirming that everyone has the right to life, liberty and security of person and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Reaffirming also the right to the highest attainable standard of physical and mental health and the right to access to information, which includes the right to seek, receive and impart information and ideas concerning health issues, the lack of which being likely to facilitate harmful practices against persons with medical impairments,

Reaffirming further, pursuant to article 18 of the International Covenant on Civil and Political Rights and to Human Rights Council resolution 40/10 of 21 March 2019, that everyone shall have the right to freedom of thought, conscience and religion, and that this right shall include freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for all to be guaranteed the full enjoyment of all human rights and fundamental freedoms without discrimination of any kind,

Recognizing traditional or complementary or integrative medicine, as defined by the World Health Organization, as a field distinct from harmful practices related to witchcraft accusations and others rituals attacks violating or abusing human rights,

Taking note of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and noting that attacks and other human

rights violations and abuses based on accusations of witchcraft or other rituals constitute harmful practices,

Taking note also of general comment No. 22 (1993) of the Human Rights Committee, in which the Committee affirmed the unconditional right to freedom of thought, conscience and religion, including the freedom to hold beliefs, and noted that restrictions on that freedom were permitted only if limitations were prescribed by law and were necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others,

Taking note further of the recommendations made by various relevant United Nations treaty bodies, mechanism and agencies on harmful practices related to witchcraft accusations and ritual attacks and killings,

Recognizing the work of the Special Representative of the Secretary-General on Violence against Children, the Special Rapporteur on freedom of religion or belief, the Independent Expert on the enjoyment of human rights by persons with albinism, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women, its causes and consequences,

Taking note of the reports of the Independent Expert on the enjoyment of human rights by persons with albinism submitted to the Human Rights Council pursuant to its resolution 28/6 of 26 March 2015,¹¹¹ and on the expert workshop on witchcraft and human rights held in Geneva on 21 and 22 September 2017,¹¹² including its conclusions and recommendations,

Expressing its concern that harmful practices related to witchcraft accusations and ritual attacks have resulted in various forms of violence, including killings, mutilation, burning, coercion in trafficking of persons, torture and other cruel, inhuman or degrading treatment and stigmatization, particularly for persons in vulnerable situations, including women, children, persons with disabilities, older persons and persons with albinism, and that these forms of violence are often committed with impunity,

Expressing its concern also at the existing widespread discrimination, stigma, social exclusion and forced displacement experienced as a result of witchcraft accusations and ritual attacks,

1. *Urges* States to condemn harmful practices related to accusations of witchcraft and ritual attacks that result in human rights violations;
2. *Also urges* States to take all measures necessary to ensure the elimination of harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks, and to ensure accountability and the effective protection of all persons, particularly persons in vulnerable situations;
3. *Calls upon* States to ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations and abuses of these rights in compliance with applicable international law;
4. *Invites* States, in collaboration with relevant regional and international organizations, to promote bilateral, regional and international initiatives to support the protection of all persons vulnerable to harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks, while noting that, in providing protection, attention to local context is critical;
5. *Also invites* States to draw attention to this issue in the context of the universal periodic review;
6. *Emphasizes* that States should carefully distinguish between harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks and the lawful and legitimate exercise of different kinds of religion or beliefs, in order to

¹¹¹ [A/HRC/34/59](#).

¹¹² [A/HRC/37/57/Add.2](#).

preserve the right to freely manifest a religion or a belief, individually or in a community with others, including for persons belonging to religious minorities;

7. *Encourages* human rights mechanisms, including relevant special procedures of the Human Rights Council and treaty bodies, to compile and share information on harmful practices related to accusations of witchcraft and ritual attacks and their impact on the enjoyment of human rights;

8. *Requests* the United Nations High Commissioner for Human Rights to organize an expert consultation with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, the results of which will help the Office of the High Commissioner to prepare a study on the situation of the violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks, as well as stigmatization, and to inform further action by existing mechanisms at the United Nations, and to submit a report thereon to the Human Rights Council at its fifty-second session;

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

35th meeting
12 July 2021

[Adopted without a vote.]

47/9. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3 thereof, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling further the United Nations Millennium Declaration, adopted on 8 September 2000, General Assembly resolution 75/180 of 16 December 2020, Human Rights Council resolution 44/18 of 17 July 2020 and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling General Assembly resolution 41/128 of 4 December 1986, entitled “Declaration on the Right to Development”, in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling also General Assembly resolution 48/141 of 20 December 1993, entitled “High Commissioner for the promotion and protection of all human rights”, in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

Reaffirming General Assembly resolution 33/134 of 19 December 1978, entitled “United Nations Conference on Technical Cooperation among Developing Countries”, in

which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

Recalling resolution 2000/22 of 18 August 2000 on the promotion of dialogue on human rights issues, adopted by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,¹¹³

Taking note with appreciation of the final document and declaration adopted at the Eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, in which the Heads of State and Government reiterated their position, inter alia, that South-South cooperation is a collective endeavour among peoples and countries of the South based on the principles of solidarity and on the premises, conditions and objectives that are specific to the historic and political context of developing countries and to their needs and expectations for the attainment of the Sustainable Development Goals, and that South-South cooperation is a complement to and not a substitute for North-South cooperation, and also reiterated that North-South cooperation is an important element of international cooperation for the sustainable development of the countries of the South, including through the transfer of technologies, on favourable, preferential and concessional terms, as mutually agreed,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Deeply concerned by the unprecedented effects of the coronavirus disease (COVID-19) pandemic, including the severe disruption to societies and economies, and to global travel and commerce, and the devastating impact on physical and mental health and the livelihoods of people,

Recalling General Assembly resolutions 74/270 of 2 April 2020, on global solidarity to fight the coronavirus disease 2019 (COVID-19), 74/274 of 20 April 2020, on international cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19, 74/306 of 11 September 2020, on a comprehensive and coordinated response to the COVID-19 pandemic, and 74/307 of 11 September 2020, on a united response against global health threats and combating COVID-19,

Recalling also Human Rights Council 46/14 resolution of 23 March 2021, on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the COVID-19 pandemic,

Welcoming the global initiatives promoting global solidarity in response to the pandemic, including the efforts of countries that have supplied COVID-19 vaccines, and recalling the thirty-first special session of the General Assembly, in response to the COVID-19 pandemic, held on 3 and 4 December 2020, the high-level meeting of the Assembly on universal health coverage, held on 23 September 2019, and the political declaration of the high-level meeting, entitled “Universal health coverage: moving together to build a healthier world”,¹¹⁴

Noting the unprecedented economic and social impact of the COVID-19 pandemic, and emphasizing the need for safe, efficacious, affordable and equitable access to and the availability and distribution of COVID-19-related diagnostics, therapeutics, medicines and vaccines to everyone in all States as global public health goods,

Recognizing with deep concern the impact of high debt levels on countries’ ability to withstand the impact of the COVID-19 shock, and in this regard reaffirming the need for enhanced international cooperation and assistance,

¹¹³ See E/CN.4/2001/2–E/CN.4/Sub.2/2000/46, chap. II, sect. A.

¹¹⁴ See General Assembly resolution 74/2.

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is not just a matter of relations of good neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Recognizing that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in least developed and developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, and to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population in affected States and create obstacles to the full realization of their human rights, and reaffirms the importance of international cooperation and solidarity to address the negative impact of these measures;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international

cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

12. *Considers* that international cooperation in the field of human rights, consistent with the purposes and principles set out in the Charter and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State or non-State actor, in strict conformity with the Charter and consistent with the Universal Declaration of Human Rights and other relevant international instruments;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Also re-emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

16. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

18. *Also emphasizes* the need for a cooperative and constructive approach on the part of all stakeholders to resolving human rights issues in international forums;

19. *Further emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

20. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;¹¹⁵

21. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

22. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

23. *Urges* States to continue to support the funds;

¹¹⁵ [A/HRC/46/70](#).

24. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

25. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

26. *Urges* States to take, upon request by affected Member States, the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as health crises, financial and economic crises, food crises, climate change and natural disasters, and refugee and internal displacement crises, on the full enjoyment of human rights;

27. *Reaffirms* its commitment to international cooperation and multilateralism, and its strong support for the central role of the United Nations system in the global response to pandemics that constitute a threat to public health;

28. *Calls for* intensified international cooperation to contain, mitigate and defeat the COVID-19 pandemic, including by exchanging information, scientific knowledge and best practices and by applying the relevant guidelines recommended by the World Health Organization;

29. *Calls upon* States and other relevant stakeholders to remove unjustified obstacles restricting the export of COVID-19 vaccines, which result in an unequal distribution in access to vaccines between developed and developing countries, and to promote equitable global distribution of and universal access to vaccines, in order to further the principles of international cooperation and solidarity, to end the current pandemic and to promote the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

30. *Requests* all Member States and the United Nations system to explore and foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

31. *Takes note* of the report of the High Commissioner on the implementation and enhancement of international cooperation in the field of human rights, submitted to the Human Rights Council at the present session;¹¹⁶

32. *Requests* the High Commissioner to prepare a new report on the work of the Office of the High Commissioner in the implementation and enhancement of international cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its fiftieth session;

33. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

34. *Recalls* that, in its resolution 74/151 of 18 December 2019, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

35. *Also recalls* that, in its resolution 75/180, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as on obstacles and challenges and possible proposals to overcome them, for the enhancement of

¹¹⁶ [A/HRC/47/47](#).

international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

36. *Decides* to continue its consideration of the matter at its fiftieth session, in accordance with its annual programme of work.

35th meeting
12 July 2021

[Adopted by a recorded vote of 30 to 14, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Marshall Islands, Mauritania, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Armenia, Austria, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Netherlands, Poland, Republic of Korea, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Brazil, Mexico and Uruguay]

47/10. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Mindful of the fact that, while globalization opens up new opportunities for growth and development, it also presents challenges, including growing inequality, widespread

poverty, unemployment, social disintegration and environmental risks, that demand increased coordination and collective decision-making at the global level,

Reaffirming the crucial importance of increasing the resources allocated to official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product to official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Emphasizing the commitment of States in the 2030 Agenda to a revitalized Global Partnership for Sustainable Development based on a spirit of global solidarity, in particular with the poorest and with people in vulnerable situations,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intragenerational solidarity for the perpetuation of humankind,

Emphasizing that the coronavirus disease (COVID-19) pandemic can be countered effectively only through international cooperation, unity, solidarity and collective action, based on a multilateral approach, and strong international institutions,

Emphasizing also in that context that responses to contain, mitigate and overcome the pandemic and its consequences should be people-centred, gender-responsive, with full respect for human rights, multidimensional, coordinated, inclusive, innovative, swift and decisive at all levels, including by supporting the exchange of information, scientific knowledge and best practices,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Recognizes* that international solidarity is a powerful tool for addressing the structural causes of poverty, inequality and other global challenges;

9. *Welcomes* the report of the Independent Expert on human rights and international solidarity;¹¹⁷

10. *Reiterates* the central role of the State in any sustainable response to the COVID-19 pandemic and commends the international solidarity actions of various States, multilateral agencies, philanthropic institutions and private sector actors in providing human, intellectual, financial and technical resources to fight the pandemic;

11. *Reaffirms* the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in supporting Member States, and in this regard acknowledging the crucial leading role played by the World Health Organization;

12. *Emphasizes* that humanitarian and technical cooperation, including in the context of South-South and triangular cooperation, is an important aspect of international solidarity during and after the pandemic;

13. *Also emphasizes* the need for enhanced voluntary contributions to the relevant United Nations agencies, funds and programmes to support technical assistance and capacity-building, including in the field of human rights, and encourages States to continue to make contributions to that end;

14. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his mandate, and to supply all necessary information requested by him, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate effectively;

15. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

16. *Also requests* the Independent Expert to continue to examine in his reports ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity, including the challenges of international cooperation, and to seek the views and contributions of Governments, United Nations agencies and other relevant international organizations in this regard;

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

18. *Reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields, and to continue to seek views and contributions from

¹¹⁷ A/HRC/47/31.

Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

19. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

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

35th meeting

12 July 2021

[Adopted by a recorded vote of 32 to 14, with 1 abstention. The voting was as follows:

In favour:

Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Mexico]

47/11. The contribution of development to the enjoyment of all human rights

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights and all relevant human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome, the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development,

Recalling further Human Rights Council resolutions 35/21 of 22 June 2017 and 41/19 of 12 July 2019,

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

Recognizing that the aim of development is to constantly improve the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Emphasizing the important role of inclusive and sustainable development in promoting and protecting human rights, including economic, social and cultural rights, as well as civil and political rights, and stressing the importance of development cooperation and the promotion and protection of human rights in ensuring that no one is left behind,

Recognizing that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing,

Reaffirming that meeting the aspiration of the people for a better life is the priority of each State, and the importance of the realization of inclusive and sustainable development,

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

Welcoming the adoption of the 2030 Agenda, which contains a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and reaffirming that the 2030 Agenda is of unprecedented scope and significance, accepted by all countries, taking into account different national realities, capacities and levels of development and respecting national policies and priorities; its goals and targets are universal, integrated and indivisible and balance the three dimensions of sustainable development,

Recognizing that progress has been made across some of the Sustainable Development Goals and targets, but it has not been at the pace required to achieve this ambitious agenda and has been uneven across countries and regions, and emphasizing that urgent progress is needed towards all targets,

Deeply concerned about the loss of life and livelihoods and the disruption to economies and societies caused by the coronavirus disease (COVID-19) pandemic and its negative impact on the enjoyment of human rights around the world, and that the progress made in the implementation of the 2030 Agenda might be reversed,

Reaffirming that the existence of extreme poverty inhibits the full and effective enjoyment of human rights, emphasizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is a great global challenge, an indispensable requirement and an overarching priority for sustainable development, and in this regard expressing deep concern that the COVID-19 pandemic, estimated to have pushed up to 100 million people into extreme poverty by 2021, has brought great challenges to global efforts in poverty reduction,

Reaffirming also that the immediate alleviation and eventual eradication of extreme poverty must remain a high priority for the international community, and that joint efforts towards the achievement of this goal should be strengthened,

Affirming the commitments to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment,

Welcoming the tremendous efforts and achievements made by countries in promoting sustainable development and eradicating poverty, including extreme poverty, especially in the context of the COVID-19 pandemic, reaffirming that each country faces specific challenges in its pursuit of sustainable development and the eradication of poverty, and recognizing the importance of supporting countries in their efforts to eradicate poverty in all its forms and dimensions,

Affirming that international cooperation for sustainable development has an essential role in shaping our shared future, particularly in assisting developing and the least developed countries in promoting sustainable development and eliminating obstacles to development, and emphasizing the importance of continued efforts to promote international development cooperation,

1. *Reaffirms* the significant contribution of development to the enjoyment of all human rights by all;
2. *Recognizes* that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing;
3. *Calls upon* all States to promote sustainable development to enable better enjoyment of human rights, to achieve gender equality and to promote equality of opportunity for development;
4. *Also calls upon* all States to realize people-centred development of the people, by the people and for the people;

5. *Encourages* all States to spare no effort to promote sustainable development, particularly in the context of the COVID-19 pandemic, to recover from the pandemic, and to pay particular attention to the promotion and protection of rights of persons in vulnerable situations;

6. *Emphasizes* the importance for the entire population of each State to benefit from inclusive and sustainable development, and of ensuring that no one is left behind;

7. *Reaffirms* the commitment of all States to ending poverty in all its forms and dimensions, including by eradicating extreme poverty, and emphasizes that eradicating poverty, including extreme poverty, is an indispensable requirement for sustainable development and an overarching objective of the 2030 Agenda for Sustainable Development;

8. *Welcomes and appreciates* the efforts made by States, international organizations and other stakeholders to eradicate poverty, as well as the remarkable progress made in this field, particularly in the context of the COVID-19 pandemic, which is of significant importance for the enjoyment of human rights, and calls for enhanced international cooperation and exchanges regarding poverty eradication;

9. *Calls upon* Member States and the United Nations system, including its funds and programmes and specialized agencies, in accordance with their mandates, to continue to mobilize resources to carry out development cooperation and to assist States, particularly developing and the least developed countries, upon their request, in promoting sustainable development;

10. *Encourages* Member States, relevant United Nations bodies and other stakeholders to take the 2030 Agenda into account when delivering technical assistance and capacity-building, as requested by the countries concerned, in the field of human rights;

11. *Invites* relevant United Nations human rights mechanisms and procedures to continue to take into account the role of development in promoting and protecting human rights when fulfilling their mandates, and to incorporate a development perspective into their work;

12. *Welcomes* the holding of a one-day intersessional seminar on the contribution of development to the enjoyment of all human rights in May 2021, notes with appreciation the study of the Office of the United Nations High Commissioner for Human Rights on the contribution of development to the enjoyment of all human rights, and requests the Office of the High Commissioner to continue to strengthen its work in this field;

13. *Requests* the United Nations High Commissioner for Human Rights to organize a series of regional seminars, one for each of the five geographical regions, before the fifty-third session of the Human Rights Council, on the contribution of development to the enjoyment of all human rights, in order to allow Member States, relevant United Nations agencies, funds and programmes, international and regional organizations, national human rights institutions, civil society organizations and other stakeholders to identify challenges and gaps and share good practices and experiences in this regard;

14. *Requests* the Secretary-General to provide the above-mentioned regional seminars with all resources necessary for services and facilities, and requests the High Commissioner to prepare a summary report on the discussions held at the seminars and to present the report to the Human Rights Council at its fifty-fourth session;

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

35th meeting
12 July 2021

[Adopted by a recorded vote of 31 to 14, with 2 abstentions. The voting was as follows:

In favour:

Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Mexico, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Austria, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Armenia and Bahamas]

47/12. The human rights of migrants*The Human Rights Council,*

Guided by the purposes and principles of the United Nations Charter, and reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Transnational Organized Crime and the Protocols thereto against the Smuggling of Migrants by Land, Sea and Air and to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and recalling also the Declaration on the Right to Development,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special procedures of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Recalling further the Global Compact for Safe, Orderly and Regular Migration, adopted at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Marrakech, Morocco on 10 and 11 December 2018, and endorsed by the General Assembly in its resolution 73/195 of 19 December 2018,

Recognizing that migration has been and will continue to be part of the human experience through history, and underscoring that all migrants, regardless of their migration status, are human rights holders, and reaffirming the need to protect their safety, dignity, and human rights and fundamental freedoms,

Mindful of the responsibility of the Human Rights Council to promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner,

Recognizing that States are responsible for promoting, protecting and respecting the human rights of all persons, including all migrants, regardless of their migration status, who are in their territory and subject to their jurisdiction,

Reaffirming the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with their obligations under international law, in particular international human rights law and international refugee law,

Expressing serious concern about the particular vulnerable situations and risks faced by migrants, especially unaccompanied and separated migrant children, which can arise from the reasons for leaving their country of origin, circumstances encountered by migrants en route, at borders and at destination, discrimination related to specific aspects of a person's identity or circumstances, or a combination of these factors,

Recognizing the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations, including those at risk

of sexual violence, and taking note with appreciation of the principles and practical guidance on the human rights protection of migrants in vulnerable situations prepared by the Office of the United Nations High Commissioner for Human Rights and the Global Migration Group as a contribution to further work in this regard,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting, protecting and respecting the human rights of all migrants, and urging all countries to avoid approaches that might aggravate vulnerable situations,

