



# General Assembly

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## Human Rights Council

### Forty-ninth session

28 February–1 April 2022

Agenda item 1

### Organizational and procedural matters

**Albania,\* Australia,\* Austria,\* Belgium,\* Bulgaria,\* Croatia,\* Cyprus,\* Czechia,\* Denmark,\* Estonia,\* Finland, France, Georgia,\* Germany, Greece,\* Ireland,\* Italy,\* Latvia,\* Lithuania, Luxembourg, Malta,\* Micronesia (Federated States of),\* Montenegro, Netherlands, Palau,\* Poland, Portugal,\* Romania,\* San Marino,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Turkey,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

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

*The Human Rights Council,*

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

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

*Recalling also* the Universal Declaration of Human Rights and relevant international human rights treaties, including the European Convention on Human Rights, and treaties relevant to international humanitarian law,

*Recalling further* General Assembly resolution 3314 of 14 December 1974, entitled “Definition of aggression”,

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

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

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

*Strongly condemning* the further invasion of the territory of Ukraine by the Russian Federation and its ongoing temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol, and recognizing the strong expressions of deep concern in the

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



statements made by the Secretary-General and by the United Nations High Commissioner for Human Rights,

*Gravely concerned* at the ongoing human rights and humanitarian crisis in Ukraine, particularly at the reports of violations and abuses of human rights and violations of international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights, dating back to 2014,

*Deeply concerned* at the ongoing human rights violations and abuses in certain areas of the Donetsk and Luhansk regions of Ukraine controlled by the Russian Federation and in Crimea, temporarily occupied by the Russian Federation, involving extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, including sexual violence, arbitrary detentions and arrests, torture and ill-treatment, in particular to extract confessions, and psychiatric internment, and the forcible transfer or deportation of persons from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

*Concerned* about increasing reports of civilian casualties and the displacement of civilians, including more than 350,000 refugees, and at damage to and destruction of residential areas, schools, and critical civilian infrastructure, including a hospital and civilian water and fuel supplies caused by Russian bombing and shelling in civilian population areas,

*Stressing* the urgent need for the Russian Federation to immediately cease its military hostilities against Ukraine and for Belarus to immediately cease its support for these hostilities, for the prioritization of the protection of all civilians, including those displaced, and for full, timely, immediate, unhindered and safe humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law, including international human rights law, international humanitarian law and international refugee law,

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

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

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

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

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

*Underscoring* the obligation on all parties to the Geneva Conventions of 12 August 1949 to investigate and prosecute or extradite persons alleged to have committed, or to have ordered to be committed, grave breaches of the Geneva Conventions,

1. *Condemns in the strongest possible terms* the human rights violations and abuses resulting from the continuing military invasion by the Russian Federation of Ukraine, and reaffirms its strong commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters;

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

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

4. *Urges* immediate, safe and unhindered humanitarian access, including across conflict lines, to ensure that humanitarian assistance reaches all those in need, particularly those in vulnerable situations, and to respect the independence of humanitarian agencies and the protection of humanitarian personnel;

5. *Expresses grave concern* at the documented harm to the enjoyment of many human rights, including the rights to life and to the highest attainable standard of health, caused by Russian shelling and bombing in civilian population areas;

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

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

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

9. *Decides* to urgently establish an independent international commission of inquiry, constituted by three human rights experts, to be appointed by the President of the Human Rights Council for an initial duration of one year, complementing and building upon the work of the human rights monitoring mission in Ukraine, with the following mandate:

(a) To investigate all alleged violations and abuses of human rights and violations of international humanitarian law in Crimea and certain areas of Donetsk and Luhansk regions since 2014, and in other areas of Ukraine since 22 February 2022;

(b) To establish the facts and circumstances that may amount to violations and abuses of human rights or violations of international humanitarian law in Ukraine;

(c) To collect, consolidate and analyse evidence of such violations and abuses, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in order to maximize the possibility of its admissibility in any future legal proceedings in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction;

(d) To document and verify relevant information and evidence, including through field engagement and by cooperating with judicial and other entities, as appropriate;

(e) To identify, where possible, those responsible for violations or abuses of human rights or violations of international humanitarian law in Ukraine, with a view to ensuring that those responsible are held accountable;

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

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

10. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources necessary to enable the commission of inquiry to carry out its mandate and the resources and expertise necessary to enable the Office of the United Nations High Commissioner for Human Rights to provide such administrative,

technical and logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence-collection;

11. *Calls upon* all relevant parties and States, and encourages civil society, the media and other relevant stakeholders, to cooperate fully with the commission of inquiry to allow it to effectively fulfil its mandate, and to provide it with relevant information or documentation they may possess or come to possess, as appropriate;

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

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

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