



# General Assembly

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## Seventy-sixth session

Agenda item 74 (c)

### **Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

#### **Report of the Third Committee\***

*Rapporteur:* Ms. Maria-Iuliana Niculae (Romania)

#### **I. Introduction**

1. At its 2nd plenary meeting, on 17 September 2021, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-sixth session, under the item entitled “Promotion and protection of human rights”, sub-item 74 (c), entitled “Human rights situations and reports of special rapporteurs and representatives”, and to allocate it to the Third Committee.

2. The Committee considered proposals and took action on the sub-item at its 13th and 14th meetings, on 17 November. An account of the Committee’s discussion is contained in the relevant summary records.<sup>1</sup> Attention is also drawn to the general debate held by the Committee at its 1st to 6th meetings, on 30 September and on 1, 4 and 7 October.<sup>2</sup>

3. The Committee, pursuant to the organization of work adopted at its 1st meeting, and taking into account the prevailing conditions relating to the coronavirus disease (COVID-19) on the working arrangements for its seventy-sixth session and the available technological and procedural solutions in the interim period, convened 20 virtual informal meetings to hear introductory statements and hold interactive dialogues on sub-item 74 (c) jointly with sub-item 74 (a), entitled “Implementation of human rights instruments”, sub-item 74 (b), entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human

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\* The report of the Committee on this item is being issued in five parts, under the symbols [A/76/462](#), [A/76/462/Add.1](#), [A/75/462/Add.2](#), [A/76/462/Add.3](#) and [A/76/462/Add.4](#).

<sup>1</sup> [A/C.3/76/SR.13](#) and [A/C.3/76/SR.14](#).

<sup>2</sup> See [A/C.3/76/SR.1](#), [A/C.3/76/SR.2](#), [A/C.3/76/SR.3](#), [A/C.3/76/SR.4](#), [A/C.3/76/SR.5](#) and [A/C.3/76/SR.6](#). Pursuant to the organization of work adopted at the 1st meeting, on 30 September, official statements received by the Secretariat for posting on eStatements can be accessed at the following link: [journal.un.org](http://journal.un.org).



rights and fundamental freedoms”, and sub-item 74 (d), entitled “Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action”. The proceedings of the virtual informal meetings are reflected in the annex to document [A/76/462](#).

4. Also pursuant to the organization of work adopted at its 1st meeting, and in lieu of the holding of in-person general discussions of agenda items allocated to the Third Committee, official statements received by the Secretariat under the item can be accessed through the Third Committee Place of the e-deleGATE portal.

5. For the documents before the Committee under this sub-item, see document [A/76/462](#).

6. At the 13th meeting, the representative of Azerbaijan made a statement on behalf of the Movement of Non-Aligned Countries with regard to the draft resolutions before the Committee under the sub-item.<sup>3</sup>

## II. Consideration of proposals

### A. Draft resolution [A/C.3/76/L.27](#)

7. At its 13th meeting, on 17 November, the Committee had before it a draft resolution entitled “Situation of human rights in the Democratic People’s Republic of Korea” ([A/C.3/76/L.27](#)), submitted by Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland. Subsequently, Albania, Andorra, Australia, Benin, Bosnia and Herzegovina, Chile, Georgia, Honduras, Israel, Kiribati, Maldives, the Marshall Islands, Micronesia (Federated States of), New Zealand, Norway, Palau, the Republic of Moldova, San Marino, Serbia, Turkey, Tuvalu, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Vanuatu joined in sponsoring the draft resolution.

8. At the same meeting, the representative of Slovenia, on behalf of the European Union and Albania, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, the Republic of Moldova, Serbia, Turkey and Ukraine, made a statement.

9. Also at the same meeting, the Committee adopted draft resolution [A/C.3/76/L.27](#) (see para. 34, draft resolution I).

10. Before the adoption of the draft resolution, statements were made by the representatives of the Democratic People’s Republic of Korea, Venezuela (Bolivarian Republic of) (on behalf of the Group of Friends in Defence of the United Nations Charter, composed of Algeria, Angola, Belarus, Bolivia (Plurinational State of), Cambodia, China, Cuba, the Democratic People’s Republic of Korea, Equatorial Guinea, Eritrea, Iran (Islamic Republic of), the Lao People’s Democratic Republic, Nicaragua, the Russian Federation, Saint Vincent and the Grenadines, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Zimbabwe, as well as the State of Palestine), the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, Japan, Singapore, the Syrian Arab Republic, the United States of America, Iran (Islamic Republic of), Trinidad and Tobago, China, Cuba, Nigeria and

<sup>3</sup> See [A/C.3/76/SR.13](#).

Eritrea. After the adoption, statements were made by the representatives of the Algeria, Belarus, the Philippines and Viet Nam.

## **B. Draft resolution [A/C.3/76/L.28](#)**

11. At its 13th meeting, on 17 November, the Committee had before it a draft resolution entitled “Situation of human rights in the Islamic Republic of Iran” ([A/C.3/76/L.28](#)), submitted by Albania, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Kiribati, Latvia, Lithuania, Luxembourg, Malta, the Marshall Islands, Micronesia (Federated States of), Monaco, the Netherlands, North Macedonia, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Andorra, Belgium, Greece, Italy, Liechtenstein, Montenegro, Palau, the Republic of Moldova, Romania, San Marino, Tuvalu and Ukraine joined in sponsoring the draft resolution.

12. At the same meeting, the representative of Canada, also on behalf of Albania, Australia, Austria, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Kiribati, Latvia, Lithuania, Luxembourg, Malta, the Marshall Islands, Micronesia (Federated States of), Monaco, the Netherlands, North Macedonia, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, made a statement.

13. Also at the same meeting, the Committee adopted draft resolution [A/C.3/76/L.28](#) by a recorded vote of 79 to 30, with 71 abstentions (see para. 34, draft resolution II). The voting was as follows:<sup>4</sup>

### *In favour:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Botswana, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Myanmar, Netherlands, New Zealand, North Macedonia, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Seychelles, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Timor-Leste, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen.

### *Against:*

Afghanistan, Armenia, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People’s Republic of Korea, Eritrea, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kyrgyzstan, Lebanon, Nicaragua, Oman, Pakistan, Philippines, Russian Federation, Sri Lanka, Syrian Arab Republic, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

<sup>4</sup> The delegation of Barbados subsequently indicated that, had it been present, it would have voted in favour. The delegation of the United Arab Emirates subsequently indicated that it had intended to abstain.

*Abstaining:*

Algeria, Angola, Antigua and Barbuda, Belize, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Burundi, Cabo Verde, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Papua New Guinea, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sudan, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Vanuatu, Zambia.

14. Before the vote, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America, and the representatives of Iran (Islamic Republic of), Brazil, Cuba, Venezuela (Bolivarian Republic of), the Democratic People's Republic of Korea, the Syrian Arab Republic, the Russian Federation, China and Pakistan made statements in explanation of vote. After the vote, the representatives of Mexico, Japan and Belarus made statements in explanation of vote.

15. Also at the 13th meeting, statements were made by the representatives of Israel, Canada and Australia.

### C. Draft resolution [A/C.3/76/L.29](#)

16. At its 13th meeting, on 17 November, the Committee had before it a draft resolution entitled "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" ([A/C.3/76/L.29](#)), submitted by Australia, Austria, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Italy, Latvia, Lithuania, the Marshall Islands, the Netherlands, Norway, Poland, the Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Belgium, Ireland, Japan, Luxembourg, Malta, Micronesia (Federated States of), Montenegro, New Zealand, North Macedonia, Portugal and Romania joined in sponsoring the draft resolution.

17. At the same meeting, the representative of Ukraine made a statement.

18. Also at the same meeting, the Committee adopted draft resolution [A/C.3/76/L.29](#) by a recorded vote of 64 to 20, with 93 abstentions (see para. 34, draft resolution III). The voting was as follows:

*In favour:*

Albania, Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Botswana, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Against:*

Armenia, Belarus, Cambodia, China, Cuba, Democratic People's Republic of Korea, Eritrea, India, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Mali, Nicaragua, Philippines, Russian Federation, Serbia, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burundi, Cabo Verde, Cameroon, Central African Republic, Chile, Colombia, Comoros, Congo, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Suriname, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia.

19. Before the vote, statements were made by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Slovenia (on behalf of the European Union and its member States, as well as Albania, Georgia, Montenegro, North Macedonia, the Republic of Moldova and Ukraine) and Georgia, and the representatives of the Russian Federation, Venezuela (Bolivarian Republic of), Azerbaijan, Iran (Islamic Republic of), the Syrian Arab Republic and the Democratic People's Republic of Korea made statements in explanation of vote. After the vote, the representatives of Belarus, Singapore, China and Mexico made statements in explanation of vote.

**D. Draft resolution [A/C.3/76/L.30/Rev.1](#)**

20. At its 13th meeting, on 17 November, the Committee had before it a revised draft resolution entitled "Situation of human rights of Rohingya Muslims and other minorities in Myanmar" ([A/C.3/76/L.30/Rev.1](#)), submitted by Austria, Belgium, Bulgaria, the Central African Republic, Croatia, Cyprus, Czechia, Denmark, Equatorial Guinea, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liberia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, the Niger (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation), North Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Andorra, Argentina, Australia, Bosnia and Herzegovina, Canada, Costa Rica, Iceland, Japan, Liechtenstein, the Marshall Islands, Mexico, New Zealand, Norway, the Republic of Korea, San Marino, Switzerland and Ukraine joined in sponsoring the draft resolution.

21. At the same meeting, the representative of Saudi Arabia, on behalf of the Organization of Islamic Cooperation and the European Union, made a statement.

22. Also at the same meeting, the Committee adopted draft resolution [A/C.3/76/L.30/Rev.1](#) (see para. 34, draft resolution IV).

23. Before the adoption of the draft resolution, statements were made by the representatives of Myanmar, Indonesia, Iran (Islamic Republic of) and Malaysia. After the adoption, statements were made by the representatives of Bangladesh, Liechtenstein, Slovenia (on behalf of the European Union and its member States), the Philippines, Viet Nam, Switzerland, New Zealand, Canada, Belarus, the United States of America, Czechia and Singapore.

24. At the 14th meeting, on 17 November, statements were made by the representatives of Norway, Timor-Leste, Australia, China, Thailand and the Russian Federation.