Affirming that migrant smuggling and crimes against migrants, including those involving trafficking in persons, the worst forms of child labour, and forced labour continue to pose a serious challenge and require a concerted international assessment and response and strengthened multilateral cooperation among countries of origin, transit and destination for their eradication,

Deeply concerned that the coronavirus disease (COVID-19) pandemic has had the harshest impact on vulnerable people, including migrants with precarious livelihoods or working in the informal economy, victims of trafficking in persons and people fleeing their homes because of persecution,

Deeply concerned also that the COVID-19 pandemic and its disruption to economies perpetuate and exacerbate existing inequalities, and that the most at risk are persons in vulnerable and marginalized situations, including migrants, and recognizing the need to ensure non-discrimination and equality, including in equitable access to COVID-19 diagnostics, treatment and vaccines, while stressing the importance of age-, gender- and disability-responsive measures in this regard,

Recognizing that the poor and the most vulnerable people are the most affected and that the impact of the pandemic will have repercussions on development gains, hampering progress in the achievement of the Sustainable Development Goals, including targets 3.8 and 10.7,

Reaffirming the right of every human being, without discrimination of any kind, to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing the important contribution of migrant workers, many of whom have provided essential labour across a range of occupations during the pandemic, while concerned that migrant workers are often concentrated in sectors of the economy with the highest levels of temporary, informal or unprotected work, with women migrant workers facing greater risks, including gender-based violence, harassment, exploitation, being victims of trafficking in persons and abuse,

Recognizing also that the return of migrants, whether voluntary or otherwise, must be consistent with States' obligations under international human rights law and international refugee law, including the best interests of the child, the principle of non-refoulement and their obligations relating to respect for due process and the prohibition of collective expulsions,

Recognizing further the need to ensure that returned migrants are duly received and readmitted, in accordance with States' obligation not to arbitrarily deprive their nationals of the right to enter their own country and the obligation of States to readmit their own nationals,

Expressing concern at the increasing trend of xenophobia, racism, multiple forms of discrimination and hostility towards migrants in societies, and disproportionate sanctions for irregular migration, which might have a negative impact on the fulfilment of human rights globally,

Taking note with appreciation of the Secretary-General's policy brief entitled "COVID-19 and people on the move" and the guidance of the United Nations High Commissioner for Human Rights, human rights treaty bodies, special procedures of the Human Rights Council and the United Nations Network on Migration on the human rights of migrants in the context of the COVID-19 pandemic,

Taking note of the reports of the Special Rapporteur on the human rights of migrants, including the reports of the Special Rapporteur on means to address the human rights impact of pushbacks of migrants on land and sea¹¹⁸ and on freedom of association of migrants and their defenders,¹¹⁹ and taking note also of the conclusions contained in the report of the Special Rapporteur submitted to the General Assembly,¹²⁰

Deeply concerned about the large and growing number of migrants, especially women and children, including children who are unaccompanied or are separated from their parents, who have lost their lives, have been injured or have gone missing in their attempt to cross international borders, including at sea, and recognizing the obligations that States have to protect and respect the human rights of those migrants, regardless of their migration status, and reaffirming the commitment to take action to avoid the loss of life of migrants, including by preventing human rights violations resulting from pushback practices, in particular collective expulsions and refoulement,

Recalling the decision of the Secretary-General to establish the United Nations Network on Migration to ensure effective and coherent system-wide support to Members States in migration-related matters, and noting with appreciation the work performed by the Network,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children and should guide legislation, policies and practices relating to children, regardless of their status, including in the context of migration,

1. *Reaffirms* the duty of all States to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, without discrimination of any kind, in conformity with the Universal Declaration of Human Rights and their obligations under international law, including international human rights law and international refugee law;

2. *Recommits* to ensuring full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status, and urges all States, including countries of origin, transit and destination, to prevent the creation and exacerbation of situations of vulnerability and to respond to the needs of migrants in vulnerable situations, and in this regard calls upon States:

(a) To ensure that their legislation and migration policies and practices are consistent with international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by reviewing migration legislation, policies and practices with a view to examining and addressing their possible negative consequences, inter alia the creation and exacerbation of vulnerabilities;

(b) To give due consideration to the principles and practical guidance prepared by the Office of the United Nations High Commissioner for Human Rights and the Global Migration Group on the human rights protection of migrants in vulnerable situations, and the recommended principles and guidelines of the Office of the High Commissioner on human rights at international borders, when designing and implementing their migration policies;

(c) To respond to the needs of migrants in vulnerable situations, which can arise from the reasons for leaving their country of origin, circumstances encountered by migrants en route, at borders and at destination, discrimination related to specific aspects of a person's identity or circumstances or a combination of these factors, by respecting, protecting and fulfilling their human rights, in accordance with their obligations under international law;

(d) To protect migrants from becoming victims of national and transnational organized crime, including kidnapping, trafficking in persons, the worst forms of child labour, and forced labour, inter alia through the implementation of programmes and policies that

¹¹⁸ [A/HRC/47/30](#).

¹¹⁹ [A/HRC/44/42](#).

¹²⁰ [A/75/183](#).

prevent victimization and provide effective guarantees and protections, as well as access to medical, psychosocial and legal assistance, where appropriate;

(e) To ensure that the best interests of the child are a primary consideration in all actions concerning children, especially unaccompanied and separated migrant children, in both the development and implementation of legislation and policies, including by facilitating family reunification and ensuring that age determination measures respect human dignity and scientific criteria;

(f) To apply a gender perspective when preventing and addressing vulnerabilities;

(g) To work with national human rights institutions, civil society organizations, migrants themselves and other relevant stakeholders to understand the human rights impact of vulnerabilities created or exacerbated by migration policies and practices;

3. *Calls upon* all States to take a human rights-based approach in their responses to the COVID-19 pandemic, explicitly including all migrants, regardless of their migration status, with specific attention to those in vulnerable situations, and stresses that there is no place for any form of discrimination, racism or xenophobia in the response to the pandemic;

4. *Also calls upon* all States to promote and protect the right of everyone, without discrimination of any kind, to the enjoyment of the highest attainable standard of physical and mental health, and encourages them to promote equitable access to health services, disease prevention and care for migrants, including equitable access for all migrants to COVID-19 diagnostics, treatment and vaccines;

5. *Reaffirms* the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions, as well as the rights to safe drinking water and sanitation as a component of that right, and in this regard calls upon all States, including countries of origin, transit and destination, to cooperate to provide assistance and support to migrants in vulnerable situations, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

6. *Expresses its gratitude and support* to all migrant health-care workers, the majority of whom are women, and other essential migrant workers around the world who face difficult and challenging circumstances in dealing with the pandemic, and calls upon all States to provide migrant workers with the necessary protection and support, including protection from violence, harassment, exploitation, trafficking in persons and abuse, and to provide them with COVID-related protection and support;

7. *Encourages* States to give due consideration to the Secretary-General's policy brief entitled "COVID-19 and people on the move", the guidance of the United Nations High Commissioner for Human Rights, treaty bodies and special procedures of the Human Rights Council and the United Nations Network on Migration when designing and implementing their migration policies, including in the context of the COVID-19 pandemic;

8. *Calls upon* all States, including countries of origin, transit and destination, to adopt a comprehensive and integral approach to migration policies, to facilitate safe, orderly, regular and responsible migration and mobility of people, to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration presents, and to address efficiently its challenges in accordance with international human rights standards, including through the implementation, as applicable, of the Global Compact for Safe, Orderly and Regular Migration;

9. *Recognizes* the upcoming International Migration Review Forum as an opportunity to reflect on migration and mobility in the light of the COVID-19 pandemic and to strengthen the collective commitment to uphold the rights of all migrants, regardless of their migration status;

10. *Takes note* of the report of the Special Rapporteur on the human rights of migrants,¹²¹ and expresses its concern at the continued human rights violations at international borders, which may include collective expulsions and refoulement resulting from pushback practices, which exacerbate the vulnerabilities of migrants;

11. *Calls upon* all States, within the framework of applicable international law, to take steps to ensure that their national procedures at international borders, including those to address COVID-19, incorporate adequate safeguards to protect the dignity, safety and human rights of all migrants, including individualized assessments of vulnerability;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights:

(a) To maintain its active engagement with the United Nations Network on Migration as a member of its Executive Committee, including by involving all relevant human rights bodies and special procedures, to ensure efficiency in mainstreaming human rights in the context of international migration;

(b) To continue to provide guidance on the promotion and protection of the human rights of migrants, including in the context of the COVID-19 pandemic, and to provide assistance to States that request it in the development of their national migration policies, and approaches to protect the human rights of migrants in vulnerable situations;

(c) To convene a one-day intersessional panel discussion on the human rights of migrants in vulnerable situations, with a particular focus on the experiences of migrants, highlighting best practices and challenges in this regard, and to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its fiftieth session and to the General Assembly at its seventy-seventh session, and to bring the report to the attention of the International Migration Review Forum and the United Nations Network on Migration;

13. *Requests* the Special Rapporteur to continue to report on the situation of the human rights of migrants and to participate in key discussions relating to the promotion and protection of their rights, including with respect to migrants in vulnerable situations and in the context of the COVID-19 pandemic, by identifying best practices and concrete areas and means for international cooperation;

14. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur;

15. *Encourages* States to include, as appropriate, information on the implementation of their international obligations relating to the human rights of migrants in their national reports submitted to the Working Group on the Universal Periodic Review of the Human Rights Council and to the treaty bodies;

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

35th meeting
12 July 2021

[Adopted without a vote.]

47/13. Situation of human rights in the Tigray region of Ethiopia

The Human Rights Council,

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

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

¹²¹ [A/HRC/47/30](#).

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

Reaffirming also its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ethiopia,

Noting with appreciation the declaration of a unilateral ceasefire by the Government of Ethiopia on 28 June 2021, and calling upon all parties to cease hostilities,

Deeply concerned about the situation of human rights in the Tigray region of Ethiopia, in particular the serious allegations of human rights violations and abuses and violations of international humanitarian law and international refugee law, including those involving indiscriminate shelling, extrajudicial killings, mass killings of civilians, widespread use of sexual and gender-based violence, arbitrary arrests and detention, ethnic profiling and discrimination, forced displacement, abductions and forcible returns of refugees, widespread looting and the destruction of humanitarian aid,

Deeply concerned also by reports indicating the participation of Eritrean troops exacerbating the conflict in the Tigray region and by allegations of their involvement in cases of serious human rights violations and violations of international humanitarian and refugee law,

Deeply concerned further about the deteriorating humanitarian situation in the Tigray region, the food crisis and the serious conditions of famine, and also about the insecurity that continues to hamper humanitarian access, while deeply deploring the killings of humanitarian and medical workers and strongly condemning all acts of violence, attacks and threats against humanitarian and medical workers, and attacks on critical infrastructure, including hospitals and medical facilities,

Reiterating the responsibility of States to respect, protect and fulfil human rights and to protect their populations, in line with their commitments under international human rights law and international humanitarian law,

Welcoming the commitment of the Government of Ethiopia to engage and cooperate with the United Nations and its mechanisms in the field of human rights, and underscoring the importance of the continued involvement of the African Union, the African Commission on Human and Peoples' Rights and the Intergovernmental Authority for Development,

Acknowledging resolution 482 adopted by the African Commission on Human and Peoples' Rights on 12 May 2021 establishing a commission of inquiry into the situation in the Tigray region,

Acknowledging also the continuing efforts by the Government of Ethiopia to provide humanitarian assistance and to provide increased humanitarian access, while recognizing that rapid, sustained and unimpeded access is still urgently needed throughout the Tigray region,

Taking note of the press statement of the Security Council on 22 April 2021 on the situation in Ethiopia,¹²²

1. *Expresses grave concern* at the reports of serious human rights violations and abuses and violations of international humanitarian law and international refugee law allegedly committed by all parties in the Tigray region since the start of the conflict on 4 November 2020;

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

3. *Also calls for* the swift and verifiable withdrawal of Eritrean troops from the Tigray region;

4. *Underscores* the need to hold accountable all those responsible for human rights violations and abuses and violations of international humanitarian law committed in

¹²² See www.un.org/press/en/2021/sc14501.doc.htm.

the context of the Tigray conflict, and recognizes in this regard the importance of preserving and analysing evidence with a view to advancing accountability;

5. *Recognizes* the steps that have been taken to date by the Government of Ethiopia within the established domestic process to advance accountability for alleged violations;

6. *Welcomes* the recent announcement of the Government of Ethiopia to ensure accountability for violations, and calls upon the Government to continue to create the conditions necessary to carry out full, unhindered and independent investigations, to prosecute and to render judgments efficiently, transparently and independently, to bring to justice perpetrators of crimes involving human rights violations and abuses and violations of international humanitarian law, and to protect victims and at-risk persons against reprisals of any form;

7. *Also welcomes* the joint investigation undertaken by the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission into these violations and abuses;

8. *Commends* the Government of Ethiopia for accepting the joint investigation and agreeing to allow unfettered access to the locations where the investigation will be undertaken and to provide security protection and cooperate with the investigation team throughout the entire process;

9. *Welcomes* the public commitment made by the Government of Ethiopia to consider the findings and implement the recommendations of the joint investigation;

10. *Expresses deep concern* at the dire humanitarian and security situation in the Tigray region, calls for a scaled-up humanitarian response, including in the context of the food security situation and the ongoing protection crisis, and a continuation of international relief efforts, and calls upon the international community to redouble efforts to address the challenges in the Tigray region;

11. *Urges* all parties to comply with obligations under international humanitarian law to respect and protect all civilians, including humanitarian personnel and civilian objects, and all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and to take all steps required to allow and facilitate the full, safe, immediate and unimpeded access of humanitarian actors for the delivery of humanitarian assistance to all persons in need, while respecting humanitarian principles and applicable international law;

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

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

14. *Requests* the High Commissioner to present an oral update to the Human Rights Council at its forty-eighth session during an enhanced interactive dialogue, and at its forty-ninth session during an interactive dialogue, on the situation of human rights in the Tigray region and on progress made in the context of the joint investigation.

*36th meeting
13 July 2021*

[Adopted by a recorded vote of 20 to 14, with 13 abstentions. The voting was as follows:

In favour:

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

Against:

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

Abstaining:

Armenia, Bahrain, Bangladesh, Gabon, Indonesia, Libya, Malawi, Mauritania, Nepal, Pakistan, Senegal, Sudan and Uzbekistan]

47/14. Human rights in the context of HIV and AIDS

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 all relevant international human rights treaties,

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

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

Recalling Human Rights Council resolutions 12/27 of 2 October 2009, 30/8 of 1 October 2015, 32/15 of 1 July 2016, 35/23 of 23 June 2017, 36/13 of 28 September 2017 and 38/8 of 5 July 2018, and other relevant resolutions of the Council and the Commission on Human Rights,

Reaffirming the Political Declarations on HIV and AIDS adopted by the General Assembly on 2 June 2006, 10 June 2011, 8 June 2016 and 9 June 2021, and the Declaration of Commitment on HIV/AIDS adopted by the Assembly on 27 June 2001,

Recalling the International Guidelines on HIV/AIDS and Human Rights, annexed to Commission on Human Rights resolution 1997/33 of 11 April 1997, which provide guidance on ensuring respect for and the protection and fulfilment of all human rights in the context of HIV,

Recalling also resolution 60/2 on women, the girl child and HIV and AIDS, adopted by the Commission on the Status of Women on 24 March 2016 and reaffirmed in its resolution 64/2, adopted on 9 March 2020,

Recalling further the 2017 Social Forum, on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics, and the report thereon,¹²³ and welcoming the 2019 consultation on human rights in the response to HIV, held in accordance with Human Rights Council resolution 38/8, and the report thereon,¹²⁴

Recognizing the leading role of the Joint United Nations Programme on HIV/AIDS and all of its co-sponsor organizations, such as the World Health Organization, in the global effort to end AIDS by 2030,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Welcoming the Sustainable Development Goals, including Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, particularly target 3.3, which envisages ending by 2030 the epidemics of AIDS, tuberculosis,

¹²³ [A/HRC/37/74](#).

¹²⁴ [A/HRC/41/27](#).

malaria and neglected tropical diseases and combating hepatitis, waterborne diseases and other communicable diseases, as well as all other health-related Goals,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration, the 2005 World Summit Outcome, the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, and is informed by other instruments, such as the Declaration on the Right to Development,

Recognizing also that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law, including ensuring respect for and the protection and fulfilment of all human rights and fundamental freedoms for all,

Reaffirming that the availability, accessibility, acceptability, affordability and quality of combination HIV prevention and HIV testing, diagnosis, treatment, care, support, health and social services, including sexual and reproductive health-care services, information and education, delivered without stigma, violence or discrimination, are essential elements in achieving the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing that universal health coverage anchored in respect for and the protection and fulfilment of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is essential in the response to HIV and AIDS,

Reaffirming that the full realization of all human rights and fundamental freedoms for all is an essential element in the global response to the HIV epidemic, including in the areas of prevention, testing, diagnosis, treatment, care and support, and that such a response reduces a person's vulnerability to HIV,

Recognizing that the coronavirus disease (COVID-19) pandemic is one of the greatest global challenges in world history, and noting with deep concern its impact on health, including on the response to AIDS, especially on access to medicines, treatment and diagnostics for HIV/AIDS, and the loss of life, the effect on mental health and well-being, and the negative impact on global humanitarian needs and on the enjoyment of human rights across all spheres of society, including the impact on livelihoods, food security and nutrition and education, the exacerbation of poverty and hunger, disruption to economies, trade, societies and environments, and the exacerbation of economic and social inequalities within and among countries, which is reversing hard-won development gains and hampering progress towards achieving the 2030 Agenda and all its Goals and targets,

Recognizing also that addressing the holistic needs and rights of persons living with, at risk of or affected by HIV throughout the course of their life will require close collaboration with efforts to eradicate poverty in all its forms and dimensions, including extreme poverty, to end hunger everywhere, to improve food and nutrition security and access to free, non-discriminatory primary and secondary education, to promote healthy lives and well-being, to provide access to HIV-sensitive social protection for all, including for children, to reduce inequalities within and among countries, to achieve gender equality and the empowerment of all women and girls, to provide for decent work and economic empowerment and to promote healthy cities, stable housing and just and inclusive societies for all,

Welcoming the report of the Secretary-General on addressing inequalities and getting back on track to end AIDS by 2030,¹²⁵ and the report of the Joint United Nations Programme on HIV/AIDS entitled *End Inequalities. End AIDS. Global AIDS strategy 2021–2026*,

Mindful of the importance of national, regional and international legal environments ensuring universal access to HIV-related prevention, diagnosis, treatment, care and support, especially for key populations,

Recognizing that combination HIV prevention includes the promotion and distribution of condoms, pre-exposure prophylaxis, post-exposure prophylaxis, voluntary medical male

¹²⁵ [A/75/836](#).

circumcision, harm reduction, in accordance with national legislation, sexual and reproductive health-care services, including screening for and treatment of sexually transmitted infections, enabling legal and policy environments and full access to comprehensive information and education,

Welcoming the recent reduction in the rate of new HIV infections and AIDS-related deaths achieved in some regions, while noting with continued concern that progress against the HIV epidemic is uneven across regions, countries and populations, that in some parts of the world new HIV infections are increasing and access to HIV-related prevention, diagnosis, treatment, care and support remains limited, and that those most in need of HIV services continue to be left behind,

