



# General Assembly

Distr.: Limited  
18 March 2019

Original: English

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## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 3

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

Afghanistan, Albania,\* Armenia,\* Australia, Austria, Belgium,\* Bulgaria, Chile, Colombia,\* Costa Rica,\* Croatia, Cyprus,\* Czechia, Denmark, Estonia,\* Finland,\* France,\* Georgia,\* Germany,\* Greece,\* Haiti,\* Honduras,\* Hungary, Iceland, Ireland,\* Italy, Latvia,\* Liechtenstein,\* Lithuania,\* Luxembourg,\* Malta,\* Mexico, Monaco,\* Montenegro,\* Morocco,\* Netherlands,\* New Zealand,\* Norway,\* Peru, Philippines, Poland,\* Portugal,\* Republic of Korea,\* Republic of Moldova,\* Romania,\* San Marino,\* Serbia,\* Slovenia,\* Spain, Sweden,\* Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay: draft resolution

### 40/... 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, as well as all other interested stakeholders,

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\* State not a member of the Human Rights Council.



*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 and 34/41 of 24 March 2017, in which the Council established the Forum on Human Rights, Democracy and the Rule of Law and decided on the themes of its first two 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, and 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,

*Reaffirming* that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

*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,

*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, 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 completion, in November 2018, of the second session of the Forum on Human Rights, Democracy and the Rule of Law, and commends the engaged participation of stakeholders, including representatives of Parliaments, who emphasized the role of Parliaments as key actors in the promotion of human rights, democracy and the rule of law;

2. *Takes note* of the report of the Chairperson on the work of the second session of the Forum on Human Rights, Democracy and the Rule of Law,<sup>1</sup> and invites States and

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<sup>1</sup> A/HRC/40/65.

other stakeholders to consider and implement the relevant recommendations contained therein;

3. *Decides* that the theme of the third session of the Forum, to be held in 2020, will be “Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection”;

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

5. *Encourages* States and all stakeholders to pay particular attention to ensuring the broadest possible and most equitable participation in the Forum, with due regard to 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 third session, with all the necessary services and facilities, including interpretation in all official languages of the United Nations.

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