#### **E. Draft resolution [A/C.3/76/L.31/Rev.1](#)**

25. At its 14th meeting, on 17 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in the Syrian Arab Republic" ([A/C.3/76/L.31/Rev.1](#)), submitted by Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Finland, France, Georgia, Germany, Iceland, Ireland, Italy, Lithuania, Luxembourg, the Marshall Islands, Micronesia (Federated States of), Monaco, the Netherlands, Poland, Qatar, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Andorra, Cyprus, Estonia, Greece, Hungary, Israel, Japan, Kuwait, Latvia, Liechtenstein, Malta, Montenegro, New Zealand, North Macedonia, Norway, Palau, Portugal, the Republic of Korea, Romania, San Marino and Switzerland joined in sponsoring the draft resolution.

26. At the same meeting, the Committee had before it a statement of the programme budget implications of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly ([A/C.3/76/L.69](#)).

27. Also at the same meeting, the representative of the United States of America made a statement.

28. Also at the same meeting, a statement on a point of order was made by the representative of the Syrian Arab Republic, to which the Chair responded.

29. Also at the 14th meeting, the representative of the United States of America made a statement and orally revised operative paragraph 64 of the draft resolution.

30. At the same meeting, the Committee adopted draft resolution [A/C.3/76/L.31/Rev.1](#), as orally revised, by a recorded vote of 95 to 13, with 66 abstentions (see para. 34, draft resolution V). The voting was as follows:

*In favour:*

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Myanmar, Nauru, Netherlands, New Zealand, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Turkey, Tuvalu, Ukraine, United

Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Against:*

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Eritrea, Iran (Islamic Republic of), Nicaragua, Russian Federation, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Angola, Armenia, Azerbaijan, Bangladesh, Belize, Bhutan, Brunei Darussalam, Burundi, Cameroon, Congo, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Tajikistan, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zambia.

31. Before the vote, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Qatar, Switzerland and Saudi Arabia, and the representatives of the Syrian Arab Republic, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Venezuela (Bolivarian Republic of), Cuba, the Russian Federation and China made statements in explanation of vote. After the vote, the representatives of Armenia, Belarus, Zimbabwe, Argentina and Turkey made statements in explanation of vote.

32. Also at the same meeting, statements were also made by the representatives of Slovenia (on behalf of the European Union and its member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, the Republic of Moldova and Ukraine) and Japan.

33. Also at the 14th meeting, statements in exercise of the right of reply were made by the representatives of Iran (Islamic Republic of), the Syrian Arab Republic, Azerbaijan and Armenia.

### III. Recommendations of the Third Committee

34. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### **Draft resolution I Situation of human rights in the Democratic People's Republic of Korea**

*The General Assembly,*

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

*Recalling* all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution [75/190](#) of 16 December 2020 and Council resolution [46/17](#) of 23 March 2021,<sup>1</sup> and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

*Deeply concerned* at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations and abuses in the Democratic People's Republic of Korea,

*Reiterating* 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,<sup>2</sup> and reiterating also its grave concern at the detailed findings contained therein,

*Recalling* the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

*Taking note* of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,<sup>3</sup> regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution [75/190](#),<sup>4</sup>

*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,<sup>5</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>6</sup> the Convention on the Rights of the Child,<sup>7</sup>

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<sup>1</sup> See *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. V, sect. A.

<sup>2</sup> [A/HRC/25/63](#).

<sup>3</sup> [A/76/392](#).

<sup>4</sup> [A/76/242](#).

<sup>5</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>6</sup> *Ibid.*

<sup>7</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

the Convention on the Elimination of All Forms of Discrimination against Women<sup>8</sup> and the Convention on the Rights of Persons with Disabilities,<sup>9</sup> and urging full implementation of these Conventions, and of the recommendations contained in the concluding observations from treaty body reviews,

*Reiterating* the importance of submitting the Democratic People's Republic of Korea third periodic report to the Committee on Economic, Social and Cultural Rights, which has been overdue since 30 June 2008, and its third periodic report to the Human Rights Committee, which has been overdue since 1 January 2004,

*Encouraging* the Democratic People's Republic of Korea to implement the recommendations contained in the report of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities on her visit to the Democratic People's Republic of Korea in May 2017, submitted to the Human Rights Council at its thirty-seventh session,<sup>10</sup>

*Stressing* the importance of extending the cooperation of the Government of the Democratic People's Republic of Korea to other United Nations special procedures and human rights mechanisms, in particular the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with their terms of reference,

*Recalling* the participation of the Democratic People's Republic of Korea in the third universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 132 of the 262 recommendations,<sup>11</sup> and encouraging the Government to implement these recommendations in good faith,

*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 is able to independently monitor, document and report on human rights violations in the country,

*Recalling* the collaboration established between the Government of the Democratic People's Republic of Korea and the Office of the United Nations High Commissioner for Human Rights in providing human rights education to a small number of government officials in Geneva in May 2019, and urging that such technical cooperation be broadened, including through virtual meetings,

*Stressing* the importance of extending the cooperation of the Government of the Democratic People's Republic of Korea to the field-based structure of the Office of the United Nations High Commissioner for Human Rights in the region,

*Noting* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, including communication with the World Health Organization on addressing the coronavirus disease (COVID-19) pandemic and the delivery of COVID-19 vaccines to the Democratic People's Republic of Korea,

*Noting also* the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea prior to the withdrawal of international staff, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance

<sup>8</sup> Ibid., vol. 1249, No. 20378.

<sup>9</sup> Ibid., vol. 2515, No. 44910.

<sup>10</sup> A/HRC/37/56/Add.1.

<sup>11</sup> A/HRC/42/10.

and that they continue to be implemented even within the context of measures to prevent the spread of COVID-19,

*Noting further* the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on a number of assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual situation with regard to food security, nutrition, health, water and sanitation, and thereby in supporting donor confidence in the targeting of aid programmes and monitoring, and noting with appreciation the work of international aid operators,

*Stressing the importance* of international humanitarian aid organizations to carry out independent needs assessments and implement their humanitarian programmes consistent with international standards and humanitarian principles, including in areas with no operational presence, as well as the need for full, safe, rapid and unhindered access for the humanitarian organizations to provide assistance to persons in the most vulnerable situations, including individuals in detention, and persons with disabilities, including through the entry of international staff and the prioritization of the shipment of life-saving humanitarian assistance, in accordance with guidance and best practice provided by the World Health Organization,

*Recalling* the United Nations humanitarian report entitled "Democratic People's Republic of Korea 2020: needs and priorities" and the joint rapid food security assessments conducted by the Food and Agriculture Organization of the United Nations and the World Food Programme and their calls to address the critical humanitarian needs in the Democratic People's Republic of Korea,

*Noting with concern* the findings of the United Nations in 2020 that 10.4 million people in the Democratic People's Republic of Korea were in need of nutrition support and food and improved access to basic services, such as health care, clean water, sanitation and hygiene, one third of children aged 6 to 23 months did not receive a minimum acceptable diet, which contributed to 1 in 5 children suffering from stunting (chronic malnutrition), around 8.4 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 50 per cent of people living in rural areas, and, in this context, condemning the Democratic People's Republic of Korea for diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people, 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,

*Noting with grave concern* the exacerbation of the existing humanitarian situation and the adverse impact on the human rights situation in the Democratic People's Republic of Korea, following the global outbreak of the COVID-19 pandemic, and stressing that any restrictions to address the COVID-19 pandemic must be necessary, proportionate, non-discriminatory, time-bound and strictly in line with international law, including international human rights law, and with relevant Security Council resolutions,

*Taking note* of the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021 and the Government's commitment in accordance with the

principles, goals and targets of the Sustainable Development Goals<sup>12</sup> and in line with its commitments to international agreements and conventions,

*Stressing again with grave concern* the urgency and importance of the issue of international abductions, which involves a serious violation of human rights, and of the immediate return of all abductees, as they and their family members age, expressing grave concern at the long years of severe suffering experienced by abductees and their families, and the lack of any concrete or positive action by the Democratic People's Republic of Korea, notably since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and strongly demanding again that the Democratic People's Republic of Korea address all allegations of enforced disappearances, faithfully provide accurate and detailed information to the families of the victims on the fates and whereabouts of their missing relatives and resolve immediately all issues related to all abductees, in particular the realization of the immediate return of all abductees of Japan and the Republic of Korea,

*Noting with concern* the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants,

*Stressing* the urgency and importance of the issue of separated families, including affected Koreans worldwide, in this regard urging the resumption of the reunions of separated families across the border, including the implementation of 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 allow 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,

*Welcoming and further encouraging* the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's Republic of Korea, and noting that human rights, including gender equality, are intrinsically linked to peace and security,

*Encouraging* diplomatic efforts, and stressing the importance of dialogue and engagement, including inter-Korean dialogue, to seek improvement of the human rights and the humanitarian situation in the country,

*Welcoming* the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross violations of human rights in and by the Democratic People's Republic of Korea, including those that may amount to crimes against humanity according to the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution [22/13](#) of 21 March 2013,<sup>13</sup> and those identified by the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea,<sup>14</sup> established pursuant to Human Rights Council resolution [31/18](#) of 23 March

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<sup>12</sup> See resolution [70/1](#).

<sup>13</sup> See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. IV, sect. A.

<sup>14</sup> See [A/HRC/34/66/Add.1](#).

2016,<sup>15</sup> and by the Office of the United Nations High Commissioner for Human Rights, and the continuing impunity for such violations;

2. *Expresses its very serious concern* about:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report, such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; all forms of sexual and gender-based violence, including rape, in particular against women and girls; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour, including of children;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) Enforced and involuntary disappearances of persons by arrest, detention or abduction against their will; refusal to disclose the fate and whereabouts of the persons concerned; and refusal to acknowledge the deprivation of their liberty, which places such persons subjected thereto outside the protection of the law and which has had the effect of inflicting severe suffering on them and their families;

(iv) The forcible transfer of populations and the limitations imposed on persons wishing to move freely within the country and travel abroad, including harming or punishing those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(v) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea, including where the Government of the Democratic People's Republic of Korea exerts pressure on returning States to effectuate such returns, and retaliations against citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment or punishment, sexual and gender-based violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees<sup>16</sup> and the 1967 Protocol thereto<sup>17</sup> in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(vi) All-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief, opinion and expression,

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<sup>15</sup> See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. IV, sect. A.