Noting with grave concern that, in spite of such progress in the response to the HIV epidemic, approximately 37.6 million people are living with HIV globally, 16 per cent of people living with HIV are unaware of their HIV status, and an estimated 10.1 million people living with HIV still do not have access to treatment, owing in part to inequalities, multiple and intersecting forms of discrimination and structural barriers,

Concerned that, despite the availability of the knowledge and tools necessary to prevent every new HIV infection and each AIDS-related death, the international community failed to meet the 2020 targets set out in the Political Declaration on HIV and AIDS adopted by the General Assembly in 2016 and that inequalities in multiple forms and dimensions contributed to that failure, and noting that these inequalities, while different in different national contexts, can include those based on HIV status, gender, race, ethnicity, disability, age, income level, education, occupation, geographic disparities, migratory status and incarceration, and often overlap to compound each other,

Recognizing that women, adolescents and girls are more vulnerable to HIV infection and that they bear a disproportionate burden of the impact of the HIV and AIDS epidemic, including care and support for those living with or affected by HIV and AIDS, and that this burden negatively affects girls by depriving them of their childhood and diminishing their opportunities to receive an education, often resulting in their having to head households and increasing their vulnerability to the worst forms of child labour and to sexual exploitation,

Concerned at the continuing high prevalence of HIV among key populations, who are more likely to be exposed to HIV or to transmit it,

Noting that, depending on the epidemiological and social context of a particular country, other populations may be at elevated risk of HIV, including women and adolescent girls and their male partners, young people, children, persons with disabilities, ethnic and racial minorities, indigenous peoples, local communities, people living in poverty, migrants, refugees, internally displaced persons and people in humanitarian emergencies and conflict and post-conflict situations,

Concerned that stigma, multiple and intersecting forms of discrimination, violence and abuse against all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations, and restrictive and discriminatory laws and practices that target those persons can hinder access to HIV services and increase risks of infection with HIV, perpetuating the global AIDS epidemic,

Recognizing the critical role and space of civil society, including communities, affected populations and community-led and community-based organizations, and the active involvement of persons living with, at risk of or affected by HIV and other relevant civil society, academic and private sector stakeholders, as a catalyst for rights-based and evidence-informed responses to HIV, and recognizing the long-standing contribution of these groups to the global response to AIDS,

Recognizing also the need to tackle health inequities and inequalities within and among countries through political commitment, international cooperation and policies, including those that address the social, economic and environmental determinants of health,

Reaffirming the right to use, to the fullest extent, the provisions contained in the World Trade Organization Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement), which provides flexibilities for the protection of public health and

promotes access to medicines for all, in particular for developing countries, and in the Doha Declaration on the TRIPS Agreement and Public Health, which recognizes that intellectual property protection is important for the development of new medicines and also recognizes the concerns about its effects on prices,

1. *Affirms* that respect for and the protection and fulfilment of human rights in the context of HIV, including universal access to HIV-related prevention, diagnosis, treatment, care and support, are an essential element in achieving the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and in ending AIDS;

2. *Urges* States to take all the steps necessary to meet the commitments made in the Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030, adopted by the General Assembly in its resolution 75/284 of 8 June 2021;

3. *Also urges* States to end all inequalities and human rights violations and abuses faced by persons living with, at risk of or affected by HIV, and by communities, and to end the inequalities within and among countries that are barriers to ending AIDS;

4. *Calls upon* all States and relevant United Nations funds, programmes and specialized agencies, and international and regional intergovernmental and non-governmental organizations, to continue to take all steps necessary to ensure respect for and the protection and fulfilment of all human rights and to prevent and eliminate stigma, discrimination, violence and abuse in the context of HIV as an essential part of efforts to achieve the goal of universal access to HIV prevention, diagnosis, treatment, care and support;

5. *Urges* States to accelerate the integration of HIV services into universal health coverage and resilient health and social protection systems, and to ensure full and unimpeded access for all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations, to HIV prevention, diagnosis, treatment, care and support, in a public health environment free from discrimination, harassment or persecution against those seeking HIV-related services, while respecting and protecting their right to privacy, confidentiality and free and informed consent;

6. *Also urges* States to put in place societal enablers, including enabling laws, policies, public education campaigns and anti-stigma training for health-care workers and law enforcement officers that dispel the stigma and discrimination that still surrounds HIV;

7. *Further urges* States to bring their laws, policies and practices, including their strategies for implementing the HIV- and other health-related Sustainable Development Goals, fully into compliance with their obligations under international human rights law, and to review or repeal those that are discriminatory or that adversely affect the successful, effective and equitable delivery of, and access to, HIV prevention, diagnosis, treatment, care and support programmes for all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations;

8. *Urges* States to tackle discriminatory attitudes and policies towards persons living with, presumed to be living with, at risk of or affected by HIV, including those co-infected by tuberculosis, including by leveraging the potential of “Undetectable = Untransmissible (U = U)”,¹²⁶ and to ensure their access to prevention, diagnosis, treatment, care and support services;

9. *Calls upon* States to end impunity for human rights violations and abuses against persons living with, at risk of or affected by HIV by meaningfully engaging and ensuring access to justice for them, providing legal literacy programmes, increasing their access to legal support and representation, and expanding sensitization training for judges, law enforcement officers, health-care workers, social workers and other duty bearers;

10. *Welcomes and encourages* regional efforts to set ambitious targets and design and implement strategies to accelerate the response to end AIDS;

¹²⁶ General Assembly resolution 75/284, annex, para. 39.

11. *Calls upon* States, in the context of HIV prevention, diagnosis, treatment, care and support, to provide human rights education and training for health-care workers, the police, law enforcement officers and prison staff, and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for the will and preferences of all, confidentiality and privacy, and non-harassment, so as to allow outreach and other service activities and to exchange best practices in this regard;

12. *Stresses* that the lack of respect for and of protection and fulfilment of all the human rights of all women and girls and their sexual and reproductive health and reproductive rights in accordance with 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, and of their enjoyment of the right to the highest attainable standard of physical and mental health, aggravates the impact of the epidemic among them and increases their vulnerability;

13. *Urges* States to eliminate all forms of sexual and gender-based violence, including intimate partner violence, by adopting and enforcing laws, changing gender stereotypes and negative social norms, perceptions and practices, and providing tailored services that address multiple and intersecting forms of discrimination and violence faced by women living with, at risk of or affected by HIV;

14. *Calls upon* States to address the inequities and vulnerabilities faced by children affected by or living with HIV, providing those children and their families with social protection, support and rehabilitation, including social and psychological rehabilitation and care, paediatric services and medicines, free from stigma and discrimination, and intensifying efforts to eliminate vertical transmission and to develop and provide early diagnosis tools, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and building, where needed, and supporting social security systems that protect them;

15. *Urges* States to address the specific needs of adolescents and young people, especially girls and young women, in the response to HIV as a key element in efforts to achieve an AIDS-free generation, to develop accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health services, as well as education programmes on sexual and reproductive health, including those related to sexually transmitted infections, and to strengthen efforts in this regard, including by removing obstacles, such as age of consent laws, to access for adolescents and young people to HIV-related and sexual and reproductive health services and by ensuring the active involvement of adolescents and young people living with or affected by HIV in the response;

16. *Calls upon* States to accelerate efforts to scale up scientifically accurate, age-appropriate education on sexual and reproductive health, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, sexuality and comprehensive HIV prevention, gender equality and women's empowerment, human rights, and physical, psychological and pubertal development, to enable them to build self-esteem and risk reduction skills and to empower them in their decision-making, communication and development of respectful relationships, in order to enable them to protect themselves from HIV infection;

17. *Recalls* that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by persons living with, presumed to be living with or affected by HIV and by members of key populations have negative consequences for their enjoyment of the highest attainable standard of mental health;

18. *Emphasizes* the need to take into account the human rights and public health dimensions of the world drug problem, in accordance with the operational recommendations of the outcome document of the thirtieth special session of the General Assembly;¹²⁷

19. *Encourages* the exchange, among countries and regions, of information, research, evidence, best practices and experiences, and subregional, regional, interregional

¹²⁷ Resolution S-30/1, annex.

and global cooperation and coordination, with a view to implementing measures and meeting commitments relating to the global response to HIV and AIDS, in particular the commitments contained in the Political Declaration on HIV and AIDS adopted by the General Assembly in 2021, with developed countries and those in a position to do so taking the lead to facilitate the voluntary transfer of financial resources and technology on mutually agreed terms and to promote capacity-building where necessary;

20. *Calls upon* States to take all the measures necessary to prevent, diagnose and treat HIV and its co-infections and comorbidities, and to ensure access to safe, effective and affordable medicines, health technologies, diagnosis and treatment for all, without discrimination, in the context of epidemics such as those of HIV and AIDS, which is fundamental to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

21. *Recognizes* the need to scale up national, regional and international efforts, including by increasing investments, funding, official development assistance, and technology transfer on mutually agreed terms, to reduce the rate of new HIV infections and AIDS-related deaths, and to maintain and expand the provision of treatment to persons living with HIV, in order to avoid the epidemic rebounding in some countries, which may not reach the ambitious, time-bound targets and commitments already set, including the Joint United Nations Programme on HIV/AIDS 95-95-95 targets on testing, treatment and viral suppression and 10-10-10 targets on societal enablers, including protection of human rights, reduction of stigma and discrimination and law reform, by 2025, and the target of ending the AIDS epidemic by 2030;

22. *Urges* States to break the cycles of HIV transmission by ensuring that all people receive adequate HIV prevention, diagnosis, treatment, care and support throughout their life cycles, including specialized care for HIV and other chronic conditions linked to ageing, response to drug-resistant strains of HIV, and resistance to antiretrovirals as well as antimicrobial resistance, and, in this context, to establish effective systems for monitoring, preventing and responding to the emergence of drug-resistant strains of HIV and antimicrobial resistance;

23. *Also urges* States to address the multiple and intersecting forms of discrimination and the specific health-care needs experienced by migrant and mobile populations, and by refugees and crisis-affected populations, in the context of HIV and to eliminate stigma, discrimination and violence, to review policies related to restrictions on entry on the basis of HIV status with a view to eliminating such restrictions and the return of people on the basis of their HIV status, and to support their access to HIV prevention, diagnosis, treatment, care and support;

24. *Further urges* States to ensure access to and the use of the full range of HIV interventions, including by tailoring combination HIV prevention and HIV diagnosis, treatment, care and outreach services to meet the diverse needs of key populations and all persons living with HIV, including in prisons and other custodial settings;

25. *Urges* States to accelerate efforts to collect, use and share granular data, as applicable, that are disaggregated by income, sex, mode of transmission, age, race, ethnicity, migratory status, disability, marital status, geographic location and other characteristics relevant in national contexts in a manner that fully respects confidentiality and the human rights of persons living with, at risk of or affected by HIV and other beneficiaries, and to strengthen national capacity to collect, use and analyse such data, including through technical, financial and capacity-building support for developing countries, including least developed countries, landlocked developing countries and small island developing States, to further strengthen the capacity of national statistical authorities and bureaux;

26. *Encourages* States, United Nations agencies, funds and programmes, international, regional and non-governmental organizations, national human rights institutions and other relevant stakeholders to ensure the meaningful participation of persons living with or affected by HIV and of key populations both in decision-making processes relating to, and in the planning, implementation and monitoring of, policies and programmes on HIV;

27. *Urges* States to commit to the greater involvement of persons living with HIV and AIDS and to empower communities of persons living with, at risk of or affected by HIV, including women, adolescents and young people and including community-led organizations, to play their critical leadership roles in the HIV response by ensuring that relevant global, regional, national and subnational networks and other affected communities are included in HIV-response decision-making, planning, implementing and monitoring and are provided with sufficient technical and financial support;

28. *Urges* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines and other prevention technologies, diagnostics and medical devices that are affordable, safe, efficacious and of quality, and through financial and technical support and training of personnel, while recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States, and to recognize the fundamental importance of the voluntary transfer of environmentally sound technologies and financial resources on favourable terms, including on concessional and preferential terms, as mutually agreed;

29. *Urges* States to fulfil their commitment to ensuring global accessibility, availability and affordability of safe, effective and quality-assured medicines, including generics, vaccines, diagnostics and other health technologies to prevent, diagnose and treat HIV infection and its co-infections and comorbidities, by urgently removing, where feasible, all barriers, including those related to regulations, policies and practices that hamper access to health technologies and objectives, and promoting the utilization of all available tools to reduce prices of health technologies and costs associated with lifelong chronic care, and to promote fair and equitable allocation of health products among and within countries to advance efforts to safeguard the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health;

30. *Calls upon* the Joint United Nations Programme on HIV/AIDS and its co-sponsor organizations to support countries in addressing the legal, social, economic, political and structural drivers of the AIDS epidemic, including through the promotion of all human rights and of gender equality and the empowerment of all women and girls;

31. *Requests* the United Nations High Commissioner for Human Rights to prepare a report, in consultation with Governments, civil society, community-led organizations and other stakeholders, describing the action being taken and recommending action to be intensified or initiated to meet the innovative targets on societal enablers, as recognized in the Political Declaration on HIV and AIDS adopted by the General Assembly in 2021, and to address the remaining gaps, and to present the report to the Human Rights Council at its fiftieth session;

32. *Also requests* the High Commissioner to invite contributions to the report by Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, the special procedures of the Human Rights Council, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the treaty bodies, regional human rights and health organizations and bodies, national human rights institutions and civil society, including persons living with, presumed to be living with, at risk of or affected by HIV.

*36th meeting
13 July 2021*

[Adopted by a recorded vote of 42 to 0, with 5 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Czechia, Denmark, Fiji, France, Germany, India, Indonesia, Italy, Japan, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and

Northern Ireland, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Abstaining:

China, Eritrea, Gabon, Libya and Russian Federation]

47/15. Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities

The Human Rights Council,

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

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated and that women's and girls' access to justice and accountability for violations of their human rights must be ensured,

Recalling also the commitment to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, contained in Sustainable Development Goal 5, in particular targets 5.2 and 5.3, and the commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, contained in Sustainable Development Goal 16, and taking into account the commitment to leave no one behind,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives in preventing, responding to and eliminating violence against women and girls,

Welcoming the work and taking note with appreciation of the reports of the Special Rapporteur on violence against women, its causes and consequences¹²⁸ and of the Special Rapporteur on the rights of persons with disabilities,¹²⁹

Expressing deep concern at the continued prevalence of violence against women and girls, including women and girls with disabilities, and in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses and impairs their human rights and, as such, is completely unacceptable,

Stressing that "violence against women and girls" means any act of gender-based violence that results in, or is likely to result in, physical, sexual, psychological, social or economic harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private spheres, including in digital contexts and in the world of work,

¹²⁸ [A/HRC/47/26](#).

¹²⁹ [A/HRC/46/27](#).

Recognizing that violence against women and girls is a global phenomenon and a manifestation of historical and structural gender inequality and discrimination against women and girls, rooted in unequal power relations between women and men and in gender stereotypes, and that all forms of violence against women and girls, including harmful practices, such as child, early and forced marriage, female genital mutilation, forced sterilization, forced abortion and forced contraception, and conflict-related sexual violence and violence motivated by xenophobia, nullify the exercise and full enjoyment of human rights and fundamental freedoms by all women and girls,

Deeply concerned that women and girls with disabilities are subject to multiple and intersecting forms of discrimination and to violence, in the public and private spheres, including in the home, in families, in communities, in the world of work, in schools, in digital contexts and in institutions, and stressing the urgent need to address all forms of violence and discrimination against them,

Deeply concerned also that women and girls with disabilities face an increased risk of violence based on stereotypes that dehumanize, infantilize, objectify, exclude or isolate them,

Recognizing that older women experience disability more frequently as they age, and that ageism contributes to the increased risk of violence faced by older women with disabilities, including physical violence, psychological, verbal and financial abuse and social isolation and exclusion,

Recognizing also that women and girls with disabilities belonging to minorities, including women and girls with disabilities of African and Asian descent, are subject to multiple and intersecting forms of discrimination and violence because of, inter alia, their race or ethnicity, gender and disability status combined,

Condemning the particularly high levels of violence faced by indigenous women and girls with disabilities, especially those living in rural and remote communities and those who are migrants, and recognizing the need to ensure their access to justice and support services on an equal basis with others,

Reiterating the need to intensify efforts at all levels and to engage with all stakeholders, including persons with disabilities and organizations of and led by them, as well as men and boys alongside women and girls as agents of change, to prevent and eliminate all forms of discrimination and violence against women and girls in the public and private spheres, online and offline, including the need to address gender inequality, ableism and ageism and the stigma, socioeconomic inequality and negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing that poverty, discrimination and marginalization resulting from exclusion from social policies and from the benefits of lifelong education, health, international labour standards and social protection, sustainable development and humanitarian assistance can place women and girls with disabilities at increased risk of violence,

Concerned that persons with disabilities are disproportionately affected by homelessness, which can be driven by, inter alia, separation, abandonment, domestic violence, elder abuse and child abuse, and that homelessness can place women and girls with disabilities at increased risk of institutionalization and violence in that context,

Recognizing that women and girls with disabilities face barriers in reporting violence, including a lack of accessible information about the justice system and of procedural accommodation to ensure effective access to justice and remedies for women and girls with disabilities on an equal basis with others,

Deeply concerned about the negative impact of laws and practices that impede persons with disabilities or fail to provide them with adequate support in the exercise of their legal capacity on an equal basis with others, which has a negative impact on the enjoyment of equality and non-discrimination, and in some cases that deny them their right to effective access to justice on an equal basis with others or allow for their forced institutionalization on the basis of a real or perceived disability,

Expressing concern that forced institutionalization is a form of violence that deprives women and girls of liberty on the basis of disability and that in such situations they face an increased risk of further violations and abuses, including physical, psychological and sexual and gender-based violence,

Recognizing that women and girls with psychosocial or intellectual disabilities, in particular those using mental health services or living in institutional settings, face an increased risk of violence, abuse and deprivation of liberty on the basis of disability owing to discrimination, stereotyping and stigma associated with disability, and underscoring the need to take all appropriate measures to ensure timely access to age- and gender-responsive and survivor-centred mental health, psychosocial support and community services,

Recognizing also that women and girls with disabilities, in particular older women, are disproportionately affected by the coronavirus disease (COVID-19) pandemic, which has exacerbated pre-existing inequalities and systemic discrimination, stigmatization, violence and exclusion, disrupted social protection services and assistance, increased reliance on caregivers, limited access to adequate housing, education, justice and essential health-care services, including sexual and reproductive health-care services, and increased the risk of isolation, unemployment, poverty and violence, including sexual and gender-based violence, domestic violence and intimate partner violence* as one of the prevalent forms of violence, and violence in digital contexts and violence, abuse and neglect perpetrated in institutional settings, and recognizing further that persons with disabilities may continue to experience the same conditions and challenges, including in the response, recovery and rebuilding phase, as well as facing barriers and discrimination in their access to protection measures, appropriately designed personal protective equipment, medicines, vaccines, medical equipment, employment, education, public health information and health-care services,

Deeply concerned about the particular risk of segregation, exclusion, abuse and violence, including sexual and gender-based violence against persons with disabilities of all ages, especially in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Stressing that States shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all measures necessary to ensure the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies,