<sup>16</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

<sup>17</sup> *Ibid.*, vol. 606, No. 8791.

peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance, persecution, torture and other cruel, inhuman or degrading treatment or punishment, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone, including women, to take part in the conduct of public affairs, directly or through freely chosen representatives, of their country;

(vii) Violations of economic, social and cultural rights, exacerbated by the negative impact of the COVID-19 pandemic and the continued closure by the Democratic People's Republic of Korea of its borders, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities, older persons and political prisoners;

(viii) Violations of the human rights and fundamental freedoms of women and girls, in particular the creation of internal conditions that force women and girls to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of sexual exploitation, forced labour, domestic servitude or forced marriage and the subjection of women and girls to sexual and gender-based discrimination, including in the political and social spheres, as well as in detention, forced abortions and other forms of sexual and gender-based violence;

(ix) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, children without housing, children with disabilities, children whose parents are detained, deceased or otherwise absent, children living in detention or in institutions and children in conflict with the law;

(x) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(xi) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child, 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, and emphasizing in this context the importance of the full implementation of the requirement that nationals of the Democratic People's Republic of Korea earning income overseas be repatriated, subject to applicable national and international law, as soon as possible pursuant to paragraph 8 of Security Council resolution [2397 \(2017\)](#), the provision of final reports as soon as possible pursuant to the same and the prohibition on providing work

authorizations pursuant to paragraph 17 of resolution [2375 \(2017\)](#), and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers repatriated to the Democratic People's Republic of Korea;

(xii) 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;

(xiii) Violence and discrimination against women, including unequal access to employment and discriminatory laws and regulations;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur and several other United Nations special procedures, in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to report on the state of implementation of the recommendations contained in the outcome of its first,<sup>18</sup> second<sup>19</sup> and third<sup>20</sup> universal periodic reviews and to give consideration to the concluding observations of the treaty bodies;

3. *Condemns* the 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, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea to urgently resolve these issues of international grave concern, in a transparent manner, including by ensuring the realization of the immediate return of all abductees;

4. *Underscores its very serious concern* regarding reports of torture and other cruel, inhuman or 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;

5. *Expresses its very deep concern* at the precarious humanitarian situation in the country, exacerbated by limited capacity and resilience to natural disasters, as demonstrated by the recent drought and flooding, also exacerbated by the negative impact of the COVID-19 pandemic and the continued closure by the Democratic People's Republic of Korea of its borders and government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food, and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among persons in the most vulnerable situations, pregnant and lactating women, children, persons with disabilities, older persons and prisoners, including political prisoners, exacerbated due to lack of access to basic services, including health care as well as water, sanitation and hygiene services, as well as the outbreak of the global COVID-19 pandemic, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating with international

<sup>18</sup> [A/HRC/13/13](#).

<sup>19</sup> [A/HRC/27/10](#).

<sup>20</sup> [A/HRC/42/10](#).

donor and humanitarian agencies for accessing people in vulnerable situations, facilitating the implementation of programmes and monitoring humanitarian assistance consistent with international standards;

6. *Welcomes* the latest report to the Human Rights Council of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,<sup>21</sup> including the efforts to uphold a two-track approach of engagement and accountability, given the need for a comprehensive approach;

7. *Reiterates its appreciation* for the report of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea,<sup>22</sup> established pursuant to Human Rights Council resolution 31/18, including options to seek accountability and secure truth and justice for all victims;

8. *Welcomes* the latest report of the United Nations High Commissioner for Human Rights<sup>23</sup> on steps taken pursuant to Human Rights Council resolutions 34/24 of 24 March 2017<sup>24</sup> and 40/20 of 22 March 2019,<sup>25</sup> and also welcomes Council resolution 46/17, which continue to strengthen the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability aimed at strengthening current monitoring and documentation efforts, establishing a central repository for information and evidence 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;

9. *Also welcomes* the steps taken pursuant to Human Rights Council resolution 46/17 to continue the efforts outlined above, expresses strong support for the work being undertaken by the Office of the United Nations High Commissioner for Human Rights in furtherance of the resolution, with the aim of ensuring accountability for suspected violations of international law committed in and by the Democratic People's Republic of Korea, and calls upon all States to support such efforts;

10. *Reiterates its appreciation* for the work of the commission of inquiry and acknowledges the importance of its report and the finding that the body of testimony gathered and the information received provide 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, which was confirmed by the United Nations High Commissioner for Human Rights in her report to the Human Rights Council submitted pursuant to resolutions 34/24 and 40/20;

11. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

12. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of

<sup>21</sup> A/HRC/46/51.

<sup>22</sup> A/HRC/34/66/Add.1.

<sup>23</sup> A/HRC/46/52.

<sup>24</sup> See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. IV, sect. A.

<sup>25</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53 (A/74/53)*, chap. IV, sect. A.

referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

13. *Also encourages* the Security Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea and invite the Office of the United Nations High Commissioner for Human Rights to give a briefing to the Council, including on the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

14. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights, including through its field-based structure in Seoul, in developing a central repository for information and evidence relating to suspected violations of international law, and assessing all such evidence and information in order to develop possible strategies to be used in any future accountability process, and also encourages the cooperation of the Office with a wide range of stakeholders in the procurement of evidence that could be used in future criminal proceedings;

15. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the United Nations High Commissioner for Human Rights can function with independence, has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

16. *Also calls upon* Member States to continue to support the strengthening of the Office of the United Nations High Commissioner for Human Rights, 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 and in accordance with Human Rights Council resolutions [34/24](#), [40/20](#) and [46/17](#) aimed at strengthening 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;

17. *Further calls upon* Member States to engage with the Office of the United Nations High Commissioner for Human Rights in the development of strategies for future accountability processes and undertake, where possible, the investigation and prosecution of persons suspected of committing international crimes in the Democratic People's Republic of Korea, in accordance with international law;

18. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations and abuses of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay, and to immediately conduct a comprehensive review of conditions in detention facilities and take steps to ensure that conditions in those facilities are in compliance with relevant obligations and commitments relating to the humane treatment of persons in detention, as outlined in

the relevant provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);<sup>26</sup>

(c) To immediately cease the use of torture and other cruel, inhumane and degrading treatment or punishment, including in places of detention;

(d) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations and abuses of human rights are brought to justice before an independent judiciary;

(e) To tackle the root causes leading to outflows of migrants and refugees and to prosecute, in trials that meet international human rights standards for fair trial, those involved in migrant smuggling, trafficking in human beings and extortion, while not criminalizing the victims of trafficking, and ensure that repatriated women who are victims of trafficking receive appropriate support and are not punished or sent to labour camps or prisons;

(f) To ensure 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;

(g) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(h) To provide citizens 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,<sup>27</sup> 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;

(i) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(j) To extend an invitation to the Office of the United Nations High Commissioner for Human Rights to visit the country;

(k) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, including the field-based structure in the region, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(l) To implement the accepted recommendations stemming from the universal periodic reviews and to submit a midterm voluntary report to detail progress on the implementation of recommendations accepted from the third cycle;

<sup>26</sup> Resolution 70/175, annex.

<sup>27</sup> United Nations, *Treaty Series*, vol. 596, No. 8638.

(m) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization;

(n) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(o) To ensure full, safe and unhindered access of persons in vulnerable situations to humanitarian aid, and take measures to allow humanitarian agencies to survey the needs of persons belonging to vulnerable groups, to obtain critical baseline data and to enable the unhindered and impartial delivery of such humanitarian aid to all parts of the country, on the basis of need in accordance with humanitarian principles, as it pledged to do, to furthermore ensure access to adequate basic services and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production and distribution measures and the allocation of more funds to the food sector, to allow adequate monitoring of humanitarian assistance and to allow humanitarian organizations to carry out their activities in the context of the COVID-19 pandemic;

(p) To cooperate with the COVID-19 Vaccine Global Access (COVAX) Facility and relevant bodies to ensure the timely delivery and distribution of COVID-19 vaccines, which are important to each person's right to the enjoyment of the highest attainable standard of health, including through the entry of international staff and the prioritization of the shipment of life-saving humanitarian assistance, in accordance with guidance and best practice provided by the World Health Organization;

(q) To further improve cooperation with the United Nations country team members and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;

(r) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the concluding observations of such bodies in order to improve the human rights situation in the country;

19. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry, the group of independent experts and the Office of the United Nations High Commissioner for Human Rights without delay;

20. *Reiterates* the importance of maintaining high on the international agenda the grave human rights situation in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the United Nations High Commissioner for Human Rights to strengthen those activities;

21. *Encourages* all Member States which have an ongoing dialogue with the Democratic People's Republic of Korea to continue to advocate for the establishment of lasting peace and security in the Korean Peninsula and to address the human rights situation;

22. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the United Nations Secretariat, 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 implement or take forward those recommendations, and to also support efforts aimed at improving dialogue, including inter-Korean dialogue, on the humanitarian and human rights situation, including international abductions, in the Democratic People's Republic of Korea;

23. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

24. *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic reviews, human rights treaty body reviews and from the report of the commission of inquiry;

25. *Calls upon* the Democratic People's Republic of Korea to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

26. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-seventh session, and to this end requests the Secretary-General to submit a comprehensive report on the situation of human rights in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry.

## Draft resolution II

### Situation of human rights in the Islamic Republic of Iran

*The General Assembly,*

*Guided* by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> and other international human rights instruments,

*Recalling* its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution [75/191](#) of 16 December 2020,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution [75/191](#)<sup>3</sup> and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran,<sup>4</sup> submitted pursuant to Council resolution [46/18](#) of 23 March 2021;<sup>5</sup>

2. *Recalls* the statements made by the new President of the Islamic Republic of Iran with regard to the human rights situation in the country;

3. *Welcomes* the continuing efforts of the Islamic Republic of Iran to host one of the largest refugee populations in the world, including approximately 1 million registered Afghan refugees, and to provide them with access to basic services, in particular health care, including coronavirus disease (COVID-19) vaccinations, and education for children;

4. *Also welcomes* the approval in May 2018 by the Parliament of the Islamic Republic of Iran of the Law for the Protection of the Rights of Persons with Disabilities and subsequent discussions regarding its implementation, while noting that the law remains unimplemented, and urges the authorities to work together with civil society and persons with disabilities to ensure that sufficient State funds are allocated for its implementation and monitoring;

5. *Acknowledges* the commitments made by the Iranian authorities with regard to improving the situation of women and girls, and calls upon the relevant Iranian authorities to ensure the swift adoption and implementation of the bill on protecting women against violence presented to Parliament in January 2021, as well as the implementation of the amendment to the Nationality Law, which gives Iranian women married to men with foreign nationality the right to request Iranian citizenship for their children under the age of 18 years;

6. *Welcomes* the adoption of a bill to protect children and adolescents, noting the effort to prioritize children's education and the online schooling programme launched to facilitate virtual learning during the COVID-19 pandemic, and emphasizes the importance of continuing discussions on prohibiting child, early and forced marriage, female genital mutilation, child torture and other cruel, inhuman or degrading treatment or punishment, removing the death penalty for child offenders and equalizing the age of criminal responsibility for both girls and boys;

7. *Also welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with

<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> Resolution [2200 A \(XXI\)](#), annex.

<sup>3</sup> [A/76/268](#).

<sup>4</sup> [A/76/160](#).

<sup>5</sup> See *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. V, sect. A.

the Office of the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

8. *Further welcomes* the ongoing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedure mandate holders;

9. *Welcomes* the expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights, and calls upon them to increase such dialogues or resume those that have been paused;

10. *Acknowledges* the efforts of the Government of the Islamic Republic of Iran to mitigate the impact of the COVID-19 pandemic on human rights, in cooperation with international aid organizations, welcomes the recent acceleration of the COVID-19 vaccination campaign, and calls upon the Government to continue to combat sexual and gender-based violence, including sexual assault and sexual and gender-based violence affecting intimate partners, including during the COVID-19 pandemic;

11. *Expresses serious concern* at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including executions undertaken against persons on the basis of forced confessions or for crimes that do not qualify as the most serious crimes, including crimes that are overly broad or vaguely defined, in violation of the International Covenant on Civil and Political Rights,<sup>6</sup> expresses serious concern at the disproportionate application of the death penalty to persons belonging to minorities, who are particularly targeted for death sentences relating to their alleged involvement in political groups, expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without prior notification of the prisoner's family members or legal counsel, as required by Iranian law, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary, and to consider establishing a moratorium on executions;

12. *Also expresses serious concern* at the continued imposition of the death penalty by the Islamic Republic of Iran against minors, and urges the Islamic Republic of Iran to cease the imposition of the death penalty against minors, including persons who at the time of their offence were under the age of 18, in violation of the Convention on the Rights of the Child,<sup>7</sup> and to commute the sentences for child offenders on death row;

13. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations and standards, including but not limited to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>8</sup> and to ensure that allegations of torture are promptly and impartially investigated;

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<sup>6</sup> See resolution 2200 A (XXI), annex.

<sup>7</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>8</sup> Resolution 70/175, annex.

14. *Urges* the Islamic Republic of Iran to cease the widespread and systematic use of arbitrary arrests and detention, including the continued use of this practice to target dual and foreign nationals, and the practices of enforced disappearance and incommunicado detention, to release those who have been arbitrarily detained and to account for the fate or whereabouts of those subjected to enforced disappearance, and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice, in a language that the accused speaks and understands, from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial, and calls upon the Islamic Republic of Iran to ensure that it meets its obligations under article 36 of the Vienna Convention on Consular Relations<sup>9</sup> in relation to communication with and access to nationals of sending States who are in prison, custody or detention;

15. *Calls upon* the Islamic Republic of Iran to release persons detained for the exercise of their human rights and fundamental freedoms, including those who have been detained solely for taking part in peaceful protests, including the nationwide protests of November 2019 and January 2020, to uphold the human rights of those involved in peaceful protests, to consider rescinding unduly harsh sentences, including those involving the death penalty and long-term internal exile, and to end reprisals against human rights defenders, peaceful protesters and their families, journalists and media workers covering the protests, and individuals who cooperate or attempt to cooperate with the United Nations human rights mechanisms, and emphasizes the commitments made by judicial authorities to review the cases of those arrested in connection with the 2019 protests;

16. *Expresses serious concern* at the restrictions on the rights to freedom of peaceful assembly and of association, and the use of excessive force with respect to the peaceful protests regarding water shortages in July 2021 and labour rights between March 2020 and July 2021, calls upon the Islamic Republic of Iran to release human rights defenders working on labour and environmental issues subjected to arbitrary arrest and detention, and prison sentences, and urges the Government to address violations of the rights to social security and to just and favourable conditions of work, and to address wage arrears, denial of employee protections and benefits, unjustified dismissals and low worker wages, and to increase wages and pensions to ensure an adequate living standard;

17. *Strongly urges* the Islamic Republic of Iran to end violations of the rights to freedom of expression and of opinion, both online and offline, which includes the freedom to seek, receive and impart information, and to freedom of peaceful assembly and of association, including through practices such as disrupting communications through Internet shutdowns, or measures to unlawfully or arbitrarily block or take down media websites and social networks, and other widespread restrictions on Internet access or dissemination of information online;

18. *Encourages* the Government of the Islamic Republic of Iran to cooperate with all relevant authorities on investigations into allegations of harassment and intimidation of some families of the victims of the downing of Ukraine International Airlines flight 752, and calls upon the Government to ensure accountability for the downing;

19. *Calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, recognizing the particular risks for prisoners in the context of COVID-19 and welcoming in this regard the initiative to temporarily furlough prisoners so as to

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<sup>9</sup> United Nations, *Treaty Series*, vol. 596, No. 8638.

mitigate the risks associated with COVID-19 in prisons, to end the practice of deliberately denying prisoners access to adequate medical treatment and supplies, safe drinking water, sanitation and hygiene, or making such access contingent upon confession, and to put an end to the continued and sustained house arrest of opposition figures arrested following the 2009 post-presidential election protests, calls upon the Islamic Republic of Iran to establish credible and independent prison oversight authorities to investigate reports of suspicious deaths in detention and complaints of abuse, noting in particular appalling acts committed by prison guards at Evin prison, and urges the relevant authorities to conduct transparent, independent, impartial investigations and ensure accountability;

20. *Also calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment, both online and offline, in which an independent, diverse and pluralistic civil society can operate free from hindrance, insecurity and reprisals, to end its harassment, intimidation and persecution, including abductions, arrests and executions, of political opponents, human rights defenders, including minority and women human rights defenders and those defending the rights of persons belonging to minority groups, labour and trade union activists, students' rights defenders, environmentalists, academics, film-makers, journalists, bloggers, social media users and social media page administrators, media workers, religious leaders, artists, lawyers and their families, whether they are Iranians, dual nationals or foreign nationals, and wherever it may occur;

21. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, including by addressing gaps, adopting and implementing the January 2021 draft bill on protecting women against violence to address the concerning increase of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in political and other decision-making processes, and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to free, equitable primary and secondary education and women's free, equal and meaningful participation in the labour market and in all aspects of economic, cultural, social and political life, including participation in and attendance at sporting events, and expresses concern that a bill on youth and protection of the family currently in Parliament would, in its current form, undermine the rights of women and girls to the enjoyment of the highest attainable standard of physical and mental health;

22. *Calls upon* the Islamic Republic of Iran to release women human rights defenders imprisoned for exercising their rights, including the rights to freedom of association and peaceful assembly and the right to freedom of expression and opinion, and to take appropriate, robust and practical steps to protect women human rights defenders and guarantee their full enjoyment of all their human rights;

23. *Also calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic or other minorities, including but not limited to Arabs, Azeris, Balochis, Kurds and Turkmen, and their defenders;

24. *Expresses serious concern* about ongoing severe limitations and increasing restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, undue restrictions on burials carried out in accordance with religious tenets, attacks against places of worship and burial and other human rights violations, including but not limited to the increased

harassment, intimidation, persecution, arbitrary arrest and detention of, and incitement to hatred that leads to violence against, persons belonging to recognized and unrecognized religious minorities, including Christians, Gonabadi Dervishes, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and Baha'is, who have faced increasing restrictions and systemic persecution by the Government of the Islamic Republic of Iran on account of their faith and have been reportedly subjected to mass arrests and lengthy prison sentences during the COVID-19 pandemic, and calls upon the Government to cease monitoring individuals on account of their religious identity, to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, to cease the desecration of cemeteries and to ensure that everyone has the right to freedom of thought, conscience and religion or belief, including the freedom to have or to adopt a religion or belief of their choice, in accordance with its obligations under the International Covenant on Civil and Political Rights;

25. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination on the basis of thought, conscience, religion or belief, including restrictions contained in newly enacted provisions article 499 bis and article 500 bis of the Islamic Penal Code, as well as economic restrictions, such as the closure, destruction or confiscation of businesses and properties, the cancellation of licences and the denial of employment in certain public and private sectors, including government or military positions and elected office, the denial of and restrictions on access to education, including for members of the Baha'i faith, and other human rights violations against persons belonging to recognized and unrecognized religious minorities, condemns without any reservation any denial of the Holocaust, and calls upon the Islamic Republic of Iran to end impunity for those who commit crimes against persons belonging to recognized and unrecognized religious minorities;

26. *Also calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process, including legal reforms, reiterating the importance of credible, independent and impartial investigations in response to all cases of serious human rights violations, including allegations of excessive use of force, arbitrary arrest and detention, and torture and other cruel, inhuman or degrading treatment or punishment against peaceful protesters and political prisoners, failure to respect fair trial guarantees, and the use of torture to extract confessions, and cases of suspicious deaths in custody, as well as long-standing violations involving the Iranian judiciary and security agencies, including enforced disappearances, extrajudicial executions and destruction of evidence in relation to such violations, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations and ensure the availability of effective remedies for victims;

27. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to act upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

28. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special

procedure mandate holders, whose access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Continuing to enhance its cooperation with the treaty bodies, including by submitting reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination<sup>10</sup> and the International Covenant on Economic, Social and Cultural Rights;<sup>11</sup>

(d) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, its second cycle, in 2014, and its third cycle, in 2019, with the full and genuine participation of independent civil society and other stakeholders in the implementation process;

(e) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(f) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and its second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

29. *Also calls upon* the Islamic Republic of Iran to continue to translate the statements made by the new President of the Islamic Republic of Iran with respect to human rights into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

30. *Further calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

31. *Strongly encourages* the relevant thematic special procedure mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

32. *Requests* the Secretary-General to report to the General Assembly at its seventy-seventh session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its fiftieth session;

33. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-seventh session under the item entitled "Promotion and protection of human rights".