Recognizing the adverse impact of climate change on women and girls with disabilities, including increased risk of morbidity and mortality resulting from reduced access to emergency support and violence prevention and response services, and emphasizing the need for States to ensure the participation of women and girls with disabilities in disaster preparedness and response planning,

Deeply concerned that silence and stigma surrounding disability and menstruation mean that women and girls with disabilities often lack basic information and are excluded and stigmatized, a situation exacerbated by the lack of access to adequate water and sanitation services, including for menstrual health and hygiene management, especially in schools, workplaces, health centres and public facilities and buildings,

Reaffirming sexual and reproductive health and reproductive rights, free from coercion, discrimination and violence, including full respect for dignity, integrity and bodily autonomy,

Deeply concerned that women and girls with disabilities are disproportionately subjected to forced sterilization, which is a form of violence and violation and abuse of human rights that may constitute torture and other cruel, inhuman or degrading treatment and results in lifelong consequences for the physical and mental integrity of women and girls with disabilities,

Recognizing that sexual and reproductive health information and health-care services include, inter alia, accessible and inclusive family planning, safe and effective methods of

* There are national frameworks that recognize this term separately from other categories of violence.

modern contraception, emergency contraception, adolescent health-care services, maternal health-care services, such as skilled birth assistance and emergency obstetric care, including midwives for maternity services, perinatal care, safe abortion when not against national law, post-abortion care, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers,

Concerned that denying access to sexual and reproductive health information and health-care services can violate, abuse or impair the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, and may constitute a form of violence against women and girls that can lead to maternal morbidity and mortality,

Underlining the need to promote the full, effective and meaningful participation and inclusion of women and girls with disabilities on an equal basis with others, including victims and survivors of all forms of violence, in decision-making processes and leadership roles and in the conceptualization, development and implementation of intersectional age- and gender-responsive policies, regulations and legislation designed to prevent and eliminate all forms of violence against women and girls,

Recognizing that information and communications technologies, including assistive technology and devices, have shown their potential to strengthen the exercise of human rights, and that they can create conditions enabling the full enjoyment by persons with disabilities of their human rights and can contribute to their social and digital inclusion and digital literacy, empowerment and autonomy, and allow them to live independently on an equal basis with others and to fully, effectively and meaningfully participate in society and in the world of work, while condemning all forms of violence against women and girls with disabilities in digital contexts, including new forms of violence such as cyberviolence, bullying and harassment, and their rising prevalence during the COVID-19 pandemic,

Recognizing also the major contribution made by civil society, including women's and girls' rights and community-based organizations, organizations of and led by persons with disabilities, older women, girls and youth, feminist groups, women and girl human rights defenders and disability inclusion advocates, and recognizing further the importance of having open, accessible, inclusive and transparent engagement with civil society in the development and implementation of measures promoting gender equality and the empowerment of all women and girls and of allowing civil society to operate freely and safely without fear of intimidation or reprisals,

Recognizing further the critical responsibility of families in eliminating all forms of violence against women and girls, including sexual harassment and domestic violence, by, inter alia, providing for a supportive environment for the empowerment of all women and girls, including by raising awareness about the human rights of all women and girls, including women and girls with disabilities, and recognizing also that domestic violence is not a private family matter and must be eliminated,

Stressing the importance of collecting and analysing reliable data on persons with disabilities following existing guidelines on disability statistics, and their updates, encouraging ongoing efforts to improve data collection in order to disaggregate data with regard to persons with disabilities by sex, age and disability, and underlining the need for internationally comparable data,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;
2. *Condemns in the strongest possible terms* all forms of violence against women and girls, including women and girls with disabilities, and in the context of lockdown measures and school closures in response to the COVID-19 pandemic;
3. *Expresses deep concern* that all forms of discrimination and violence impair or nullify the full enjoyment by women and girls of their human rights and fundamental freedoms, which hinders the full, effective and meaningful participation and inclusion of women and girls with disabilities on an equal basis with others in the economic, social, cultural, civil and political spheres and is an impediment to achieving gender equality and the empowerment of all women and girls;

4. *Stresses* the need to strengthen efforts to empower women and girls with disabilities, enhance their participation and promote their leadership in society by taking measures to address all barriers that prevent or restrict their full and equal participation and inclusion in all spheres of life, including through the creation of enabling programmes, community outreach, mentoring and capacity-building programmes, to ensure their access, on an equal basis with others, to economic and financial resources and disability-inclusive and accessible social infrastructure, transportation, justice mechanisms and services, in particular in relation to health and education, as well as productive employment and decent work for women with disabilities, and to ensure that the priorities and rights of women and girls with disabilities are fully incorporated into policies and programmes and that they are closely consulted and actively involved in decision-making processes;

5. *Also stresses* the need to address multiple and intersecting forms of discrimination, which place women and girls at greater risk of exploitation, violence and abuse, and to implement measures to prevent and eliminate stereotypes based on disability, gender, age, race and xenophobia, ableism, stigma, negative social norms, attitudes and behaviours that cause or perpetuate discrimination and violence against women and girls;

6. *Recognizes* that a proactive multisectoral approach, working with all relevant stakeholders, including organizations of and led by persons with disabilities, is required to prevent, respond to and eliminate violence against women and girls with disabilities, including lifelong education, training and media campaigns that promote respect, dignity, accountability, equality, non-discrimination, inclusion and accessibility, as well as full and effective participation in political and public life and economic empowerment, social protection measures aimed at reducing poverty and financial dependence on other persons and measures aimed at deinstitutionalization and the promotion of independent living;

7. *Calls upon* States to take immediate and effective action to prevent and eliminate all forms of violence against women and girls by:

(a) Fostering respect for the rights and dignity of persons with disabilities, promoting empowering portrayals of women and girls with disabilities and awareness-raising campaigns of their capabilities and contributions, and refraining from supporting or funding campaigns that perpetuate stigmatization or stereotyping of women and girls with disabilities;

(b) Reviewing laws and policies that perpetuate the outdated understanding of disability present in charity and medical models and ableism, and incorporating a human rights-based approach to disability;

(c) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes and risk factors of violence against women and girls, including violence motivated by xenophobia and religious intolerance, and ensuring that laws and policies are harmonized to address all forms of violence against women and girls, are inclusive of and accessible to women and girls with disabilities and are implemented in compliance with States' international human rights obligations;

(d) Implementing and allocating adequate resources to effective and evidence-based programmes and strategies with and for women and girls with disabilities, such as increasing access to assistive devices and technologies and community-based habilitation and rehabilitation services adapted to their requirements, in compliance with States' international human rights obligations;

(e) Ensuring the full, effective and meaningful participation and inclusion of women and girls, in their diverse contexts, including women and girls with disabilities on an equal basis with others, in decision-making processes and leadership roles and in the development and implementation of accessible and inclusive national policies, legislation, procedures, action plans, programmes, projects and strategies to prevent and eliminate violence against women and girls, and ensuring that such participation is conducted in a safe and accessible environment, including through support and capacity-building from organizations of and led by women, girls and other persons with disabilities, and through community outreach, mentoring and capacity-building programmes for women and girls with disabilities;

(f) Ensuring that services and programmes designed to prevent and eliminate violence against women and girls are inclusive of and accessible to women and girls with disabilities, including by ensuring that facilities, services and information are accessible and by providing age- and gender-responsive, disability-inclusive and trauma-informed education and training to professionals, paid care workers and unpaid caregivers working to address the specific requirements of women with disabilities, including older women, and girls with disabilities;

(g) Ensuring that social protection systems address the multiple, interrelated and complex causes of homelessness by preventing poverty, contributing to independent living in the community, health-related goals, gender and racial equality and decent work, and facilitating the inclusion of persons with disabilities;

(h) Taking all appropriate measures to prevent and eliminate all forms of discrimination and violence against women and girls in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, with particular attention to the risks faced by and the specific requirements of women and girls with disabilities;

(i) Developing and implementing educational programmes and teaching materials in accessible, affordable and alternative formats of communication, including easy to read and understand formats, that raise educators' and learners' awareness about violence against women and girls, including through evidence-based comprehensive sexuality education, consistent with the evolving capacities of the child, that explains consent, respect for boundaries, what constitutes unacceptable behaviour and how to report it, builds self-esteem and informed decision-making and communication skills, and promotes the development of respectful relationships based on gender equality, inclusion and human rights;

(j) Developing and implementing national criminal justice legislation, policies, procedures and programmes that take into account the specific requirements of women and girls with disabilities, and promoting age- and gender-responsive and disability-inclusive measures in crime prevention and protection policies, including capacity-building for those involved in crime prevention, the justice system and informal restorative justice processes;

(k) Supporting initiatives undertaken by, inter alia, international and non-governmental organizations, including women's and girls' rights organizations, organizations of and led by persons with disabilities, older women, girls and youth, civil society actors, the private sector, faith and community groups, religious leaders, politicians, journalists and other media workers, human rights defenders, including women and girl human rights defenders, indigenous peoples, local communities and other relevant actors, as part of their efforts to develop targeted and accessible responses, programmes and policies, including by allocating adequate financial resources, aimed at promoting gender equality and inclusion and eliminating violence against women and girls;

8. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls and to support and protect all victims and survivors by:

(a) Holding perpetrators to account and eliminating impunity for all forms of violence against women and girls;

(b) Ensuring that legislation allows for the timely and effective investigation, prosecution, including ex officio prosecution, sanction and redress of violence against women and girls;

(c) Adopting, strengthening and implementing legislation that expressly prohibits violence and provides adequate protection for all women and girls, including women and girls with disabilities, against all forms of violence, in public and private spheres, inter alia violence perpetrated online and offline by support providers, health-care providers, transportation providers and others in positions of authority, and caregivers, sexual harassment, domestic violence, intimate partner violence* and gender-related killings of women and girls, and ends impunity and adequately penalizes offences involving physical, sexual, psychological and economic violence occurring in families, in institutions, in digital contexts, in the world of work, in communities and carried out by support providers;

(d) Guaranteeing equal recognition before the law of persons with disabilities, inter alia older women with disabilities, persons with disabilities belonging to minorities, including persons with disabilities of African and Asian descent, migrants with disabilities and indigenous persons with disabilities, and ensuring that they have the opportunity to exercise their legal capacity on an equal basis with others in all aspects of life, as recognized in article 12 of the Convention on the Rights of Persons with Disabilities;

(e) Ensuring access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and gender-based violence, including by informing women and girls about their rights under relevant laws in an accessible way, providing procedural accommodation for women and girls with disabilities, improving legal infrastructure and mainstreaming age- and gender-responsive and disability-inclusive training into justice systems to ensure equality before the law and equal protection of women and girls with disabilities by the law;

(f) Providing victims and survivors of violence with effective remedies, including victim- and survivor-centred and age- and gender-responsive legal, medical, psychological and confidential counselling services and legal protection that avoid revictimization and retraumatization and are inclusive of and accessible to women and girls with disabilities, and providing support services, information and education in accessible formats, including on how to prevent, recognize and report instances of exploitation, violence and abuse in any setting;

(g) Fully integrating a human rights perspective into mental health, psychosocial support and community services, and adopting, implementing, updating, strengthening or monitoring, as appropriate, existing laws, policies and practices with a view to protecting the personal integrity of persons with disabilities and eliminating all forms of discrimination, stigma, stereotypes, prejudice, violence, abuse, social exclusion, segregation, unlawful or arbitrary deprivation of liberty on the basis of disability, and institutionalization, and overmedicalization within that context, and promoting the right of persons with psychosocial disabilities to live independently, to full inclusion and effective participation in society, to decide upon matters affecting them and to have their dignity respected on an equal basis with others;

(h) Ensuring that sexual and reproductive health and reproductive rights are fully realized, including for victims and survivors of sexual and gender-based violence, by addressing the social and other determinants of health, removing barriers, developing and enforcing policies, good practices and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, information and education universally accessible and available and inclusive;

(i) Repealing legislation and regulatory provisions that restrict legal capacity or permit forced sterilization, forced abortion and forced contraception and ensuring that any medical procedure or intervention is performed with due regard for the right to respect for physical and mental integrity on an equal basis with others and to bodily autonomy and is not performed without the free and informed consent of women and girls with disabilities;

(j) Strengthening or establishing systems to regularly collect, analyse and publish statistical data disaggregated by sex, age, disability and other relevant characteristics on all forms of violence against women and girls, and using these data to inform more effective efforts across all sectors to prevent and respond to violence, while respecting human rights principles, including participation, transparency, privacy and accountability;

9. *Urges* States to prevent and respond to the increase in violence against women and girls, including those with disabilities, amid the COVID-19 pandemic by integrating accessible and inclusive prevention, response and protection systems into any pandemic response and recovery plans, including through strengthened law enforcement, justice and social protection measures for victims and survivors of violence, designating and expanding the accessibility and capacity of shelters, services and safe spaces for victims and survivors of violence as essential services and increasing resources for them, in collaboration with civil society, including organizations of and led by women and girls with disabilities, and communities, promoting deinstitutionalization and preventing institutionalization,

strengthening age- and gender-responsive and disability-inclusive advocacy and awareness-raising campaigns to address violence against women and girls, including during lockdowns, providing safe and equitable access to vaccination for women and girls with disabilities and ensuring their participation in the development and implementation of pandemic response and recovery plans;

10. *Welcomes* the annual full-day discussion on the human rights of women, and requests the Office of the United Nations High Commissioner for Human Rights to prepare a summary report in accessible formats on the annual discussion held at the present session, and to present the report to the Human Rights Council at its fiftieth session, to prepare a summary report in accessible formats on the annual discussion to be held at its fiftieth session and to present the report at its fifty-third session, and to make the annual discussion on the human rights of women fully accessible to persons with disabilities;

11. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls as a matter of high priority, in conformity with its programme of work, at its fifty-third session.

*37th meeting
13 July 2021*

[Adopted without a vote.]

47/16. The promotion, protection and enjoyment of human rights on the Internet

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 and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, 38/7 of 5 July 2018 on the promotion, protection and enjoyment of human rights on the Internet, 42/15 of 16 September 2019 on the right to privacy in the digital age, and 44/12 of 16 July 2020 on freedom of opinion and expression, and recalling also General Assembly resolutions 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, 75/176 of 16 December 2020 on the right to privacy in the digital age, and 75/202 of 21 December 2020 on information and communications technologies for development,

Recalling also that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, and that business enterprises 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,

Recognizing the importance of access to information and communications technology for the full enjoyment of human rights, strengthening democracy, the rule of law and empowering civic engagement, for attaining the Sustainable Development Goals and for the response to and a sustainable, inclusive and resilient recovery from the coronavirus disease (COVID-19) pandemic, and recognizing also the need to bridge digital divides,

Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, are important to ensure the enjoyment of all human rights offline and online,

Recognizing that the COVID-19 pandemic and the measures taken in response to it have increased the reliance of all sectors of society on the Internet, including persons in marginalized and vulnerable situations, including as a source of information, a means of participation in civil, political, economic, social and cultural life and a means of gaining access to public services, including but not limited to education and health, a source of livelihood and an arena for the exercise of human rights,

Stressing the need to ensure that measures offline or online for the protection of national security, public order and public health are in full compliance with international law obligations and that the principles of lawfulness, legitimacy, necessity and proportionality are respected, and stressing also the need to protect human rights, including the freedom of opinion and expression, peaceful assembly and association and privacy, and personal data in the response to health or other emergencies,

Noting with concern that almost half of the world's population, especially women and girls, do not have access to the Internet, and noting that the impact of the COVID-19 pandemic exacerbates pre-existing inequalities caused by digital divides,

Expressing concern that many forms of digital divide remain between and within countries, and recognizing the need to close them, including through international cooperation, and recognizing also that the gender digital divide, which includes significant gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights,

Recognizing that violations and abuses of women's and girls' rights online are a growing global concern that hinder the equal exercise and enjoyment of human rights and fundamental freedoms on the basis of gender, and may deter women from using information and communications technology, which can exacerbate the gender digital divide and widen gender inequalities in society, and that the barriers women using the Internet face, including multiple and intersecting forms of discrimination, are exacerbated by offline inequalities,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, by promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and by encouraging women and girls to embark on careers in the sciences and in information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Taking note with appreciation of the Secretary-General's Road Map for Digital Cooperation,¹³⁰ presented on 11 June 2020, and the Call to Action on Human Rights, and recalling the report of the Office of the United Nations High Commissioner for Human Rights on promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective,¹³¹ and the recommendations contained therein,

Recognizing the concept of Internet universality, and in this regard also the Internet universality indicators of the United Nations Educational, Scientific and Cultural Organization as a possible tool to bridge digital divides,

Noting the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation among Governments, civil society, the private sector, the technical community and academia,

Emphasizing that access to information on the Internet facilitates vast opportunities in many spheres of life, including for affordable and inclusive education globally, and is

¹³⁰ See [A/74/821](#).

¹³¹ [A/HRC/35/9](#).

therefore an important tool to facilitate promotion of the right to education, while underlining the need to address digital literacy and digital divides, as they affect the enjoyment of the right to education, not least during the COVID-19 pandemic, and underlining also the important role that international and multi-stakeholder cooperation can play in this regard,

Deeply concerned at all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and the impunity for these violations and abuses,

Deeply concerned also at measures, in violation of international human rights law, that aim to or that intentionally prevent or disrupt access to or dissemination of information online,

Strongly condemning the use of Internet shutdowns to intentionally and arbitrarily prevent or disrupt access to or dissemination of information online,

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet, and of the Internet being open, accessible and nurtured by multi-stakeholder participation, and noting the importance in this regard of the Internet Governance Forum,

Considering the key importance of government engagement with all relevant stakeholders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights;

2. *Condemns unequivocally* all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability and effective remedies in this regard, in accordance with their international obligations;

3. *Also condemns unequivocally* online attacks against women and girls, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression, and calls for gender-sensitive responses that take into account the particular forms of online discrimination;

4. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals, ensuring to leave no one behind;

5. *Also recognizes* the greater importance of the Internet in the context of the COVID-19 pandemic and the exceptional measures adopted in response to it, and the need for States to ensure, in accordance with their international human rights law obligations, that any such measures do not restrict access to the Internet and, wherever possible, expand access to it, especially for persons in marginalized and vulnerable situations;

6. *Calls upon* all stakeholders in the information and communications technology sector, including Governments, the United Nations system, national human rights institutions, civil society and the private sector, to fully consider the human rights, health and socioeconomic impact of the COVID-19 pandemic as they strengthen their efforts to bridge digital divides within and between countries, with particular attention to the poorest and those in the most vulnerable situations, as well as women and children, and to promote affordable and reliable connectivity, digital access and digital inclusion, and the expansion of accessible and inclusive public services, distance-learning solutions and digital health services;

7. *Welcomes* the efforts of national, regional and international stakeholders to bridge digital divides, and noting in this regard the eighteenth Francophonie summit on the theme "Connectivity in diversity: digital technology as a vector of development and solidarity in the French-speaking space", to be held in Tunisia in November 2021;

8. *Calls upon* all States to accelerate efforts to bridge digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all, including by:

(a) Fostering an enabling online environment that is safe and conducive to engagement by all, without discrimination and with consideration for individuals facing systemic inequalities;

(b) Maintaining and enhancing efforts to promote access to information on the Internet as one means of facilitating affordable and inclusive education, health, justice and other public services globally, underlining the need to address digital literacy and digital divides;

(c) Promoting equal opportunities, including gender equality, in the design, development, governance and implementation of information and communications technology and in mainstreaming a gender perspective in policy decisions and the frameworks that guide them;

(d) Applying a comprehensive human rights-based approach in providing and expanding access to information and communications technology, and promoting, in consultation with all sections of society, including business enterprises and civil society actors, policies and guidelines for information and communications technology that include specific attention to gender considerations;

(e) Respecting their human rights obligations in the development of regulatory frameworks and legislation on the development and use of digital technologies;

9. *Encourages* all States to support civil society in its efforts to address barriers to digital access;

10. *Also encourages* all States to take the necessary and appropriate measures to promote free, open interoperable, reliable and secure access to the Internet and, in a manner that complies with their international human rights obligations, address disinformation and advocacy of hatred constituting incitement to discrimination, hostility or violence, in order to ensure the full enjoyment of human rights;

11. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, including Internet shutdowns and online censorship, calls upon all States to refrain from and to cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression, and of association and peaceful assembly, online;

12. *Calls upon* States to ensure net neutrality, subject to reasonable network management, and to prohibit attempts by Internet access service providers to assign priority to certain types of Internet content or applications over others for payment or other commercial benefit;

13. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure the protection of all human rights online, in particular freedom of opinion and expression, freedom of association and of peaceful assembly, and privacy, including through democratic and transparent national institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

14. *Stresses* that many States all over the world need support in expanding infrastructure, technological cooperation and capacity-building, including human and institutional capacity-building, to ensure the accessibility, affordability and availability of the Internet in order to bridge digital divides, to meet the Sustainable Development Goal and to ensure the full enjoyment of human rights;

15. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have at their core the objective of universal access and the enjoyment of human rights;

16. *Encourages* the special procedures of the Human Rights Council to take these issues into account within their existing mandates, as applicable;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to study the trend in Internet shutdowns, analysing their causes, their legal implications and their impact on a range of human rights, including economic, social and cultural rights, through robust consultations with stakeholders and building on previous reports, and to present a report thereon to the Human Rights Council at its fiftieth session;

18. *Encourages* States and all stakeholders to share best practices on issues pertaining to bridging digital divides and enabling digital inclusion, including by collecting and providing public access to disaggregated data on access and use by disadvantaged persons or groups;

19. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and with other information and communications technology, and of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

37th meeting
13 July 2021

[Adopted by a recorded vote of 43 to 0, with 4 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Côte d'Ivoire, Cuba, Czechia, Denmark, Fiji, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Uzbekistan

Abstaining:

Cameroon, China, Eritrea and Venezuela (Bolivarian Republic of)]

47/17. Impact of arms transfers on human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the obligations of States to respect, promote and protect the human rights of all individuals within their jurisdictions,

Recalling also the inherent right to individual or collective self-defence of States as recognized in Article 51 of the Charter,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, other

relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling also Human Rights Council resolutions 24/35 of 27 September 2013, 32/12 of 1 July 2016, 38/10 of 5 July 2018, 41/20 of 12 July 2019 and 45/13 of 6 October 2020,

Recalling further General Assembly resolution 74/64 of 12 December 2019 on youth, disarmament and non-proliferation,

Acknowledging that millions of people around the world are affected by serious human rights violations and abuses resulting from or facilitated by the diversion of arms and unregulated or illicit arms transfers, and that these have a multiplier effect on human rights abuses and violations,

Noting with concern the diversion of arms and unregulated and illicit arms transfers to conflict-affected regions during the coronavirus disease (COVID-19) pandemic, despite the Secretary-General's urgent appeal for a global ceasefire,

Acknowledging that misuse of arms can perpetuate gender-based violence, and that addressing gendered root causes of violence is essential,

Recognizing with concern that the diversion of arms and unregulated or illicit arms transfers may have negative humanitarian, development and socioeconomic consequences, exacerbate armed conflicts and violence, and have a negative impact on the enjoyment of human rights, including the commission and facilitation of gender-based violence against women and girls, and violations and abuses of international human rights law and international humanitarian law committed against children and youth, including in conflict situations,

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

Recalling the principles and provisions relating to international human rights law and international humanitarian law and to the promotion of responsible action by States, as contained in the Arms Trade Treaty and in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and other relevant instruments,

Reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of international human rights law and all violations of international humanitarian law, and to ensure the full respect of obligations under these international legal frameworks, as applicable,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, including target 16.4 of the Sustainable Development Goals, to significantly reduce illicit financial and arms flows by 2030, target 5.2 on the elimination of all forms of violence against all women and girls, target 16.2 on ending all forms of violence against children, and target 8.7 on the elimination of the worst forms of child labour, including the recruitment and use of child soldiers,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the impact of the diversion of arms and unregulated or illicit arms transfers on the human rights of women and girls,¹³²

1. *Expresses its deep concern* at the fact that the diversion of arms and unregulated or illicit arms transfers continue to seriously undermine the human rights of individuals, especially women, children, youth, the elderly, persons with disabilities and persons in vulnerable and in conflict situations;

2. *Notes with alarm* that such diversion of arms and unregulated or illicit arms transfers can have a severely negative impact on women's and girls' full enjoyment of all human rights, increasing the risk of sexual and gender-based violence, and of violence against

¹³² [A/HRC/44/29](#).

women, children and youth, as they may be disproportionately affected by the widespread availability of such arms;

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

4. *Calls upon* States to implement, as appropriate, the recommendations contained in the above-mentioned report¹³³ to address the impact of the diversion of arms and unregulated or illicit arms transfers on women and girls, and to establish a comprehensive approach for safeguarding human rights from the negative impact of the uncontrolled proliferation of arms;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with States, United Nations agencies and other relevant stakeholders, an analytical report on good practices, lessons learned and challenges faced by States in preventing, mitigating and addressing the diversion of arms and unregulated or illicit arms transfers that have a particular impact on the enjoyment of human rights by children and youth, and the role of national control systems as effective mechanisms in that regard, and to present the report to the Human Rights Council at its fifty-first session;

6. *Invites* all relevant special procedures, commissions of inquiry and other relevant mechanisms of the Human Rights Council and human rights treaty bodies to bear the present resolution in mind within the framework of their respective mandates;

7. *Decides* to remain seized of this issue.

37th meeting
13 July 2021

[Adopted without a vote.]

47/18. Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

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

Reaffirming its previous resolutions on the Syrian Arab Republic,

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

Deploing the fact that March 2021 marked 10 years since the peaceful uprising and its brutal repression that led to the conflict in the Syrian Arab Republic, which has had a devastating impact on civilians, including through grave violations and abuses of international human rights law and violations of international humanitarian law, and urging all parties to implement a complete, immediate and nationwide ceasefire monitored under the auspices of the United Nations and to engage with the United Nations-led political process to achieve a peaceful end to the conflict,

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

Expressing grave concern about all persons missing as a result of the situation in the Syrian Arab Republic, including those subjected to enforced disappearance, noting the comments of the Independent International Commission of Inquiry on the Syrian Arab Republic and the Special Envoy of the Secretary-General for Syria that tens of thousands of

¹³³ Ibid.

individuals remain missing in the Syrian Arab Republic, and recalling Human Rights Council resolution 45/3 of 6 October 2020 in this regard,

Noting that, under applicable international law, and in line with Security Council resolution 2474 (2019) of 11 June 2019, parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities and to put in place appropriate channels enabling response and communication with families on the search process, and noting also that, in the same resolution, the Council called upon parties to armed conflict to take steps to prevent people from going missing as a result of armed conflict,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Expressing its deepest concern about the findings of the Commission of Inquiry, including in its most recent reports,¹³⁴ expressing support for the mandate of the Commission and deploring the lack of cooperation by the Syrian authorities with the Commission,

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

Welcoming the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,¹³⁵ and noting with appreciation the work of the United Nations Board of Inquiry,

1. *Expresses grave concern* that the crisis in the Syrian Arab Republic has entered its second decade and that the conflict has been marked by consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law, strongly condemns all violations and abuses and the ongoing human rights situation, demands that all parties immediately comply with their respective obligations under international humanitarian law and international human rights law, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account;

2. *Reiterates* the call of the Secretary-General for a global ceasefire, the call of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic and the recommendation made by the Independent International Commission of Inquiry on the Syrian Arab Republic to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations and for the restoration of human rights, and urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard recalls the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, signed by the Russian Federation and Turkey on 5 March 2020;¹³⁶

3. *Strongly supports* the efforts of the Special Envoy to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, including free and fair elections, pursuant to the new constitution, with all Syrians, including members of the diaspora, eligible to participate, notes that the recent presidential elections held in the Syrian Arab Republic were not part of the political process referred to by the Security Council in its resolution 2254 (2015), urges all parties, in particular the Syrian authorities, to engage meaningfully in the political process under the auspices of the Special Envoy and his Office in Geneva, in accordance with all elements of Security Council resolution 2254 (2015), reaffirms the importance of full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) of 31 October in this regard, and notes the important role of the Special Envoy on the issue of arbitrary detention;

¹³⁴ A/HRC/46/54 and A/HRC/46/55.

¹³⁵ See A/75/743.

¹³⁶ S/2020/187, annex.

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

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

6. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, which the risks created by the coronavirus disease (COVID-19) pandemic have further exacerbated, demands that all parties comply with their applicable obligations under international human rights law and international humanitarian law and that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, and, given the continuous worsening of the humanitarian situation and the increase in needs, including for COVID-19 vaccines, across the Syrian Arab Republic, especially in the north-east and north-west, notes the need to ensure that humanitarian aid is delivered on the basis of need, underlines in this respect the absolute necessity of continued and expanded cross-border access to save lives, re-emphasizes the need also for immediate, rapid, unimpeded and sustained cross-line access, and calls for respect for humanitarian principles across the Syrian Arab Republic;

7. *Strongly condemns* the use of chemical weapons in the Syrian Arab Republic, recalls the findings of the Commission of Inquiry and the Organisation for the Prohibition of Chemical Weapons in this regard, reiterates its demand that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and welcomes in this regard decision C-25/DEC.9 of 21 April 2021 of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

8. *Takes note* of the statement made by the United Nations High Commissioner for Human Rights on 11 March 2021 regarding the issue of missing and disappeared persons in the Syrian Arab Republic, and the recommendations of the Commission of Inquiry with regard to missing people, including those subjected to enforced disappearance;

9. *Strongly condemns* the continued use of involuntary or enforced disappearance in the Syrian Arab Republic, and related human rights violations and abuses, which have been carried out with consistency, in particular by the Syrian regime, but also by other parties to the conflict, urges all parties to immediately cease the use of involuntary or enforced disappearance, and all related human rights violations and abuses, and urges all parties to the conflict to take all feasible measures, in accordance with Security Council resolution 2474 (2019), to search for and reveal the fate of those missing or disappeared;

10. *Notes with deep concern* the Commission of Inquiry's recent comments that widespread enforced disappearance has been deliberately perpetrated by Syrian security forces throughout the past decade on a massive scale to spread fear, stifle dissent and as

punishment, and that tens of thousands of men, women, boys and girls, who were taken into the custody of the Syrian authorities, remain forcibly disappeared 10 years after the first waves of mass arrests, and notes in this regard the link between detention and enforced disappearance in the Syrian Arab Republic;

11. *Strongly condemns* all human rights violations and abuses in detention, including summary executions, torture and ill-treatment, including through sexual and gender-based violence, and the fact that, according to the Commission of Inquiry's estimates, tens of thousands of individuals have been killed in the custody of the Syrian regime, and urges all parties to immediately cease such human rights violations and abuses;

12. *Deeply regrets* that the fate of tens of thousands of the victims subjected to arbitrary and incommunicado detention and enforced disappearance by the regime, and in lower numbers by Islamic State in Iraq and the Levant (Daesh), Hay'at Tahrir al-Sham and other armed groups, remains largely unknown;

13. *Recalls* that the Commission of Inquiry found reasonable grounds to believe that the Syrian authorities has continued to carry out a widespread or systematic attack directed against the civilian population, in pursuance of a firmly established policy to commit such acts, comprising crimes against humanity, including enforced disappearance, and that members of Islamic State in Iraq and the Levant have perpetrated crimes against humanity, including acts of enforced disappearance;

14. *Highlights* that evidence suggests that the Syrian authorities maintain a detailed bureaucracy and a high degree of centralized control with regard to those whom they have detained, including records on who is detained and where, and notes the potential value of such information to family members of those who are missing, including those forcibly disappeared;

15. *Expresses deep concern* that, according to the recent findings of the Commission of Inquiry, the Syrian authority forces continue to deliberately conceal the fate and whereabouts of those forcibly disappeared, intentionally prolonging the suffering of hundreds of thousands of family members;

16. *Also expresses deep concern* that, while not on the same scale as the Syrian regime, the refusal of Islamic State in Iraq and the Levant, Hay'at Tahrir al-Sham and other armed groups to reveal the fate or whereabouts of persons taken into their custody was found by the Commission to constitute acts tantamount to enforced disappearance;

17. *Expresses particular concern* about the impact of enforced disappearance on children, not only as direct victims and as family members of disappeared persons but also as a result of their increased vulnerability and risk of exploitation created by the disappearance of a parent;

18. *Also expresses particular concern* about the gendered impact of enforced disappearance where widespread and systematic arrests of men and boys by primarily Syrian regime forces has resulted in an additional burden for an increasing number of female-headed households, and the fact of many men and boys being missing and/or their subsequent undocumented deaths compounds the trauma and creates legal barriers for women and children in terms of access to inheritance, issues of child custody, freedom of movement and birth registration, and stresses the importance of addressing these issues;

19. *Highlights* the recommendations of the Commission of Inquiry regarding accountability and support for victims, survivors and their families, including psychosocial support and the identification of those missing and disappeared, and in the case of deaths of detainees, the issuance of the necessary documentation and allowing families to retrieve the bodies of their relatives or be informed of their whereabouts, and notes in this regard the importance of avoiding tampering with or contaminating mass grave sites in the Syrian Arab Republic;

20. *Recalls* that applicable obligations under international humanitarian law and international human rights law, including with regard to the fate and whereabouts of missing persons, exist independently of a political agreement;

21. *Emphasizes* the need for accountability, including for crimes committed in relation to enforced disappearance in the Syrian Arab Republic, and underscores that accountability is vital in peace negotiations and peacebuilding processes;

22. *Also emphasizes* the vital work of Syrian organizations of victims, survivors and families working on the issue of missing persons, including those subjected to enforced disappearance, supports their efforts to compile a comprehensive, transparent record of all casualties of the conflict and acknowledges the importance of their work regarding urgent access to information about those missing and disappeared and the need for accountability and justice for the victims and their families;

23. *Encourages* all Member States, relevant United Nations bodies, international organizations and civil society to coordinate further efforts and proactively focus attention on the issue of missing persons in the Syrian Arab Republic, including those subjected to enforced disappearance, and recalls the importance of the full and meaningful participation of victims, survivors and their families in such efforts;

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

38th meeting
13 July 2021

[Adopted by a recorded vote of 26 to 6, with 15 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Bahamas, Brazil, Bulgaria, Côte d'Ivoire, Czechia, Denmark, Fiji, France, Gabon, Germany, Italy, Japan, Libya, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Somalia, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay

Against:

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

Abstaining:

Bahrain, Bangladesh, Burkina Faso, Cameroon, Eritrea, India, Indonesia, Mauritania, Namibia, Nepal, Pakistan, Philippines, Senegal, Sudan and Uzbekistan]

47/19. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 44/19 of 17 July 2020, 45/1 of 18 September 2020 and 46/20 of 24 March 2021, and recalling also the statements made by the United Nations High Commissioner for Human Rights, the Office of the Secretary-General and the special procedures of the Human Rights Council on the deteriorating situation of human rights in Belarus,

Regretting the inadequate response and lack of cooperation by the Belarusian authorities to the requests made by the Human Rights Council in the above-mentioned resolutions, including on access, and to the recommendations made by the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the State,

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

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;¹³⁷
2. *Expresses deep concern* about the unprecedented escalation in violations of human rights and fundamental freedoms in Belarus, in particular the increasing disproportionate and discriminatory restrictions on freedoms of peaceful assembly, association and expression resulting in the systematic harassment, intimidation and repression of civil society and independent media, and the mass arbitrary detentions and arrests of journalists and other media workers, human rights defenders, medical workers, lawyers, cultural workers, teachers, students, persons belonging to national minorities, individuals expressing dissenting opinions, members of trade unions and strike committees, and other members of civil society, and the number of reported cases of enforced disappearances and forced expulsions;
3. *Expresses grave continued concern* at reports of systematic and widespread torture and other cruel, inhuman or degrading treatment of, and of sexual and gender-based violence against, individuals detained and arrested in Belarus, including children, at reported poor sanitary conditions in detention centres and prisons and at reported denials of or delays in access of detained persons to their freely chosen legal representation;
4. *Strongly condemns* the forced diversion and landing of a civilian flight in Minsk on 23 May 2021 endangering aviation safety, and the arbitrary detention and arrest by Belarusian authorities of an independent journalist, Raman Pratasevich, and his partner present on board, and the extraction of forced confessions, calls for their immediate and unconditional release and for the charges against them to be dropped, and expresses its support for the independent investigation by the International Civil Aviation Organization into the flight incident;
5. *Notes with deep concern* the increasingly restrictive legal framework that could further restrict freedoms of opinion and expression and of peaceful assembly in violation of international human rights law, and especially targeting independent media, journalists and bloggers, notably the amendments to the Law on Mass Gatherings, the Law on Mass Media and the Law on Countering Extremism, adopted in May 2021, and legislation relieving law enforcement officers from damages inflicted on peaceful protestors by firearms, and urges the Belarusian authorities to ensure a conducive environment for the functioning of genuinely independent mass media, including unhindered access to an open, interoperable, reliable and secure Internet;
6. *Strongly urges* the Belarusian authorities to fully respect, protect and fulfil all their international human rights obligations, including those under the International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
7. *Demands* in this respect the immediate and unconditional release of all persons arbitrarily or unlawfully detained in Belarus, including political prisoners, journalists and other media workers, human rights defenders, medical workers, lawyers, cultural workers, teachers, students, persons belonging to national minorities, members of trade unions and strike committees, and other members of civil society, and also demands that the Belarusian authorities immediately cease the criminal or administrative prosecution, harassment, intimidation and repression of all individuals exercising their human rights and fundamental freedoms;
8. *Also demands* prompt, effective, thorough, transparent and impartial investigations with a view to ensuring accountability in all cases of alleged human rights violations and abuses, especially those involving deaths, arbitrary detentions, torture and ill-treatment, including acts of sexual and gender-based violence, and to ensuring redress, remedy, rehabilitation and compensation for victims;
9. *Strongly urges* the Belarusian authorities to take all measures necessary to ensure the full independence and impartiality of the judiciary and the independence of the legal profession, to guarantee the right of all persons, including those accused of

¹³⁷ A/HRC/47/49.

administrative or criminal offences, to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to guarantee adequate time and facilities to prepare their defences and to communicate with counsel of their choosing, and other procedural safeguards throughout all proceedings;

10. *Welcomes* the examination mandate of the United Nations High Commissioner for Human Rights, requested by the Human Rights Council in its resolution 46/20 with respect to all alleged human rights violations committed in Belarus in the run-up to the presidential election held on 9 August 2020 and in its aftermath, and also welcomes in this respect the readiness of the Special Rapporteur on the situation of human rights in Belarus to assist the High Commissioner;

11. *Reiterates its call upon* the Belarusian authorities to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

12. *Strongly encourages* Belarus to implement the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur;

13. *Deplores* the discrimination affecting individuals in vulnerable situations, including women, lesbian, gay, bisexual, trans and intersex persons, persons with disabilities, and persons belonging to national or ethnic, linguistic and religious minorities;

14. *Urges* the Belarusian authorities to adopt a comprehensive non-discrimination policy and legislation guaranteeing equal rights for all in law and in practice, including full access to quality education on an equal basis, and, stressing the need for the best interests of the child to be taken into account, also urges the Belarusian authorities to implement all recommendations of the Committee on the Rights of the Child and of the Committee against Torture regarding juvenile justice, while noting that a few measures to prevent discrimination have already been implemented in Belarus;

15. *Notes* that the first national human rights action plan for 2016–2019 was a useful framework for facilitating intergovernmental cooperation and dialogue with civil society, contributing to the State's earlier marginally increased communication with civil society, again calls upon the Belarusian authorities to develop and implement, without delay, in close cooperation with civil society, a new plan on human rights, building on the lessons learned from the implementation of the first plan and taking into consideration the recommendations accepted by the State in the context of the third cycle of the universal periodic review, and the recommendations made by the treaty bodies, human rights mechanisms and civil society, and urges the Belarusian authorities to enter into a genuine, constructive, inclusive and transparent national dialogue with those representing civil society;

16. *Again strongly encourages* the Belarusian authorities to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

17. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations, and encourages Belarus to relaunch a national dialogue on a moratorium on the death penalty and to study its abolition;

18. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to continue to monitor developments and to make recommendations, and to submit a report on the situation of human rights in Belarus to the Human Rights Council at its fiftieth session and to the General Assembly at its seventy-seventh session;

19. *Urges* the Belarusian authorities to cooperate fully with the Special Rapporteur, including by allowing her access to visit the country and to meet freely with relevant stakeholders, including civil society, in her official capacity in order to assist the Belarusian authorities in fulfilling its international human rights obligations and by considering the implementation of her recommendations, and also urges the Belarusian authorities to extend full cooperation to thematic special procedures of the Human Rights Council;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to enable her to fulfil her mandate in its entirety.