<sup>10</sup> Ibid., vol. 660, No. 9464.

<sup>11</sup> See resolution [2200 A \(XXI\)](#), annex.

### **Draft resolution III**

## **Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights,<sup>1</sup> international human rights treaties and other relevant international instruments and declarations,

*Recalling* the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>2</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>3</sup> the International Covenant on Civil and Political Rights<sup>4</sup> and the United Nations Declaration on the Rights of Indigenous Peoples,<sup>5</sup>

*Recalling also* the Geneva Conventions of 12 August 1949<sup>6</sup> and Additional Protocol I thereto, of 1977,<sup>7</sup> as applicable, as well as relevant customary international law,

*Confirming* the primary responsibility of States to promote and protect human rights,

*Reaffirming* the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations, recalling its resolution [2625 \(XXV\)](#) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein,

*Recalling* its resolution [3314 \(XXIX\)](#) of 14 December 1974, entitled “Definition of aggression”,

*Recalling also* its resolution [68/262](#) of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders and called upon all States, international organizations and specialized agencies not to recognize any alteration to the status of the Autonomous Republic of Crimea and the city of Sevastopol and to refrain from any action or dealing that might be interpreted as recognizing any such altered status,

*Recalling further* its resolutions [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 16 December 2020 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, its resolutions [73/194](#) of 17 December 2018, [74/17](#) of 9 December 2019 and [75/29](#) of 7 December 2020 on the problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov, and

<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

<sup>3</sup> *Ibid.*, vol. 1465, No. 24841.

<sup>4</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>5</sup> Resolution [61/295](#), annex.

<sup>6</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

<sup>7</sup> *Ibid.*, vol. 1125, No. 17512.

relevant decisions of international organizations, specialized agencies and bodies within the United Nations system,

*Gravely concerned* that the provisions of those resolutions and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system have not been implemented by the Russian Federation,

*Taking into account* the consideration of its agenda item entitled “The situation in the temporarily occupied territories of Ukraine”,

*Condemning* the ongoing temporary occupation of part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter “Crimea”) – by the Russian Federation, and reaffirming the non-recognition of its annexation,

*Recalling* that the General Assembly, in its resolution 3314 (XXIX), states that no territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful,

*Affirming* that the seizure of Crimea by force is illegal and a violation of international law, and affirming also that those territories must be immediately returned,

*Supporting* the commitment by Ukraine to adhering to international law in its efforts to put an end to the Russian occupation of Crimea, and welcoming the commitments by Ukraine to protecting the human rights and fundamental freedoms of all its citizens and its cooperation with human rights treaty bodies and international institutions,

*Recalling* that organs and officials of the Russian Federation established in the temporarily occupied Crimea are illegitimate and should be referred to as “occupying authorities of the Russian Federation”,

*Concerned* that applicable international human rights obligations and treaties, to which Ukraine is a party, are not respected by the occupying Power in Crimea, thus significantly decreasing the level of human rights in Crimea since its temporary occupation by the Russian Federation,

*Reaffirming* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law,

*Welcoming* the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, of the Commissioner for Human Rights of the Council of Europe and of the human rights assessment mission of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in which they stated that violations and abuses of human rights continued to take place in Crimea and pointed to the sharp deterioration of the overall human rights situation,

*Welcoming also* the reports of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine,

submitted pursuant to resolutions [71/205](#)<sup>8</sup> and [72/190](#),<sup>9</sup> and the reports of the Secretary-General submitted pursuant to resolutions [73/263](#),<sup>10</sup> [74/168](#)<sup>11</sup> and [75/192](#),<sup>12</sup>

*Expressing its concern* about the fact of prosecution by the occupying authorities of the Russian Federation in Crimea for publication of the reports of the Secretary-General submitted pursuant to the resolutions of the General Assembly on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine,

*Reaffirming its grave concern* that the human rights monitoring mission in Ukraine and the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine have continuously been denied access by the occupying Power to Crimea, despite their existing mandates, which cover the entire territory of Ukraine within its internationally recognized borders, and emphasizing the indispensable value that the human rights monitoring mission in Ukraine should provide in monitoring the human rights situation in Crimea as a priority activity according to its mandate,

*Concerned* about additional challenges for the enjoyment of human rights and fundamental freedoms by residents of Crimea resulting from unnecessary and disproportionate restrictive measures taken by the occupying Power under the pretext of combating the coronavirus disease (COVID-19) pandemic, as well as about the lack of ensuring and maintaining public health and hygiene, including measures on preventing the spread of COVID-19, in Crimea by the occupying Power in accordance with international humanitarian law,

*Expressing its grave concern* about the inadequate conditions of detention in penitentiary institutions, including overcrowded cells and a lack of proper medical care, which exposes the detainees to the risk of the spread of diseases, including COVID-19,

*Recalling* the prohibition under international humanitarian law for the occupying Power to compel the inhabitants of an occupied territory to swear allegiance to the occupying Power,

*Condemning* the imposition and retroactive application of the legal system of the Russian Federation, and its negative impact on the human rights situation in Crimea, the imposition of automatic Russian citizenship on protected persons in Crimea, which is contrary to international humanitarian law, including the Geneva Conventions and customary international law, and the deportation, regressive effects on the enjoyment of human rights and effective restriction of land ownership of those who have rejected that citizenship,

*Gravely concerned* by consistent reports that the Russian law enforcement system uses involuntary placement in a psychiatric institution as a form of harassment against and punishment of political opponents and activists,

*Deeply concerned* about continued reports that the law enforcement system of the Russian Federation conducts searches and raids of private homes, businesses and meeting places in Crimea, which disproportionately affect Crimean Tatars, and recalling that the International Covenant on Civil and Political Rights prohibits arbitrary or unlawful interference with a person's privacy, family, home or correspondence,

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<sup>8</sup> See [A/72/498](#).

<sup>9</sup> See [A/73/404](#).

<sup>10</sup> [A/74/276](#).

<sup>11</sup> [A/75/334](#) and [A/HRC/44/21](#).

<sup>12</sup> [A/76/260](#) and [A/HRC/47/58](#).

*Gravely concerned* that, since 2014, torture has reportedly been used by the Russian authorities to extract false confessions for politically motivated prosecutions, and expressing deep concern about the ongoing arbitrary detentions and arrests by the Russian Federation of Ukrainian citizens, including Emir-Usein Kuku, Halyna Dovhopola, Server Mustafayev, Vladyslav Yesypenko, Nariman Dzhelyal and many others,

*Deeply concerned* about the serious continued restrictions on the right to freedom of movement of persons who have previously been arbitrarily detained and have served sentences on politically motivated criminal charges, and who are judicially subject to such long-term restrictions after release,

*Gravely concerned* that the occupation continues to affect the enjoyment of social, cultural and economic rights by residents, including children, women, older persons, persons with disabilities and other persons belonging to groups in vulnerable and marginalized situations,

*Condemning* the reported serious violations and abuses committed against residents of Crimea, in particular 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, as well as deplorable treatment and conditions in detention, and their forcible transfer or deportation 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,

*Condemning also* the reported prosecutions and other reprisals against individuals who refused to provide the occupying authorities of the Russian Federation with testimony that might incriminate third parties,

*Deeply concerned* about restrictions faced by Ukrainians, including the indigenous people of Crimea – the Crimean Tatars, in exercising their economic, social and cultural rights, including the right to work, as well as the ability to maintain their identity and culture and to education in the Ukrainian and Crimean Tatar languages,

*Condemning* the reported destructions of cultural and natural heritage, illegal archaeological excavations, illicit transfer of cultural property and persecution of religious traditions, thereby purposefully erasing Ukrainian and Crimean Tatar cultural identities from the ethnocultural landscape of Crimea,

*Expressing concern* about the militarization and assimilation of young people in Crimea by the Russian Federation, including combat training for Crimean children for military service in the Russian armed forces and the introduction of a “military-patriotic” education system, and its blocking of the access of residents of Crimea to Ukrainian education,

*Gravely concerned* by the above-mentioned policies and practices of the Russian Federation, which cause a continuing threat and have caused a large number of Crimean residents to flee from Crimea,

*Recalling* that individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power, or to that of any other country, occupied or not, and the deportation or transfer by an occupying Power of parts of its own civilian population into the territory that it occupies, are prohibited under international humanitarian law, regardless of their motive,

*Deeply concerned* by consistent reports that the Russian Federation promotes policies and conducts practices aimed at changing the demographic structure in Crimea, and recalling in this respect that the occupying Power shall not deport or transfer parts of its own civilian population into the territory that it occupies,

*Concerned* about the conduct by the occupying Power of an all-Russian population census in Crimea, the legitimacy of which with regard to Crimea is not recognized,

*Reaffirming* the right of return of all internally displaced persons and refugees affected by the temporary occupation of Crimea by the Russian Federation to their homes in Crimea, and therefore stressing the need to respect their property rights and to refrain from obtaining property in violation of applicable international law,

*Concerned* about additional challenges for the enjoyment of human rights by residents of Crimea resulting from disruptive activities of the occupying Power, including the construction of infrastructure projects accompanied by the expropriation of land, demolition of houses and depletion of natural and agricultural resources, which have a negative impact on the physical character of Crimea and thus contribute to changing the economic and demographic structure of Crimea,

*Reaffirming its serious concern* that, according to the decision of the so-called “Supreme Court of Crimea” of 26 April 2016 and the decision of the Supreme Court of the Russian Federation of 29 September 2016, the Mejlis of the Crimean Tatar People, the self-governing body of the indigenous people of Crimea – the Crimean Tatars, continues to be declared an extremist organization and the ban on its activities has still not been repealed,

*Condemning* the ongoing pressure exerted upon religious minority communities, including through frequent police raids, demolition of and eviction from buildings dedicated to religion, undue registration requirements that have affected legal status and property rights and threats against and persecution of those belonging to the Orthodox Church of Ukraine, the Protestant Church, mosques and Muslim religious schools, Greek Catholics, Roman Catholics and Jehovah’s Witnesses, and condemning also the baseless prosecution of dozens of peaceful Muslims for allegedly belonging to Islamic organizations,

*Gravely concerned* about the constant use of military courts, including those located in the territory of the Russian Federation, to try civilian residents of Crimea and the failure of the occupying Power to respect fair trial standards,

*Condemning* the continuous widespread misuse of counter-terrorism and anti-extremism laws to suppress dissent,

*Strongly condemning* in this regard the ongoing pressure and mass detentions on terrorism, extremism and espionage grounds and other forms of repression against journalists and other media workers, human rights defenders and civil rights activists, including activists of the Crimean Solidarity civic initiative, which documents abuses on the peninsula and provides humanitarian assistance to the families of victims of politically motivated prosecutions,

*Recalling* the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*,<sup>13</sup>

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<sup>13</sup> See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 4 (A/72/4)*, chap. V, sect. A.