*38th meeting
13 July 2021*

[Adopted by a recorded vote of 21 to 7, with 19 abstentions. The voting was as follows:

In favour:

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

Against:

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

Abstaining:

Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Pakistan, Senegal, Somalia, Sudan, Togo and Uzbekistan]

47/20. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social

justice, equity and solidarity, and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current coronavirus disease (COVID-19) pandemic;

3. *Stresses* the need for the increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2022, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other relevant stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on water for human rights and sustainable development: good practices, lessons learned and challenges in the implementation of the International [Decade](#) for Action, “Water for Sustainable Development”, 2018–2028, with a view to making a human rights contribution to the conference on the midterm review of the Decade, to be held in 2023;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2022 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents, including statistical reports, as background documents for the dialogues and debates that will be held at the 2022 Social Forum;

7. *Requests* the High Commissioner to facilitate the participation in the 2022 Social Forum – in order to contribute to the interactive dialogues and debates held at the Forum and to assist the Chair-Rapporteur as resource persons – of no fewer than 10 experts, including, as appropriate, representatives of civil society and grass-roots organizations in developing countries, representatives of relevant international organizations and relevant special procedures of the Human Rights Council;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants’ and farmers’ organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means for ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2022 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its fifty-second session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all States Members of the United Nations to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its fiftieth session under the same agenda item.

38th meeting
13 July 2021

[Adopted without a vote.]

47/21. Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and promoting and encouraging respect for human rights and fundamental freedoms for all,

Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Recalling also the International Covenant on Civil and Political Rights, 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, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling further its previous 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 as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

Stressing that 2021 marks the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action,

Noting with appreciation the adoption on 9 December 2020 by the Working Group of Experts on People of African Descent of operational guidelines on the inclusion of people of African descent in the 2030 Agenda for Sustainable Development,

Recalling Human Rights Council resolution 43/1 of 19 June 2020 and taking note with appreciation of the report of the United Nations High Commissioner for Human Rights, submitted pursuant to that resolution, on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,¹³⁸ the annex thereto entitled “Four-point Agenda towards Transformative Change for Racial Justice and Equality”, and relevant conference room paper,¹³⁹ and noting that the report is grounded in the lived experiences of families of victims and people of African descent whose courage and

¹³⁸ A/HRC/47/53.

¹³⁹ A/HRC/47/CRP.1, available at www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session47/Pages/ListReports.aspx.

determination are encouraging States, the United Nations Organization and others to take bolder steps to address long-standing human rights violations and to achieve racial justice and equality,

Acknowledging that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude and organized nature, and especially their negation of the essence of the victims, acknowledging also that enslavement is a crime against humanity and should always have been a crime, and noting that the transatlantic slave trade is among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences,

Acknowledging also that there is an increasing willingness and emerging practice to acknowledge the need to repair the continuing impact of enslavement, the transatlantic trade in enslaved Africans and colonialism, and inviting States to seize opportunities to advance the anti-racism agenda, to prioritize attaining racial equity in implementing the 2030 Agenda, and to ensure that people of African descent are not left behind,

Recalling the tragic murder of George Floyd in Minnesota, United States of America, on 25 May 2020, which drew attention to the scourge of systemic and structural racism and galvanized efforts to address this global problem in the United States and around the world,

Welcoming the judicial recourse to address this crime in the trial against the perpetrator of the murder of George Floyd in Minnesota Fourth Judicial District Court, on 20 April 2021, and recalling the statement by the High Commissioner on 21 April 2021 on the guilty verdict in that case,

Recalling all statements made by the special procedure mandate holders regarding the killing of George Floyd, in particular their joint statement of 5 June 2020, and the statements made by the High Commissioner on 3 June 2020, 1 October 2020 and 19 March 2021,

Recognizing that systemic racism needs a systemic response to rapidly reverse denial and alter structures, institutions and behaviours leading to direct or indirect discrimination against Africans and people of African descent in every part of life,

Recognizing also that systemic racism is intersectional by nature as it spreads in a variety of societal sectors, and that in order to tackle systemic racism and discrimination, response measures should also be intersectional,

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, recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and bearing in mind the numerous other international standards and norms in the field of the administration of justice,

Expressing deep concern at the extent of the challenges that victims and families of victims report in their pursuit of justice, 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,

Stressing that the implementation of robust measures to end impunity and ensure accountability and redress for victims and their families of excessive use of force and other human rights violations by law enforcement officers, in accordance with international human rights law, is critical,

Stressing also that everyone, including people and communities of African descent, should be able to participate in an inclusive manner and guide the design and implementation of processes that contribute to halting, reversing and repairing the lasting consequences and ongoing manifestations of systemic racism, and notably acknowledging the important role that young people have played and should continue to play in these processes,

Encouraging States to examine the extent and impact of systemic racism and to adopt effective legal, policy and institutional measures that address racism beyond a summation of individualized acts, and recommending that progress be measured according to indicators grounded in impact rather than intent,

Acknowledging the vast amount of existing recommendations made by the United Nations human rights system to address issues of racial discrimination within the administration of justice, and urging States to consider their implementation,

Noting with appreciation the agenda towards transformative change for racial justice and equality presented by the High Commissioner, which aims, inter alia, to encourage States to ensure that the voices of Africans and of people of African descent and those who stand up against racism are heard and that their concerns are acted upon, and to acknowledge and confront legacies, including through accountability and redress,

1. *Deplores* all forms of racial discrimination, including systemic and structural racism, and its effects on Africans and on people of African descent and their families, and communities around the world;

2. *Condemns* the continuing racially discriminatory and violent practices perpetrated by many law enforcement officials against Africans and people of African descent, and systemic racism in the law enforcement and criminal justice systems, and underscores the importance of ensuring that such acts are not treated with impunity;

3. *Recalls* that law enforcement officials, in carrying out their duties, should apply non-violent means before resorting, when absolutely necessary, to the use of force, and that in any event all use of force should comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination, and that those using force should be accountable for each use of force;

4. *Stresses* that, where it is lawful to arrest certain participants or to disperse an assembly, such actions should comply with international law and have a basis in the domestic law provisions on the permissible use of force, and that domestic legal regimes on the use of force by law enforcement officials should be brought into line with the requirements of international law, where that is not already the case;

5. *Recommends* that domestic legal regimes on the use of force by law enforcement officials be brought into line with appropriate international standards, such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, and that law enforcement agencies provide law enforcement officials with appropriate human rights training to ensure that they comply with international rules and standards for law enforcement officials;

6. *Urges* States to seize every opportunity to advance the anti-racism agenda and to prioritize attaining racial equality and justice by accelerating action to implement the 2030 Agenda for Sustainable Development to ensure that Africans and people of African descent are not left behind;

7. *Encourages* all States and relevant stakeholders to pay due attention to the operational guidelines on the inclusion of people of African descent in the 2030 Agenda in order to ensure that people of African descent are not left behind in the implementation of the Agenda;

8. *Urges* States to adopt a systemic approach to combating racial discrimination through the adoption and monitoring of whole-of-government and whole-of-society responses that are contained in comprehensive and adequately resourced national and regional action plans and that include, where necessary, special measures to secure for disadvantaged groups, notably Africans and people of African descent, the full and equal enjoyment of human rights;

9. *Also urges* States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, where applicable, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Principles relating to the status of national institutions for the promotion

and protection of human rights (the Paris Principles), and to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness-raising activities to combat these phenomena, including in law enforcement and criminal justice systems;

10. *Decides* to establish an international independent expert mechanism, comprising three experts with law enforcement and human rights expertise, to be appointed by the President of the Human Rights Council, with guidance from the United Nations High Commissioner for Human Rights, in order to further transformative change for racial justice and equality in the context of law enforcement globally, especially where relating to the legacies of colonialism and the Transatlantic slave trade in enslaved Africans, to investigate Governments' responses to peaceful anti-racism protests and all violations of international human rights law and to contribute to accountability and redress for victims; the mechanism should function in close collaboration with relevant special procedure mandate holders, including the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, also with a view to avoid duplication;

11. *Also decides* that the international independent expert mechanism shall have a three-year mandate, within the purview of its mandate, to advance racial justice and equality in the context of law enforcement in all parts of the world by, inter alia, conducting country visits, inclusive outreach and consultations with States, directly affected individuals and communities, and other stakeholders, and taking into account an intersectional approach by;

(a) Examining systemic racism, including as it relates to structural and institutional racism, faced by Africans and people of African descent, the excessive use of force and other violations of international human rights law against Africans and people of African descent by law enforcement officials, including with regard to patterns, policies, processes and specific incidents, such as those identified in the report of the High Commissioner and relevant conference room paper;

(b) Examining the root causes of systemic racism in law enforcement and the criminal justice system, the excessive use of force, racial profiling and other human rights violations by law enforcement officials against Africans and people of African descent, and how domestic law, policy and practices may lead to disproportionate and widespread interaction between law enforcement officers and Africans and people of African descent;

(c) Making recommendations regarding how domestic legal regimes on the use of force by law enforcement officials can be brought into line with the applicable human rights standards, such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, and ensure that law enforcement officials receive appropriate human rights training to ensure that they comply with obligations under international law;

(d) Making recommendations on the collection and publication of data, with strict safeguards and in line with international law, disaggregated by victims' race or ethnic origin, on deaths and serious injuries by law enforcement officials and related prosecutions and convictions, as well as any disciplinary actions, to drive and assess responses to systemic racism in the area of law enforcement and the criminal justice system;

(e) Examining any nexus between supremacist movements and actors within law enforcement and the criminal justice system;

(f) Making recommendations with regard to addressing systemic racism, in law enforcement and the criminal justice systems, closing trust deficits, strengthening institutional oversight, adopting alternative and complementary methods to policing and the use of force, and encouraging stocktaking of lessons learned;

(g) Making recommendations on the concrete steps needed to ensure access to justice, accountability and redress for excessive use of force and other human rights violations by law enforcement officials against Africans and people of African descent, including independent and well-resourced mechanisms to support victims of human rights violations by law enforcement officials, their families and communities;

(h) Monitoring the implementation of recommendations on ending impunity for violations by law enforcement officials emanating from the report of the High Commissioner, and identifying obstacles to their full implementation;

(i) Coordinating its work and further strengthening its participation, engagement and cooperation, as appropriate, with all relevant United Nations mechanisms, bodies and processes, including the United Nations Office on Drugs and Crime and the United Nations Congress on Crime Prevention and Criminal Justice regional human rights mechanisms and national human rights institutions;

12. *Calls upon* all States and other relevant stakeholders to cooperate fully with the international independent expert mechanism towards the effective fulfilment of its mandate and, in particular, to provide it with any information and documentation it may require, as well as any other forms of assistance pertaining to its mandate;

13. *Requests* the Secretary-General to provide the international independent expert mechanism, through the Office of the United Nations High Commissioner for Human Rights, with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate;

14. *Requests* the High Commissioner to enhance and broaden monitoring by the Office of the High Commissioner, including through its field presences, with the assistance of relevant special procedure mandate holders and relevant United Nations agencies, 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;

15. *Requests* the High Commissioner and the international independent expert mechanism each to prepare, on an annual basis, a written report, and to present them jointly to the Human Rights Council, starting from its fifty-first session, during an enhanced interactive dialogue that prioritizes the participation of directly affected individuals and communities, including victims and their families, and to transmit their reports to the General Assembly;

16. *Requests* the Secretary-General to provide the Office of the High Commissioner with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate;

17. *Calls upon* all States and all relevant stakeholders to cooperate fully with the High Commissioner in the preparation of the annual reports;

18. *Also calls upon* all States and all relevant stakeholders to ensure the accountability of law enforcement officials for human rights violations and crimes against Africans and people of African descent, to close trust deficits and to strengthen institutional oversight;

19. *Further calls upon* all States and all relevant stakeholders to ensure that Africans and people of African descent and those who stand up against racism are protected, that their voices are heard and that their concerns are acted upon;

20. *Invites* all treaty bodies, special procedure mandate holders and international and regional human rights mechanisms, within their respective mandates, to pay due attention to all forms of racism, racial discrimination, xenophobia and related intolerance, including against Africans and people of African descent, and to bring them to the attention of the Human Rights Council;

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

38th meeting
13 July 2021

[Adopted without a vote.]

47/22. Cooperation with and assistance to Ukraine in the field of human rights

The Human Rights Council,

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

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

Confirming the primary responsibility of States to respect, protect and fulfil human rights,

Recalling Human Rights Council resolutions 26/30 of 27 June 2014, 29/23 of 3 July 2015, 32/29 of 1 July 2016, 35/31 of 23 June 2017 and 41/25 of 12 July 2019 on cooperation with and assistance to Ukraine in the field of human rights,

Recalling also General Assembly resolutions 68/262 of 27 March 2014, on the territorial integrity of Ukraine, and 71/205 of 19 December 2016, 72/190 of 19 December 2017, 73/263 of 22 December 2018, 74/168 of 18 December 2019, and 75/192 of 15 December 2020, on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine,

Acknowledging the efforts of the United Nations, the Organization for Security and Cooperation in Europe, and other international and regional organizations to assist Ukraine in protecting the rights of all persons in Ukraine, as described by the General Assembly in its resolution 68/262, and the progress achieved and the challenges and obstacles remaining in this regard,

Welcoming the technical assistance to Ukraine in the field of human rights provided by the Office of the United Nations High Commissioner for Human Rights, and acknowledging the further need for such assistance with due regard to the commitment of the Government of Ukraine to respect, protect and fulfil the human rights of all persons within its jurisdiction,

Taking note of the reports of the Office of the High Commissioner on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, submitted pursuant to General Assembly resolutions 71/205¹⁴⁰ and 72/190,¹⁴¹ and the reports of the Secretary-General submitted pursuant to Assembly resolutions 73/263,¹⁴² 74/168¹⁴³ and 75/192,¹⁴⁴

Welcoming the cooperation of the Government of Ukraine with the Office of the High Commissioner, including its monitoring mission in Ukraine, and with other relevant international and regional human rights mechanisms,

Recognizing the importance of the regular reports of the Office of the High Commissioner based on the findings of the monitoring mission for the proper assessment of the situation of human rights in Ukraine and an evaluation of the needs for technical assistance to Ukraine in the field of human rights,

Supporting the increased commitment by Ukraine to respect, protect and fulfil the human rights and fundamental freedoms of all persons within its jurisdiction and its cooperation with human rights treaty bodies and international institutions,

Recognizing the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes,

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

¹⁴⁰ See A/72/498.

¹⁴¹ See A/73/404.

¹⁴² A/74/276.

¹⁴³ A/75/334 and A/HRC/44/21.

¹⁴⁴ A/HRC/47/58.

1. *Welcomes* the oral presentations by the Office of the United Nations High Commissioner for Human Rights to the States Members of the Human Rights Council and observers of the findings of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine held, in accordance with Council resolutions 29/23, 32/29, 35/31 and 41/25, from the forty-second to forty-seventh sessions of the Council;

2. *Invites* the United Nations High Commissioner for Human Rights to continue to present orally to the States Members of the Human Rights Council and observers the findings of each of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine as part of the interactive dialogues, and through the modalities of the Council, in accordance with its resolution 5/1 of 18 June 2007, until the fifty-third session of the Council.