*Recalling also* the prohibition under the Geneva Conventions of 12 August 1949 for the occupying Power to compel protected persons to serve in its armed or auxiliary forces, including through pressure or propaganda that is aimed at securing voluntary enlistment, and condemning the ongoing recruitment campaign in Crimea and criminal prosecutions of Crimean men for draft evasion,

*Recalling further* that the safety of journalists and other media workers and a free press, or other media, are essential to promote the rights to freedom of expression and freedom to seek, receive and impart information and the enjoyment of other human rights and fundamental freedoms, concerned about reports that journalists, media workers and citizen journalists continue to face unjustified interference with their reporting activities in Crimea, and expressing deep concern that journalists, media workers and citizen journalists have been arbitrarily arrested, detained, prosecuted, harassed and intimidated in Crimea as a direct result of their reporting activities,

*Underlining* the importance of the measures to develop transparent, accessible, non-discriminatory and expeditious procedures and regulations governing access to Crimea for human rights defenders, journalists, media workers and lawyers, as well as the possibility to appeal, in accordance with national legislation and in conformity with all applicable international law,

*Condemning* the blocking by the Russian Federation of Ukrainian websites and television channels and the seizure of Ukrainian transmission frequencies in Crimea,

*Welcoming* the support provided by Ukraine to media outlets and civil society organizations that have fled Crimea, which improves the ability of the media and civil society to work independently and without interference,

*Concerned* about the continuing impunity in reported cases of enforced disappearances perpetrated in Crimea,

*Gravely concerned* by the recent documented cases in which the Federal Security Service of the Russian Federation allegedly tortured or ill-treated Crimean residents following their arrests, including by using beatings, electric shocks and suffocation against victims,

*Reiterating its concern* regarding multiple exercises of Russian armed forces held in Crimea, which entail considerable long-term negative environmental consequences for the region, impacting civilians' enjoyment of their human rights,

*Welcoming* the continued efforts of the Secretary-General, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international and regional organizations to support Ukraine in promoting, protecting and ensuring human rights, and expressing concern over the lack of safe and unfettered access by established regional and international human rights monitoring mechanisms and human rights non-governmental organizations to Crimea,

*Acknowledging* the importance of the release by the Russian Federation and Ukraine of detained persons on 29 December 2019 and 16 April 2020, and calling upon the Russian Federation to release all unlawfully detained Ukrainian citizens and to ensure their safe return to Ukraine,

1. *Deplores* the failure of the Russian Federation to comply with the repeated requests and demands of the General Assembly, as well as with the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*;

2. *Strongly condemns* the continuing and total disregard by the Russian Federation for its obligations under the Charter of the United Nations and international law regarding its legal responsibility for the occupied territory, including the responsibility to respect Ukrainian law and the rights of all civilians;

3. *Condemns* all attempts by the Russian Federation to legitimize or normalize its attempted annexation of Crimea, including the automatic imposition of Russian citizenship, illegal election campaigns and voting, population census, forcible change of the demographic structure of the population of Crimea and suppression of national identity;

4. *Also condemns* violations, abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities;

5. *Further condemns* the unlawful imposition of laws, jurisdiction and administration in the occupied Crimea by the Russian Federation, and demands that the Russian Federation respect obligations under international law with regard to respecting the laws in force in Crimea prior to occupation;

6. *Urges* the Russian Federation:

(a) To uphold all of its obligations under applicable international law as an occupying Power;

(b) To fully and immediately comply with the order of the International Court of Justice of 19 April 2017;

(c) To take all measures necessary to bring an immediate end to all violations and abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions and arrests, enforced disappearances, torture and other cruel, inhuman or degrading treatment, sexual and gender-based violence, including to compel apprehended persons to self-incriminate or “cooperate” with law enforcement, ensure fair trial, revoke all discriminatory legislation and hold accountable those responsible for those violations and abuses by ensuring the independent, impartial and effective investigation of all allegations;

(d) To refrain from arresting or prosecuting Crimean residents for non-criminal acts committed or opinions expressed, including in social media comments or posts, before the occupation, and release all Crimean residents who have been arrested or imprisoned for such acts;

(e) To respect the laws in force in Ukraine, repeal laws imposed in Crimea by the Russian Federation that allow for forced evictions and the confiscation of private property, including land in Crimea, in violation of applicable international law, and respect the property rights of all former owners affected by previous confiscations;

(f) To immediately release and allow the return to Ukraine, without preconditions, of Ukrainian citizens who were unlawfully detained and judged without regard for the requirements of international law, as well as those transferred or deported across internationally recognized borders from Crimea to the Russian Federation;

(g) To disclose the number and identity of individuals deported from Crimea to the Russian Federation to serve criminal sentences and take immediate action to allow the voluntary return of such individuals to Crimea;

(h) To end the practice of placing detainees in solitary confinement cells as a method of intimidation;

(i) To monitor and accommodate the medical needs of all Ukrainian citizens unlawfully detained for the exercise of their human rights and fundamental freedoms, including political prisoners, in Crimea and the Russian Federation and allow the monitoring of those detainees' state of health and conditions of detention by independent international monitors and physicians from reputable international health organizations, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the International Committee of the Red Cross, and investigate effectively all deaths in detention;

(j) To uphold the rights, in accordance with international law and until their release, of Ukrainian prisoners and detainees in Crimea and in the Russian Federation, including those on hunger strike, and encourages it to respect the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)<sup>14</sup> and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);<sup>15</sup>

(k) To provide Ukrainian consular officials with information on Ukrainian citizens detained in the Russian Federation, ensure freedom of consular communication with, and consular access to, detained Ukrainian citizens, in accordance with the Vienna Convention on Consular Relations,<sup>16</sup> to which the Russian Federation is a party, and allow Ukrainian officials, including the Ukrainian Parliament Commissioner for Human Rights, to visit all Ukrainian citizens, including political prisoners in Crimea and the Russian Federation;

(l) To address the issue of impunity and ensure that those found to be responsible for violations and abuses are held accountable before an independent judiciary;

(m) To create and maintain a safe and enabling environment for journalists and media workers and citizen journalists, human rights defenders and defence lawyers to perform their work independently and without undue interference in Crimea, including by refraining from travel bans, deportations, arbitrary arrests, detention and prosecution, and other restrictions on the enjoyment of their rights;

(n) To respect freedom of opinion and expression, which includes the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers, enable a safe environment for independent media pluralism and ensure a safe and enabling environment for civil society organizations;

(o) To respect freedom of opinion, association and peaceful assembly and freedom of thought, conscience and religion or belief, without discrimination on any grounds, and ensure unimpeded access, without any undue restrictions, to places of worship as well as gatherings for prayer and other religious practices;

(p) To restore enjoyment of the rights of all individuals, without any discrimination based on origin or religion or belief, revoke the decisions that banned cultural and religious institutions, non-governmental organizations, human rights organizations and media outlets and restore enjoyment of the rights of individuals belonging to ethnic communities in Crimea, in particular Ukrainians and Crimean Tatars, including that to engage in cultural gatherings;

(q) To respect the right to be free from arbitrary or unlawful interference with a person's privacy, family, home or correspondence;

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<sup>14</sup> Resolution [70/175](#), annex.

<sup>15</sup> Resolution [65/229](#), annex.

<sup>16</sup> United Nations, *Treaty Series*, vol. 596, No. 8638.

(r) To ensure that the right to freedom of opinion and expression and the rights to peaceful assembly and freedom of association can be exercised by all Crimean residents in any form, including single-person pickets, without any restrictions other than those permissible under international law, including international human rights law, and without discrimination on any grounds, and end the practices of abusing requirements of prior authorization for peaceful assemblies and issuing warnings or threats to potential participants in those assemblies;

(s) To refrain from criminalizing the rights to hold opinions without interference and to freedom of expression and the right to peaceful assembly and quash all penalties imposed on Crimean residents for expressing dissenting views, including regarding the status of Crimea;

(t) To ensure the availability of education in the Ukrainian and Crimean Tatar languages;

(u) To respect the rights of the indigenous peoples of Ukraine set out in the United Nations Declaration on the Rights of Indigenous Peoples, revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, repeal the decision banning leaders of the Mejlis from entering Crimea, repeal the sentences in absentia against Crimean Tatars and their leaders and immediately release those arbitrarily detained, including the leaders of the Mejlis of the Crimean Tatar People, and refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions;

(v) To end the practice of compelling Crimean residents to serve in the armed or auxiliary forces of the Russian Federation, including through pressure or propaganda, and in particular ensure that Crimean residents are not compelled to participate in military operations of the Russian Federation and cease using the education system for the propaganda of service in the armed or auxiliary forces of the Russian Federation among children;

(w) To end also the practice of criminal prosecution of inhabitants of Crimea who resist conscription into the armed or auxiliary forces of the Russian Federation;

(x) To end the practices of deporting Ukrainian citizens from Crimea for not taking Russian citizenship, including on the basis of the application of Russian Federation migration and correctional legislation, and of discriminating against Crimean residents for not possessing identity documents issued by the Russian Federation and for the use of Ukrainian identity documents, stop transferring its own civilian population to Crimea and end the practice of encouraging such transfers;

(y) To disclose to Ukraine full information on children who are Ukrainian citizens left without parental care in Crimea since the beginning of the occupation of the peninsula, including on those children who were subsequently adopted or transferred to foster families outside of Crimea, in order to ensure that Ukraine is able to provide protection and care to those children;

(z) To cooperate fully and immediately with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, including its Special Monitoring Mission to Ukraine, which must have safe, secure and unhindered access to the entire territory of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol, and the Council of Europe on the situation of human rights in Crimea;

(aa) To create the conditions, as well as provide the means, to allow for the voluntary, safe, dignified and unhindered return to their homes of all internally

displaced persons and refugees affected by the temporary occupation of Crimea by the Russian Federation;

(bb) To provide, on a continuous basis, sufficiently detailed information on the spread of COVID-19 in Crimea and on measures that it undertakes to ensure and maintain public health and hygiene in Crimea, and to assist the population of these territories in coping with the pandemic;

(cc) To uphold its responsibility, as the occupying Power, on ensuring adequate living conditions in Crimea, including by ensuring the fair distribution of freshwater resources for the civilian population;

(dd) To ensure that safe drinking water is enjoyed by all residents of Crimea without discrimination and they are provided with access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use;

(ee) To stop the policy of forcibly changing the demographic composition of the population and take the necessary measures aimed at limiting the free migration of citizens of the Russian Federation to the occupied territory;

(ff) To ensure compliance with its obligations under international law, including humanitarian law and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,<sup>17</sup> on the preservation of monuments of the cultural heritage of Ukraine in Crimea, in particular the monument “The ancient city of Chersonese and its Chora”, to prevent and stop reported illegal archaeological excavations on the territory of the Crimean peninsula and the illicit transfer of cultural property of Ukraine outside the occupied territory;

7. *Also urges* the Russian Federation to respect the right to freedom of religion or belief and guarantee its enjoyment by all residents of Crimea, and to lift discriminatory regulatory barriers prohibiting or limiting the activities of religious groups in Crimea, including, but not limited to, parishioners of the Orthodox Church of Ukraine, Muslim Crimean-Tatars and Jehovah’s Witnesses;

8. *Calls upon* the Russian Federation to address the substantive concerns and all recommendations highlighted in the reports of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as previous relevant recommendations from reports on the situation of human rights in Ukraine by the Office of the High Commissioner based on the work of the United Nations human rights monitoring mission in Ukraine established to prevent further deterioration of human rights in Crimea;

9. *Requests* the Secretary-General to continue to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine, to enable them to carry out their mandate;

10. *Urges* the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, including all places where persons may be deprived of their liberty, recognizing that the international presence and monitoring of compliance with international human rights law and international

<sup>17</sup> Ibid., vol. 249, No. 3511.

humanitarian law in Crimea are of paramount importance in preventing further deterioration of the situation;

11. *Supports* the efforts of Ukraine to maintain economic, financial, political, social, informational, cultural and other ties with its citizens in Crimea in order to facilitate their access to democratic processes, economic opportunities and objective information;

12. *Calls upon* all international organizations and specialized agencies of the United Nations system, when referring to Crimea in their official documents, communications, publications, information and reports, including with regard to statistical data of the Russian Federation or provided by the Russian Federation, as well as those placed or used on official United Nations Internet resources and platforms, to refer to “the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation”, and to refer to bodies of the Russian Federation and their representatives in Crimea as “occupation authorities of the Russian Federation”, and encourages all States and other international organizations to do the same;

13. *Calls upon* the international community to continue to support the work of the United Nations to ensure respect for international human rights law and international humanitarian law in Crimea;

14. *Calls upon* Member States to support human rights defenders in Crimea and to continue advocacy for the respect of human rights, including by condemning, at bilateral and multilateral forums, human rights violations and abuses committed in Crimea;

15. *Also calls upon* Member States to engage constructively in concerted efforts, including within international frameworks and the International Crimea Platform, aimed at improving the human rights situation in the occupied peninsula, as well as to continue to use all diplomatic means to press and urge the Russian Federation to comply with its obligations under international human rights law and as an occupying Power under international humanitarian law and to grant unimpeded access to Crimea for established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine and the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine;

16. *Requests* the Secretary-General to remain actively seized of the matter and to take all steps necessary, including within the Secretariat, to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of the present resolution;

17. *Also requests* the Secretary-General to continue to provide his good offices and pursue his discussions relating to Crimea, involving all relevant stakeholders and including the concerns addressed in the present resolution;

18. *Further requests* the Secretary-General to report to the General Assembly at its seventy-seventh session on the progress made in the implementation of all provisions of the present resolution, including options and recommendations to improve its implementation, and to submit for consideration an interim report to the Human Rights Council at its fiftieth session, to be followed by an interactive dialogue, in accordance with Council resolution [47/22](#) of 13 July 2021;<sup>18</sup>

19. *Decides* to continue its consideration of the matter at its seventy-seventh session under the item entitled “Promotion and protection of human rights”.

<sup>18</sup> See *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. VII, sect. A.

## Draft resolution IV

### Situation of human rights of Rohingya Muslims and other minorities in Myanmar

*The General Assembly,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> and other relevant international law and human rights law instruments,

*Recalling* that States have the primary responsibility to respect, protect and fulfil human rights,

*Recalling also* its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolutions [75/287](#) of 18 June 2021, [75/238](#) of 31 December 2020, [74/246](#) of 27 December 2019, [73/264](#) of 22 December 2018 and [72/248](#) of 24 December 2017, and recalling the resolutions and decisions of the Human Rights Council, the most recent of which being resolutions [47/1](#) of 12 July 2021,<sup>3</sup> [46/21](#) of 24 March 2021,<sup>4</sup> [S-29/1](#) of 12 February 2021,<sup>5</sup> [43/26](#) of 22 June 2020,<sup>6</sup> [42/3](#) of 26 September 2019,<sup>7</sup> [39/2](#) of 27 September 2018,<sup>8</sup> [37/32](#) of 23 March 2018<sup>9</sup> and [S-27/1](#) of 5 December 2017,<sup>10</sup> the presidential statements issued by the Security Council on 6 November 2017<sup>11</sup> and 10 March 2021,<sup>12</sup> and the press statements of the Security Council on the situation in Myanmar of 9 May 2018,<sup>13</sup> 4 February 2021<sup>14</sup> and 1 and 30 April 2021, as well as Security Council resolution [2467 \(2019\)](#) of 23 April 2019,

*Expressing its grave concern* at all violations and abuses of human rights in Myanmar, including before and following the declaration of the state of emergency on 1 February 2021 and its later extension by two years,

*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 rebuild and strengthen democratic institutions and processes, to refrain from violence and arbitrary detentions and to respect fully human rights, fundamental freedoms and the rule of law,

*Welcoming* the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the non-cooperation of Myanmar with the mandate, and urging Myanmar to extend full cooperation to the Special Rapporteur,

*Welcoming also* the work of the Special Envoy of the Secretary-General on Myanmar,

<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> Resolution [2200 A \(XXI\)](#).

<sup>3</sup> *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. VII, sect. A.

<sup>4</sup> *Ibid.*, chap. V, sect. A.

<sup>5</sup> *Ibid.*, chap. IV.

<sup>6</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. IV, sect. A.

<sup>7</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1)*, chap. II.

<sup>8</sup> *Ibid.*, *Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. II.

<sup>9</sup> *Ibid.*, *Supplement No. 53 (A/73/53)*, chap. IV, sect. A.

<sup>10</sup> *Ibid.*, chap. III.

<sup>11</sup> [S/PRST/2017/22](#); see *Resolutions and Decisions of the Security Council, 2017 (S/INF/72)*.

<sup>12</sup> [S/PRST/2021/5](#).

<sup>13</sup> SC/13331.

<sup>14</sup> SC/14430.

*Welcoming further*, in this regard, the appointment of the new Special Envoy, and encouraging her engagement and inclusive dialogue with all relevant stakeholders, including civil society, and affected populations,

*Welcoming* the report of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses Rohingya and other minorities in Myanmar are facing,<sup>15</sup> and reiterating the importance of fully implementing the recommendations contained in the report,

*Recalling* the work done by the independent international fact-finding mission on Myanmar, including its final report<sup>16</sup> and all its other reports, including the reports on the economic interests of the Myanmar military and on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, and furthermore deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

*Alarmed* by the findings of the independent international fact-finding mission on Myanmar of evidence of gross human rights violations and abuses suffered by Rohingya Muslims and other minorities, perpetrated by the security and armed forces of Myanmar, which, according to the fact-finding mission, undoubtedly amount to the gravest crimes under international law,

*Expressing deep concern* at the limited progress on the implementation of the fact-finding mission's recommendations to conduct prompt, effective, thorough, independent and impartial investigations and to hold perpetrators accountable for crimes committed across Myanmar,

*Concerned* that, contrary to the fact-finding mission's recommendations, laws, orders, policies and practices at all levels limiting freedoms of movement, expression, association and assembly, or which are discriminatory in their application or impact, have not been reviewed, amended or repealed,

*Welcoming* 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,

*Welcoming also* the reports of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to the General Assembly, including the third report submitted to the General Assembly on 5 July 2021,<sup>17</sup> and expressing its regret at the continued lack of access for and cooperation with the Mechanism,

*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 situation of human rights in Myanmar,

*Recognizing also* the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes, as stipulated in Chapter VIII of the

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<sup>15</sup> A/HRC/43/18.

<sup>16</sup> A/HRC/42/50.

<sup>17</sup> A/HRC/48/18.