38th meeting
13 July 2021

[Adopted by a recorded vote of 19 to 8, with 20 abstentions. The voting was as follows:

In favour:

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

Against:

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

Abstaining:

Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Côte d'Ivoire, Gabon, India, Indonesia, Mauritania, Namibia, Nepal, Pakistan, Philippines, Senegal, Somalia, Sudan, Togo, Uruguay and Uzbekistan]

47/23. New and emerging digital technologies and human rights

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and other relevant international human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Recalling also Human Rights Council resolution 41/11 of 11 July 2019 on new and emerging digital technologies and human rights, and other relevant resolutions adopted by the Council and the General Assembly, the most recent of which are Council resolutions 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, 38/7 of 5 July 2018 on the promotion, protection and enjoyment of human rights on the Internet, and 42/15 of 26 September 2019 on the right to privacy in the digital age, and Assembly resolutions 73/17 of 26 November 2018 on the impact of rapid technological change on the achievement of the Sustainable Development Goals and targets, 75/176 of 16 December 2020 on the right to privacy in the digital age, and 75/202 of 21 December 2020 on the information and communications technologies for sustainable development,

Taking note of the Secretary-General's initiatives on new technologies, including the Call to Action for Human Rights, launched in 2020, the Road Map for Digital Cooperation, launched in June 2020, and the establishment of the Office of the Envoy of the Secretary-General on Technology,

Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, and encouraging States, who

are the primary duty-bearers, and business enterprises, including technology companies, to implement the Guiding Principles in order to foster respect for human rights online and offline in the context of new and emerging digital technologies and human rights due diligence processes,

Reiterating the importance of ensuring appropriate safeguards and human oversight in the application of new and emerging digital technologies, and of respecting and promoting human rights in national, regional and international regulatory frameworks and legislation and on the conception, design, use, development, further deployment and impact assessments of new and emerging digital technologies, while ensuring the meaningful participation of all relevant stakeholders, including the private sector, academia and civil society,

Welcoming the work of the Advisory Committee, and taking note of its report on the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, presented to the Human Rights Council at the present session,¹⁴⁵

Recognizing that new and emerging digital technologies can have the potential to facilitate efforts to accelerate human progress, to promote and protect human rights and fundamental freedoms, to bridge digital divides, to support, inter alia, the enjoyment of the rights of persons with disabilities and those in vulnerable situations, the advancement of gender equality and the empowerment of all women and girls, and to ensure that no one is left behind in the achievement of the Sustainable Development Goals,

Recognizing also the risks that new and emerging digital technologies may have for the protection, promotion and enjoyment of human rights, including but not limited to the right to equality and non-discrimination, the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and freedom of association, the right to an effective remedy and the right to privacy, in accordance with States' obligations under international human rights law,

Recognizing further that new and emerging digital technologies can hold great potential for strengthening democratic institutions and the resilience of civil society, empowering civic engagement and enabling the work of human rights defenders, public participation and the open and free exchange of ideas,

Recognizing that new and emerging digital technologies, in particular assistive technologies, can especially contribute to the full enjoyment of human rights by persons with disabilities, and that these technologies should be designed in consultation with them and with appropriate safeguards to protect their rights,

Mindful that the impacts, opportunities and challenges of rapid technological change with regard to the promotion, protection and enjoyment of human rights, including in cases where changes may occur at an exponential pace, are not fully understood, and of the need to further analyse them in a holistic, inclusive and comprehensive manner in order to leverage the full potential of new and emerging digital technologies to support human progress and development for all,

Recognizing that the coronavirus disease (COVID-19) pandemic has demonstrated the increased need to harness the positive potential of new and emerging digital technologies and to address the key challenges involved, including the impacts of COVID-19 response measures, such as Internet shutdowns, censorship, and unlawful and arbitrary surveillance not in accordance with States' obligations under international human rights law and inconsistent with the principles of necessity, proportionality and legality,

Recognizing also, in the context of new and emerging digital technologies, the need to address, in a manner that complies with States' obligations under international human rights law, the spread of disinformation, which can be designed to incite to violence, hatred, discrimination and hostility, inter alia, racism, xenophobia, negative stereotyping and stigmatization,

¹⁴⁵ [A/HRC/47/52](#).

Highlighting the importance of a human rights-based approach to new and emerging digital technologies taking into account States' obligations under international human rights law, a holistic understanding of technology and holistic governance and regulatory efforts,

Recognizing the important role of new and emerging digital technologies for an inclusive and resilient recovery from the COVID-19 pandemic, including by supporting States' efforts to protect public health, promote inclusive education and bridge digital divides, with particular attention to, inter alia, women and girls, persons with disabilities and those in vulnerable situations, and promoting digital connectivity to respect, protect and fulfil human rights,

Stressing the need for Governments, the private sector, international organizations, civil society, journalists and media workers, the technical and academic communities and all relevant stakeholders to be cognizant of the impact, opportunities and challenges of the rapid technological change on the promotion and protection of human rights, and recognizing the role of Governments in creating an enabling environment for civil society and national human rights institutions to contribute to raising awareness about the interrelatedness of new and emerging digital technologies and human rights, to promote respect by business enterprises for human rights in line with the Guiding Principles for Business and Human Rights, and to contribute to accountability for human rights abuses,

Recognizing that rapid technological change affects States in different ways, and that addressing these impacts, which depend on national and regional particularities, States' capacities and levels of development, requires international and multi-stakeholder cooperation in order for all States, especially developing countries and least developed countries, to benefit from opportunities and to address the challenges arising from this change, and to bridge digital divides, while emphasizing that it is the duty of all States to promote and protect all human rights, online and offline,

1. *Reaffirms* the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights;

2. *Notes* the Secretary-General's call for Member States to place human rights at the centre of regulatory frameworks and legislation on the development and use of digital technologies, and for the Office of the United Nations High Commissioner for Human Rights to develop system-wide guidance on human rights due diligence and impact assessments in the use of new technologies;

3. *Requests* the Office of the High Commissioner to convene two expert consultations, to discuss the relationship between human rights and technical standard-setting processes for new and emerging digital technologies and the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, and to submit a report thereon, reflecting the discussions held in an inclusive and comprehensive manner, to the Human Rights Council at its fiftieth and fifty-third sessions;

4. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned expert consultations and reports, to seek input from and to take into account the relevant work already done by stakeholders from diverse geographic regions, including States, international and regional organizations, the Advisory Committee, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations agencies, funds and programmes, including the International Telecommunication Union, other relevant standard development organizations, and the Office of the Envoy of Secretary-General on Technology, within their respective mandates, national human rights institutions, civil society, the private sector, the technical community and academic institutions;

5. *Invites* the Office of the High Commissioner to continue to work on the application of human rights to the conception, design, use, development and further deployment of new and emerging digital technologies with a view to assisting business enterprises, including technology companies, with developing and applying human rights due diligence processes, and to assist Governments, upon their request, in developing human rights-based laws and policies for new and emerging digital technologies, including through

human rights education and close consultation with civil society and business enterprises, especially technology companies;

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

38th meeting

13 July 2021

[Adopted by a recorded vote of 44 to 0, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Czechia, Denmark, Fiji, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Uzbekistan

Abstaining:

China, Eritrea and Venezuela (Bolivarian Republic of)]

47/24. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development and its commitment to leave no one behind, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impacts,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

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

Recalling all previous Human Rights Council resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the United Nations Framework Convention on Climate Change,¹⁴⁶ and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect, promote and consider their respective obligations on human rights,

Recalling that the Paris Agreement acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, peasants, migrants, children, persons with disabilities and people in vulnerable situations, including people living in small island developing States and least developed countries, and in conditions of water scarcity, desertification, land degradation and drought, and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Reaffirming the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention, including in the context of sustainable

¹⁴⁶ See [FCCC/CP/2015/10/Add.1](#), decision 1/CP.21, annex.

development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impact of climate change,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports and special reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples', peasants' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that poverty in all its forms and dimensions, including extreme poverty, is one of the greatest global challenges, and that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of people in vulnerable situations and people living in small island developing States and least developed countries, who are disproportionately affected by the negative impact of climate change,

Stressing that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, thereby promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, that can increase with greater global warming, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Stressing the importance of the participation of women, including older women, and girls in climate action,

Recognizing that climate change poses an existential threat to some countries, and recognizing also that it has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status where applicable, national or social origin, birth or other status and disability,

Recognizing that climate change, and biodiversity loss and other types of environmental degradation, put added pressure on the environment that may in turn exacerbate disease emergence and increase the impact of pandemics, including the spread of

diseases, thereby increasing the risk of exposure of the most vulnerable segments of society to the combined negative effects and consequences of these phenomena, and put added strain on health systems, particularly those of developing economies,

Stressing the particular challenges faced by people in vulnerable situations posed by climate change, including their increased susceptibility to diseases, heat stress, water scarcity, reduced mobility, social exclusion and reduced physical, emotional and financial resilience, as well as the need for measures to address their specific needs and to ensure their participation in disaster response planning for emergency situations and evacuations, humanitarian emergency response, and health-care services, as appropriate,

Expressing concern at the adverse impact of climate change on individuals with multiple vulnerability factors, who often sustain disproportionately higher rates of morbidity and mortality, especially during the coronavirus disease (COVID-19) pandemic, sustaining disproportionately higher rates of morbidity and mortality, while at the same time being among those least able to have access to emergency support and health services,

Recalling the call for solidarity by the Secretary-General in the face of the COVID-19 pandemic,¹⁴⁷ and the policy brief on the impact of COVID-19 on the human rights of people in vulnerable situations,

Recalling also the statement made by the President of the Human Rights Council on 27 May 2020 emphasizing the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health products and technologies necessary to ensure an adequate and effective response to the pandemic, including for the most vulnerable people affected by armed conflict, extreme poverty, natural disasters or climate change, and of the urgent removal of unjustified obstacles thereto,

Emphasizing that sudden-onset natural disasters and slow-onset events seriously affect the access of vulnerable segments of society to food and nutrition, safe drinking water and sanitation, health-care services and medicines, social protection, education and training, adequate housing, transportation and access to decent work,

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights and people in vulnerable situations as key stakeholders in disaster risk reduction,

Recognizing the need for ensuring meaningful participation, inclusion and leadership of people in vulnerable situations and their representative organizations within disaster risk management, emergency relief efforts and climate-related decision-making and in the design of policies, plans and mechanisms at the community, local, national, regional and global levels,

Expressing concern that developing countries, particularly least developed countries and small island developing States, lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies, may suffer from higher exposure to extreme weather events in both rural and urban areas,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision and mobilization of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and ensure the greatest possible

¹⁴⁷ UN News, “UN chief calls for ‘solidarity, unity and hope’ in battling COVID-19 pandemic”, 30 April 2020.

adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

Urging States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

Recalling the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change held in Madrid in December 2019 under the presidency of Chile, and looking forward to the adoption of a more ambitious agreement at the twenty-sixth session of the Conference of the Parties, to be held in Glasgow, United Kingdom of Great Britain and Northern Ireland, in November 2021 in connection with the Paris Agreement,

Noting the commitments made by Governments and private sector leaders at the virtual Climate Adaptation Summit 2021, hosted by the Government of the Netherlands in January 2021, to accelerate, innovate and scale up global efforts to adapt to the inevitable effects of climate change, and at the virtual Leaders Summit on Climate, held in Washington, D.C., in April 2021, especially its associated Major Economies Forum on Energy and Climate, which underscored the urgency and economic benefits of stronger global climate action and marked a key milestone on the road to the twenty-sixth session of the Conference of the Parties to the Framework Convention,

Noting also the importance of some elements of the concept of “climate justice” when taking action to address climate change,

Noting with appreciation the continued efforts of the United Nations High Commissioner for Human Rights in highlighting the need to respond to the global challenge of climate change, including by reaffirming the commitments to ensure effective climate action while advocating for the promotion and protection of human rights for all, including people in vulnerable situations,

Welcoming the convening of a panel discussion on older persons, and looking forward to the summary report on the discussion to be prepared by the Office of the United Nations High Commissioner for Human Rights,

Taking note of the analytical study on the promotion and protection of the rights of older persons in the context of climate change prepared by the Office of the High Commissioner pursuant to Human Rights Council pursuant to Human Rights Council resolution 44/7 of 16 July 2020,¹⁴⁸

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including people in vulnerable situations, when taking action to address the adverse effects of climate change,

Recalling the reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, focusing on climate change and human rights¹⁴⁹ and on air pollution and human rights,¹⁵⁰ the report of the Special Rapporteur on extreme poverty and human rights, relating to climate change and poverty,¹⁵¹ the report of the Special Rapporteur on the right to food, focusing on the right to food in the context of natural disasters,¹⁵² and the report of the Independent Expert on the enjoyment of all human rights by older persons, on the human rights of older persons in emergency situations,¹⁵³

Welcoming the work of the Climate Vulnerable Forum, which asserts that climate change is a major threat to the enjoyment of human rights and fundamental freedoms, and

¹⁴⁸ [A/HRC/47/46](#).

¹⁴⁹ [A/HRC/43/53](#) and [A/74/161](#).

¹⁵⁰ [A/HRC/40/55](#).

¹⁵¹ [A/HRC/41/39](#).

¹⁵² [A/HRC/37/61](#).

¹⁵³ [A/HRC/42/43](#).

noting its Midnight Climate Survival Deadline for the Climate initiative calling for enhanced nationally determined contributions under the mechanism of the Framework Convention,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional, subregional and other initiatives, such as the SIDS Accelerated Modalities of Action (SAMOA) Pathway¹⁵⁴ on addressing the adverse impact of climate change,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these adversely affect the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and for the people whose situation is most vulnerable to climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive, integrated, gender-responsive, age-inclusive and disability-inclusive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and human rights challenges that climate change presents, for the full and effective enjoyment of human rights for all, and particularly to support the resilience and adaptive capacities of people in vulnerable situations, both in rural and urban areas, to respond to the adverse impact of climate change;

5. *Calls upon* States to enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change;

6. *Also calls upon* States to better promote the human rights of people in vulnerable situations and their access to livelihoods, food and nutrition, safe drinking water and sanitation, social protection, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology, and ensure that services can be adapted to emergency and humanitarian contexts;

7. *Further calls upon* States to develop, strengthen and implement policies for the protection of the right of people in vulnerable situations in response to climate change, as appropriate, by, among other actions, the inclusion of their rights, specific risks, needs and capabilities in climate action plans and other relevant policies or legislation, the mainstreaming of climate change action into resilient and adaptive social and health care, and the provision of information on climate change and disaster preparedness response and planning through all accessible means of communication;

8. *Urges* States to strengthen and implement policies aimed at promoting the meaningful participation of people in vulnerable situations in the design of policies, plans and mechanisms in climate-related decision-making and disaster risk reduction and management at the community, local, national, regional and international levels, including for preparedness, contingency planning, early warning, evacuation planning, emergency relief, humanitarian response and assistance arrangements;

9. *Reaffirms* its commitment to advocate for combating climate change and addressing its adverse impact on the full and effective enjoyment of human rights, and

¹⁵⁴ General Assembly resolution 69/15, annex.

recognizes the importance of climate action in the work of the Human Rights Council and its mechanisms in a regular, systematic and transparent manner;

10. *Decides* to incorporate into its programme of work for the fiftieth session, on the basis of the different elements contained in the present resolution, a panel discussion focusing on the adverse impact of climate change on the full and effective enjoyment of human rights by people in vulnerable situations, and best practices and lessons learned in the promotion and protection of the rights of people in vulnerable situations, and also decides that the panel discussion will have international sign interpretation and captioning;

11. *Also decides* to incorporate into its annual programme of work, beginning in 2023, sufficient time, at a minimum a panel discussion, to discuss different specific themes on the adverse impacts of climate change on human rights, and further decides that the panel discussion will have international sign interpretation and captioning;

12. *Invites* the special procedures of the Human Rights Council, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts, and civil society organizations to contribute actively to the panel discussion;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report on the panel discussion to the Human Rights Council at its fifty-second session, and to make the report available in accessible formats, including in plain language and easy-to-read versions;

14. *Requests* the Secretary-General, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the World Health Organization, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to submit to the Human Rights Council at its fiftieth session a report on the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations, and also requests the Secretary-General to make the report available in accessible formats, including plain language and easy-to-read versions;

15. *Encourages* the continued discussions among States and relevant stakeholders on the possible creation of a new special procedure addressing the adverse impact of climate change on the full and effective enjoyment of human rights;

16. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly the rights of people in vulnerable situations, within their respective mandates;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

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

*39th meeting
14 July 2021*

[Adopted by a recorded vote of 46 to 0, with 1 abstention. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Czechia, Denmark, Eritrea, Fiji, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great

Britain and Northern Ireland, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Abstaining:
Russian Federation]

47/25. 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,

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 morbidities,

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 ensure fully respect for and the protection and fulfilment of sexual and reproductive health and reproductive rights, in accordance with 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, in reducing preventable maternal 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, including sexual and reproductive health, free from discrimination, coercion and violence,

Recognizing that maternal morbidity, as defined by the World Health Organization, refers to any health condition attributed to and/or aggravated by pregnancy and childbirth that has a negative impact on the woman's or girl's well-being,

Recognizing also that preventable maternal morbidity is a human rights concern and that preventable deaths and grievous injuries sustained by women and girls during pregnancy and childbirth are not inevitable events, but rather a direct result of discriminatory laws and practices, harmful gender norms and practices, a lack of functioning health systems and services and a lack of accountability,

Stressing the interlinkages between poverty, malnutrition, lack of, inadequate or inaccessible health-care services, early childbearing, child, early and forced marriage, violence against women and girls, sociocultural barriers, marginalization, illiteracy and gender inequality as root causes of maternal mortality and morbidity,

Recognizing 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,

Recognizing also 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-care services, are essential to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to eliminate preventable maternal mortality and morbidity,

Recognizing further that violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, and those involving inadequate emergency obstetric services and unsafe abortion can cause high levels of maternal morbidity, including obstetric fistula, uterine prolapse, post-partum depression and infertility, among others, leading to ill health and death for women and girls of childbearing age in many regions of the world,

Recognizing 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-care services must have the interrelated and essential elements of availability, accessibility, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, including by addressing multiple and intersecting forms of discrimination,

Recognizing also that the right to seek, receive and impart 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, including sexual and reproductive health, 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 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, systematic rape, sexual slavery, forced sterilization, forced pregnancy, harmful practices such as child, early and forced marriage and female genital mutilation, and lack of affordable, accessible and appropriate sexual and reproductive health-care services, evidence-based information and education, including evidence-based comprehensive sexuality education consistent with the evolving capacities of the child, 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 unwanted pregnancies, 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 the redeployment of midwives, shortages of medical personnel and supplies and disruptions to global supply chains, which could undermine the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including the sexual and reproductive health of 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 may inhibit 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, indigenous or other status, and multiple and intersecting forms of discrimination substantially heighten their risk of suffering maternal morbidities, and that the COVID-19 crisis has 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, child, early and forced marriage and unintended pregnancy, particularly among adolescents, thereby also increasing the risk of maternal 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, 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 morbidities 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, particularly in rural and remote areas and the poorest urban areas and among women and girls facing multiple and intersecting forms of discrimination,

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 environment 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-care 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 reduces girls' opportunities to complete their education, gain comprehensive knowledge, participate in the community or develop employable skills and 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 and to respect, protect and fulfil sexual and reproductive health and reproductive rights, in accordance with 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 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 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-care services, evidence-based information and education within a human rights-based

approach, including for family planning, safe and effective methods of modern contraception, emergency contraception, universal access to health care, including quality maternal health care, such as skilled birth attendance and emergency obstetric care, safe abortion when not against national law, and the integration of sexual and reproductive health into national health strategies and programmes for all women and girls, including adolescents;

2. *Urges* States to ensure the availability, accessibility, acceptability and quality of health-care services, including mental health and psychosocial services and sexual and reproductive health-care services, free of coercion, discrimination and violence;

3. *Calls upon* States, also in the context of the COVID-19 pandemic, to ensure 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, modern forms of contraception, screening and treatment for sexually transmitted infections, screening and treatment for cervical cancer, prevention of vertical transmission of HIV, nutrition and mental health services;

4. *Also calls upon* States to address the underlying determinants of health, such as gender discrimination and socioeconomic factors, including poverty and malnutrition, which render certain women and girls, including adolescents, more vulnerable to maternal morbidities, such as obstetric fistula, uterine prolapse, post-partum depression and infertility, among others;

5. *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, acceptable and quality health-care services for all, and of information and education, including evidence-based comprehensive sexuality education consistent with the evolving capacities of the child, lack of access to medicines and medical equipment, all types of malnutrition, poverty, stigma and 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, gender-based inequalities and discrimination, and to take concrete measures to eliminate all forms of discrimination and violence against women and girls;

6. *Calls upon* States to promote human rights-based and gender-responsive multisectoral and cross-disciplinary coordination of policies, programmes, budgets and services designed to prevent and treat maternal morbidities with the active participation of all relevant stakeholders, including civil society, and especially the full, equal and meaningful participation of women and girls at the national, local and community levels, and to promote social accountability mechanisms to monitor these 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;

7. *Urges* States to strengthen the capacity and resourcing of health-care systems and the health workforce, to provide the essential services needed to prevent and treat maternal morbidities, 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;

8. *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, acceptability and quality of sexual and reproductive health-care services for all women and girls, in order to support more comprehensive policies to prevent and address maternal morbidities;

9. *Calls upon* States to increase awareness and the visibility of maternal morbidity as a human rights concern, including through more targeted research in this area, allocation of sufficient resources and dedicated efforts to ensure the availability, particularly for women and girls, of information on the causes of specific maternal morbidities and their prevention;

10. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity,¹⁵⁵ which focuses on maternal morbidity as a human rights issue, and encourages all stakeholders to consider the recommendations contained therein;

11. *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, technology and scientific data and 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;

12. *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-care services, and combating gender stereotypes, norms and behaviour that are discriminatory;

13. *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, including sexual and reproductive health, especially those aimed at preventing maternal mortality and morbidity, such as by informing women and girls of their rights under relevant normative frameworks and by improving legal and health infrastructure and removing all barriers in access to legal counselling, assistance and remedies;

14. *Calls upon* States to ensure gender equality, women's rights and children's rights through inclusive public awareness-raising and evidence-based initiatives, including in schools, through the media and online, and 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 consistent with the evolving capacities of the child, in and out of school settings;

15. *Also calls upon* States to convene and support multi-stakeholder meetings 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;

16. *Requests* the United Nations High Commissioner for Human Rights to prepare, in consultation with States, United Nations agencies and all other relevant stakeholders, a follow-up report on good practices and challenges in the application of a human rights-based approach to the elimination of preventable maternal mortality and morbidity, including through the utilization of the technical guidance by States and other relevant actors, including the United Nations Population Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

¹⁵⁵ [A/HRC/45/19](#).

and the World Health Organization, and to present it to the Human Rights Council at its fifty-fourth session;

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

*39th meeting
14 July 2021*

[Adopted without a vote.]

B. Decisions

47/101. Outcome of the universal periodic review: Federated States of Micronesia

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 Federated States of Micronesia on 18 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Federated States of Micronesia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁵⁶ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁵⁷

27th meeting
8 July 2021

[Adopted without a vote.]

47/102. Outcome of the universal periodic review: Lebanon

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 Lebanon on 18 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Lebanon, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁵⁸ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁵⁹

27th meeting
8 July 2021

[Adopted without a vote.]

47/103. Outcome of the universal periodic review: Mauritania

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

¹⁵⁶ [A/HRC/47/4](#).

¹⁵⁷ [A/HRC/47/4/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁵⁸ [A/HRC/47/5](#).

¹⁵⁹ [A/HRC/47/5/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

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 Mauritania on 19 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mauritania, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶⁰ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁶¹

27th meeting
8 July 2021

[Adopted without a vote.]

47/104. Outcome of the universal periodic review: Saint Kitts and Nevis

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saint Kitts and Nevis on 19 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Saint Kitts and Nevis, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶² the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁶³

27th meeting
8 July 2021

[Adopted without a vote.]

47/105. Outcome of the universal periodic review: Australia

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 Australia on 20 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Australia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶⁴ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies

¹⁶⁰ [A/HRC/47/6](#).

¹⁶¹ [A/HRC/47/6/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁶² [A/HRC/47/7](#).

¹⁶³ [A/HRC/47/7/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁶⁴ [A/HRC/47/8](#).

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.¹⁶⁵

28th meeting
8 July 2021

[Adopted without a vote.]

47/106. Outcome of the universal periodic review: Saint Lucia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saint Lucia on 20 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Saint Lucia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶⁶ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁶⁷

28th meeting
8 July 2021

[Adopted without a vote.]

47/107. Outcome of the universal periodic review: Nepal

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 Nepal on 21 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Nepal, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁶⁸ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁶⁹

28th meeting
8 July 2021

[Adopted without a vote.]

¹⁶⁵ [A/HRC/47/8/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁶⁶ [A/HRC/47/9](#).

¹⁶⁷ [A/HRC/47/9/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁶⁸ [A/HRC/47/10](#).

¹⁶⁹ [A/HRC/47/10/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

47/108. Outcome of the universal periodic review: Oman

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 Oman on 21 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Oman, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁰ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷¹

*29th meeting
8 July 2021*

[Adopted without a vote.]

47/109. Outcome of the universal periodic review: Austria

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 Austria on 22 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Austria, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷² the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷³

*29th meeting
8 July 2021*

[Adopted without a vote.]

47/110. Outcome of the universal periodic review: Rwanda

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 Rwanda on 25 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹⁷⁰ [A/HRC/47/11](#).

¹⁷¹ [A/HRC/47/11/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁷² [A/HRC/47/12](#).

¹⁷³ [A/HRC/47/12/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

Adopts the outcome of the review of Rwanda, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁴ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁵

29th meeting

8 July 2021

[Adopted without a vote.]

47/111. Outcome of the universal periodic review: Georgia

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 Georgia on 26 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Georgia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁶ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁷

30th meeting

9 July 2021

[Adopted without a vote.]

47/112. Outcome of the universal periodic review: Sao Tome and Principe

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 Sao Tome and Principe on 27 January 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Sao Tome and Principe, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁷⁸ the views of the State concerning the recommendations and/or conclusions made and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁷⁹

30th meeting

9 July 2021

¹⁷⁴ [A/HRC/47/14](#).

¹⁷⁵ [A/HRC/47/14/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁷⁶ [A/HRC/47/15](#).

¹⁷⁷ [A/HRC/47/15/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

¹⁷⁸ [A/HRC/47/16](#).

¹⁷⁹ [A/HRC/47/16/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

[Adopted without a vote.]

47/113. Outcome of the universal periodic review: Nauru

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 Nauru on 2 February 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Nauru, comprising the report thereon of the Working Group on the Universal Periodic Review,¹⁸⁰ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁸¹

30th meeting

9 July 2021

[Adopted without a vote.]

47/114. Strengthening documentation within the Human Rights Council

At its 35th meeting, on 12 July 2021, the Human Rights Council decided to adopt the text below:

"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 resolution 5/1 of 18 June 2007 on institution-building of the Council,

Recognizing that the work of the Human Rights Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights,

Reaffirming that the Human Rights Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Stressing the importance of an open, transparent and all-inclusive United Nations,

Recalling the added value of live webcasting and the subsequent archiving of formal meetings held in the framework of the sessions of the Human Rights Council, while noting with regret the lack of formal verbatim or summary records for Council meetings, in particular with regard to action on proposals, and recognizing the need to reflect appropriately explanations of position in its official records,

1. *Decides* that summary records shall be taken for meetings at which the Human Rights Council takes action on proposals and adopts the report on each session, starting from its forty-eighth session;

2. *Also decides* that, in the event that observers have not had the opportunity at the end of the session to deliver their general remarks, the request made by such observers to take the floor shall be reflected in the summary records of the meeting, and any non-delivered

¹⁸⁰ [A/HRC/47/17](#).

¹⁸¹ [A/HRC/47/17/Add.1](#); see also [A/HRC/47/2](#), chap. VI.

statement on an adopted proposal, or any part thereof, that is formally provided to the secretariat through modalities set up by the latter shall be made accessible in accordance with the practices within the United Nations;

3. *Requests* the secretariat, if a factual inaccuracy is found in the summary records by the State concerned, to issue a technical correction thereof.”

[Adopted without a vote.]

47/115. Commencement of the fourth cycle of the universal periodic review

At its 38th meeting, held on 13 July 2021, the Human Rights Council decided that the fourth cycle of the universal periodic review shall commence in October/November 2022, once the outcome documents of the last States under review during the third cycle have been adopted by the Council at its fiftieth session.

[Adopted without a vote.]

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements

Page

Africans and people of African descent

Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality	res. 47/21	218
---	------------	-----

Andorra

Outcome of the universal periodic review: Andorra	dec. 46/107	133
---	-------------	-----

Arms transfers

Impact of arms transfers on human rights	res. 47/17	207
--	------------	-----

Australia

Outcome of the universal periodic review: Australia	dec. 47/105	240
---	-------------	-----

Austria

Outcome of the universal periodic review: Austria	dec. 47/109	242
---	-------------	-----

Belarus

Outcome of the universal periodic review: Belarus	dec. 46/101	131
Situation of human rights in Belarus	res. 47/19	213
Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath	res. 46/20	97

Bulgaria

Outcome of the universal periodic review: Bulgaria	dec. 46/109	134
--	-------------	-----

Children

Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities	res. 47/15	196
Realization of the equal enjoyment of the right to education by every girl	res. 47/5	154

Civil society space

Civil society space: COVID-19: the road to recovery and the essential role of civil society	res. 47/3	149
---	-----------	-----

Climate change

Human rights and climate change	res. 47/24	227
---------------------------------------	------------	-----

Consultative Group

Methods of work of the Consultative Group of the Human Rights Council	PRST OS/14/2	20
---	--------------	----

Coronavirus disease

Civil society space: COVID-19: the road to recovery and the essential role of civil society	res. 47/3	149
---	-----------	-----

Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic	res. 46/14	73
Corruption		
The negative impact of corruption on the enjoyment of human rights.....	res. 47/7	164
Croatia		
Outcome of the universal periodic review: Croatia.....	dec. 46/112	135
Democracy and the rule of law		
Human rights, democracy and the rule of law.....	res. 46/4	39
Democratic People's Republic of Korea		
Situation of human rights in the Democratic People's Republic of Korea.....	res. 46/17	84
Development		
The contribution of development to the enjoyment of all human rights	res. 47/11	179
Discrimination		
Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.....	res. 46/27	115
Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality	res. 47/21	218
Economic, social and cultural rights		
Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	res. 46/8	55
Question of the realization in all countries of economic, social and cultural rights.....	res. 46/10	59
Mandate of Special Rapporteur in the field of cultural rights	res. 46/9	58
Education		
Realization of the equal enjoyment of the right to education by every girl.....	res. 47/5	154
The right to education	res. 47/6	159
Environment		
Human rights and the environment	res. 46/7	50
Eritrea		
Situation of human rights in Eritrea	res. 47/2	148
Ethiopia		
Situation of human rights in the Tigray region of Ethiopia.....	res. 47/13	186
Federated States of Micronesia		
Outcome of the universal periodic review: Federated States of Micronesia	dec. 47/101	239

Foreign debt

Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	res. 46/8	55
--	-----------	----

Funds of illicit origin

The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	res. 46/11	64
---	------------	----

Gender equality

Menstrual hygiene management, human rights and gender equality	res. 47/4	151
--	-----------	-----

Georgia

Cooperation with Georgia	res. 46/30	128
Outcome of the universal periodic review: Georgia	dec. 47/111	243

HIV and AIDS

Human rights in the context of HIV and AIDS	res. 47/14	189
---	------------	-----

Honduras

Outcome of the universal periodic review: Honduras	dec. 46/108	133
--	-------------	-----

Human Rights Council

Efficiency of the Human Rights Council	PRST OS/14/1	20
Strengthening documentation within the Human Rights Council	dec. 47/114	244

Human rights situation in Palestine and other occupied Arab territories

Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel	res. S-30/1	138
Human rights in the occupied Syrian Golan	res. 46/24	105
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	res. 46/3	34
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	res. 46/26	109
Right of the Palestinian people to self-determination	res. 46/25	107

International cooperation

Enhancement of international cooperation in the field of human rights	res. 47/9	170
Promoting mutually beneficial cooperation in the field of human rights	res. 46/13	71

International solidarity

Human rights and international solidarity	res. 47/10	176
---	------------	-----

Internet, new and emerging digital technologies

New and emerging digital technologies and human rights	res. 47/23	224
The promotion, protection and enjoyment of human rights on the Internet	res. 47/16	203

Iran (Islamic Republic of)

Situation of human rights in the Islamic Republic of Iran.....	res. 46/18	91
--	------------	----

Israel

Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel	res. S-30/1	138
---	-------------	-----

Jamaica

Outcome of the universal periodic review: Jamaica.....	dec. 46/114	136
--	-------------	-----

Lebanon

Outcome of the universal periodic review: Lebanon.....	dec. 47/102	239
--	-------------	-----

Liberia

Outcome of the universal periodic review: Liberia	dec. 46/113	136
---	-------------	-----

Libya

Outcome of the universal periodic review: Libya	dec. 46/102	131
---	-------------	-----

Malawi

Outcome of the universal periodic review: Malawi	dec. 46/103	131
--	-------------	-----

Maldives

Outcome of the universal periodic review: Maldives.....	dec. 46/106	133
---	-------------	-----

Mali

Technical assistance and capacity-building for Mali in the field of human rights.....	res. 46/28	119
---	------------	-----

Marshall Islands

Outcome of the universal periodic review: Marshall Islands	dec. 46/110	134
--	-------------	-----

Mauritania

Outcome of the universal periodic review: Mauritania	dec. 47/103	239
--	-------------	-----

Migrants

The human rights of migrants	res. 47/12	182
------------------------------------	------------	-----

Mongolia

Outcome of the universal periodic review: Mongolia	dec. 46/105	132
--	-------------	-----

Myanmar

Human rights implications of the crisis in Myanmar	res. S-29/1	26
Situation of human rights in Myanmar.....	res. 46/21	2
Situation of human rights of Rohingya Muslims and other minorities in Myanmar	res. 47/1	141

Nauru

Outcome of the universal periodic review: Nauru.....	dec. 47/113	244
--	-------------	-----

Nepal

Outcome of the universal periodic review: Nepal	dec. 47/107	241
---	-------------	-----

Nicaragua

Promotion and protection of human rights in Nicaragua	res. 46/2	31
---	-----------	----

Oman

Outcome of the universal periodic review: Oman	dec. 47/108	242
--	-------------	-----

Panama

Outcome of the universal periodic review: Panama	dec. 46/104	132
--	-------------	-----

Persons with albinism

Mandate of Independent Expert on the enjoyment of human rights by persons with albinism	res. 46/12	69
---	------------	----

Persons with disabilities

Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities	res. 47/15	196
---	------------	-----

Racism

Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality	res. 47/21	218
---	------------	-----

Religion

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief	res. 46/27	115
Freedom of religion or belief	res. 46/6	47

Right to food

The right to food	res. 46/19	92
-------------------------	------------	----

Right to privacy

Mandate of Special Rapporteur on the right to privacy	res. 46/16	82
---	------------	----

Right to the enjoyment of the highest attainable standard of physical and mental health

Civil society space: COVID-19: the road to recovery and the essential role of civil society	res. 47/3	149
Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic	res. 46/14	73
Human rights in the context of HIV and AIDS	res. 47/14	189
Preventable maternal mortality and morbidity and human rights	res. 47/25	233

Rwanda

Outcome of the universal periodic review: Rwanda	dec. 47/110	242
--	-------------	-----

Saint Kitts and Nevis

Outcome of the universal periodic review: Saint Kitts and Nevis.....	dec. 47/104	240
--	-------------	-----

Saint Lucia

Outcome of the universal periodic review: Saint Lucia	dec. 47/106	241
---	-------------	-----

Sao Tome and Principe

Outcome of the universal periodic review: Sao Tome and Principe	dec. 47/112	243
---	-------------	-----

Social Forum

The Social Forum.....	res. 47/20	216
-----------------------	------------	-----

South Sudan

Situation of human rights in South Sudan	res. 46/23	100
--	------------	-----

Technical assistance and capacity-building for South Sudan.....	res. 46/29	124
---	------------	-----

Syrian Arab Republic

Situation of human rights in the Syrian Arab Republic.....	res. 46/22	12
--	------------	----

Situation of human rights in the Syrian Arab Republic.....	res. 47/18	209
--	------------	-----

Syrian Golan

Human rights in the occupied Syrian Golan.....	res. 46/24	105
--	------------	-----

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	res. 46/26	109
--	------------	-----

Sri Lanka

Promoting reconciliation, accountability and human rights in Sri Lanka	res. 46/1	28
--	-----------	----

Technical assistance or cooperation

Cooperation with and assistance to Ukraine in the field of human rights	res. 47/22	223
---	------------	-----

Cooperation with Georgia	res. 46/30	128
--------------------------------	------------	-----

High-level panel discussion on the occasion of the tenth anniversary of the Voluntary Technical Assistance Trust Fund to support the participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council.....	dec. 46/115	136
--	-------------	-----

Technical assistance and capacity-building for Mali in the field of human rights.....	res. 46/28	119
--	------------	-----

Technical assistance and capacity-building for South Sudan.....	res. 46/29	124
---	------------	-----

Torture and other cruel, inhuman or degrading treatment or punishment

Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials.....	res. 46/15	78
---	------------	----

Ukraine

Cooperation with and assistance to Ukraine in the field of human rights	res. 47/22	223
---	------------	-----

Unilateral coercive measures

The negative impact of unilateral coercive measures on the enjoyment of human rights.....	res. 46/5	42
--	-----------	----

United States of America

Outcome of the universal periodic review: United States of America	dec. 46/111	135
--	-------------	-----

Universal periodic review

Commencement of the fourth cycle of the universal periodic review	dec. 47/115	245
Outcome of the universal periodic review: Andorra	dec. 46/107	133
Outcome of the universal periodic review: Australia	dec. 47/105	240
Outcome of the universal periodic review: Austria	dec. 47/109	242
Outcome of the universal periodic review: Belarus	dec. 46/101	131
Outcome of the universal periodic review: Bulgaria	dec. 46/109	134
Outcome of the universal periodic review: Croatia	dec. 46/112	135
Outcome of the universal periodic review: Federated States of Micronesia	dec. 47/101	239
Outcome of the universal periodic review: Georgia	dec. 47/111	243
Outcome of the universal periodic review: Honduras	dec. 46/108	133
Outcome of the universal periodic review: Jamaica	dec. 46/114	136
Outcome of the universal periodic review: Lebanon	dec. 47/102	239
Outcome of the universal periodic review: Liberia	dec. 46/113	136
Outcome of the universal periodic review: Libya	dec. 46/102	131
Outcome of the universal periodic review: Malawi	dec. 46/103	131
Outcome of the universal periodic review: Maldives	dec. 46/106	133
Outcome of the universal periodic review: Marshall Islands	dec. 46/110	134
Outcome of the universal periodic review: Mauritania	dec. 47/103	239
Outcome of the universal periodic review: Mongolia	dec. 46/105	132
Outcome of the universal periodic review: Nauru	dec. 47/113	244
Outcome of the universal periodic review: Nepal	dec. 47/107	241
Outcome of the universal periodic review: Oman	dec. 47/108	242
Outcome of the universal periodic review: Panama	dec. 46/104	132
Outcome of the universal periodic review: Rwanda	dec. 47/110	242
Outcome of the universal periodic review: Saint Kitts and Nevis	dec. 47/104	240
Outcome of the universal periodic review: Saint Lucia	dec. 47/106	241
Outcome of the universal periodic review: Sao Tome and Principe	dec. 47/112	243
Outcome of the universal periodic review: United States of America	dec. 46/111	135

Witchcraft and ritual attacks

Elimination of harmful practices related to accusations of witchcraft and ritual attacks	res. 47/8	168
--	-----------	-----

Women and women's rights

Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities	res. 47/15	196
Menstrual hygiene management, human rights and gender equality	res. 47/4	151

Preventable maternal mortality and morbidity and human rights.....	res. 47/25	233
Realization of the equal enjoyment of the right to education by every girl.....	res. 47/5	154