Charter, while noting that such efforts do not preclude action under Chapter VI of the Charter,

*Recognizing further* the important role of regional organizations, in particular the Association of Southeast Asian Nations, in facilitating the creation of an environment in Myanmar that is conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced persons, including Rohingya Muslims, to Myanmar, and reiterating the need to work in close coordination and in full consultation with Rohingya Muslims, as well as with all relevant United Nations agencies and international partners, and to address the root causes of the crisis and displacement so that affected communities can rebuild their lives after their return to Myanmar,

*Welcoming* the statement made by the Chair of the Association of Southeast Asian Nations at its Leaders' Meeting, held on 24 April 2021 in Jakarta,<sup>18</sup> in which the Chair, 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, noting that these conditions are currently not met, and underscoring the importance of efforts to address the root causes of the situation in Rakhine State, and of the five-point consensus,

*Acknowledging* the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aimed at bringing peace and stability to Rakhine State and other states and regions of Myanmar, including through the work of its Secretary-General's special envoy for Myanmar,

*Welcoming* the report of the Secretary-General,<sup>19</sup>

*Taking note* of the ongoing processes to ensure justice and accountability in respect of alleged crimes committed against Rohingya Muslims and other minorities in Myanmar,

*Noting* that the International Criminal Court has authorized its Prosecutor to investigate alleged crimes within the Court's jurisdiction related to the situation in Bangladesh/Myanmar,

*Welcoming* the order of the International Court of Justice of 23 January 2020 indicating 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,<sup>20</sup> 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 that Myanmar submitted two reports in response to the Court's order in May and November 2020, and measures adopted in this regard,

*Noting* the publication of the executive summary of the report of the Independent Commission of Enquiry established by Myanmar in 2018, which, notwithstanding its limitations, acknowledges that war crimes, serious human rights violations and violations of domestic law had been committed by multiple actors and that there were reasonable grounds to believe that members of Myanmar security forces were involved, and regretting that the full report of the Commission at present remains unpublished,

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<sup>18</sup> A/75/868, annex.

<sup>19</sup> A/76/312.

<sup>20</sup> Resolution 260 A (III), annex.

*Condemning* all violations and abuses of human rights in Myanmar, including against Rohingya Muslims and other minorities, as well as the use of excessive force and violence by the Myanmar armed forces, including torture and sexual violence, which has led to injuries and fatalities in many cases, against peaceful demonstrators, as well as members of civil society, women, young people, children, minorities and others, and expressing its deep concern at undue restrictions to the activities of medical personnel, all other representatives of civil society, labour union members, journalists and media workers, and calling for the immediate release of all those detained arbitrarily, including foreign nationals,

*Reiterating its deep concern* at the excessive use of force by Myanmar security and armed forces, taking place in most states and regions, the continuing forced displacement of civilians, including of minorities, the recruitment and use of children, abductions, arbitrary detentions and killings, and the use of facilities functioning as schools for military purposes and for committing crimes, as well as reports of violations and abuses of human rights, including those involving the use of landmines, making conditions in Rakhine State unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons, including Rohingya,

*Reiterating* the urgent need to ensure that all those responsible for crimes related 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,

*Expressing deep concern* that, in Rakhine, 600,000 stateless Rohingya Muslims remain largely segregated and discriminated against in accessing citizenship and other fundamental rights, a large number of whom remain confined in camps with no freedom of movement and grossly restricted access to basic services, including health care and education, as well as livelihoods,

*Expressing its concern* that Rohingya Muslims and other minorities, in particular women and girls, remain at significant risk of sexual violence, notably following the conflict between the security and armed forces and the Arakan Army,

*Expressing its deep concern* at the reports of violence by the security and armed forces, which has disproportionately affected the Rohingya civilians and other minorities in Myanmar, where schools, religious sites and homes have been targeted,

*Reiterating its deep concern* at the escalating violence and the continuing forced displacement of civilians, as well as violations and abuses of human rights against Rohingya Muslims and other 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,

*Continuing to underline* the need for the security and armed forces of Myanmar and other armed groups to cease all actions that run counter to the protection of all persons within the country, including those belonging to the Rohingya community, by respecting international law, including international human rights law and international humanitarian law, and ending the violence, including sexual violence, and calling for urgent steps to ensure justice in respect of all human rights violations and violations of international humanitarian law so that those displaced by violence are able to voluntarily return in safety and dignity to their places of origin or to a place of their choice in a sustainable manner,

*Alarmed* at the continued attacks on humanitarian actors and the lack of access, and calling for all sides to abide by international law in this matter,

*Expressing its deep concern* at the lack of access given to the International Committee of the Red Cross to prisons, which has grave consequences on the ability of families to be informed about the health and conditions of prisoners, as well as on prisoners' access to medicine,

*Reiterating its deep distress* at reports that unarmed individuals in Rakhine State have been subjected to the excessive use of force and violations of human rights and international humanitarian law by the military and security and armed forces, including extrajudicial, summary or arbitrary killings, systematic rape and other forms of sexual and gender-based violence, arbitrary detention, enforced disappearance and government seizure of Rohingya lands from which Rohingya Muslims were evicted and their homes destroyed, and remaining concerned by the previous large-scale destruction of homes and systematic evictions in northern Rakhine State, including the use of arson and violence, as well as the unlawful use of force by non-State actors,

*Expressing concern* that, in northern Rakhine State, the implementation of policies under the guise of economic development and reconstruction by Myanmar and the heavy militarization of the area have resulted in the alteration of the demographic structure, which further prevents the members of the displaced Rohingya Muslim population from returning to Rakhine State,

*Recalling* the Secretary-General's call for a cessation of hostilities, as supported by Security Council resolution [2532 \(2020\)](#) of 1 July 2020, while stressing the need for continued de-escalation and an enduring ceasefire throughout the whole country, best achieved by dialogue between all parties,

*Recalling also* the organization of the fourth session of the Union Peace Conference in August 2020, and underlining its relevance for inclusive State- and nation-building,

*Reiterating its grave concern* that, in spite of the fact that Rohingya Muslims have lived in Myanmar for generations prior to the independence of Myanmar, held full documentation and participated actively in government and civic life, they were made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, from 2015, from the electoral process,

*Reaffirming* that the denial of citizenship status and related rights to Rohingya Muslims and other minorities, including voting rights, is a serious human rights concern,

*Re-emphasizing* the right of all refugees and the importance of internally displaced persons to be able to return home and that such returns should be in safety and dignity and in a voluntary and sustainable manner, and reminding the international community of its collective responsibility in handling forcibly displaced persons in the region,

*Expressing concern* at the irregular maritime movement of Rohingya, risking their lives in perilous conditions at the hands of exploitative smugglers, which highlights their desperate situation and the urgent need to address the root causes of their vulnerability,

*Alarmed* by the continued influx to Bangladesh over the last four decades of 1.1 million Rohingya Muslims from Myanmar, including over 902,000 currently living there, most of whom arrived since 25 August 2017 in the aftermath of atrocities committed by the security and armed forces of Myanmar,

*Recalling* the bilateral arrangement of return concluded between the Government of Bangladesh and the Government of Myanmar on 23 November 2017 in Nay Pyi Taw and the formation of the 30-member joint working group on

19 December 2017 to facilitate the repatriation of displaced Rohingyas to Myanmar, and regretting that no repatriation could commence under the arrangement owing to the lack of a conducive environment in Rakhine State,

*Underscoring* the need for the implementation of and subsequent follow-up to the status of the implementation of the memorandum of understanding between Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of all displaced persons from Rakhine State, including the Rohingya Muslims, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine so that they can meaningfully engage with the process,

*Reiterating its deep concern* over the continued spread of false news, hate speech and inflammatory rhetoric, in particular through social media, notably targeting Rohingya Muslims and other minorities,

*Reiterating its deep concern also* at the restrictions and attacks on civil society, journalists and media workers, including restrictions on seeking, receiving and imparting information, including Internet shutdowns in Myanmar, that may also exacerbate further the plight of Rohingya Muslims and other minorities,

*Underlining* the importance of the call by the Secretary-General for increased efforts to implement the recommendations of the Advisory Commission on Rakhine State, to address the root causes of the crisis, including those on access to citizenship for Rohingya, 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 and minority groups and persons in vulnerable situations, including on matters of citizenship for Rohingya,

*Recalling* the commitment of the Secretary-General to implementing the recommendations made by the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018,

*Expressing its concern* that recent developments since 1 February 2021 pose serious challenges to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and all internally displaced persons, 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 force that would lead to further displacement of Rohingya Muslims and other minorities, both internally and across borders,

*Underlining* the need for a peaceful solution for Myanmar, through an inclusive and peaceful dialogue between all parties, in accordance with the will and interests of the people of Myanmar,

*Stressing* the importance of ensuring equal opportunity for the representation and the full, equal and meaningful participation of Rohingya, other minorities and internally displaced persons, candidates and voters in all general elections, and that all people of Myanmar are able to cast their vote, allowing all candidates to contest elections fairly,

*Welcoming* the conclusions on children and armed conflict in Myanmar of the Working Group on Children and Armed Conflict of the Security Council,<sup>21</sup> and noting the concerns expressed by the Working Group about the grave violations committed against children and the concern about children and armed conflict in Myanmar expressed by the Secretary-General in his report,

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<sup>21</sup> S/AC.51/2019/2.

*Commending* the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies and the international community, including all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, welcoming in this regard the recently concluded memorandum of understanding between the Government of Bangladesh and the Office of the United Nations High Commissioner for Refugees to provide humanitarian assistance to the Rohingyas relocated to Bhashan Char, and recognizing the extensive investments that the Government of Bangladesh has made in its Bhashan Char project, including in the facilities and infrastructure,

*Welcoming* the statements made by the Chair of the Association of Southeast Asian Nations on 1 February and 2 March 2021, in which the Chair recalled the purposes and principles of the Charter of the Association, notably the principle of democracy, adherence to the rule of law, good governance and respect for and protection of human rights and fundamental freedoms, and called upon all parties to exercise utmost restraint and seek a peaceful solution through constructive dialogue and practical reconciliation in the interests of the people and their livelihoods,

*Welcoming also* the humanitarian assessments undertaken in northern Rakhine State by the Association of Southeast Asian Nations through its Coordinating Centre for Humanitarian Assistance on Disaster Management in May 2019, and the establishment of its ad hoc support team to implement the recommendations of the preliminary needs assessment of repatriation conditions in Rakhine State, and recognizing the need for closer engagement with the Rohingya refugee community, while encouraging close cooperation with all relevant United Nations agencies and international partners, and the need to address the root causes of the conflict, so that affected communities can rebuild their lives there,

*Noting with concern* the exacerbation of the existing humanitarian situation and the negative impact on the human rights situation in Myanmar, including access to education, following the global coronavirus disease (COVID-19) pandemic, and the declaration of the state of emergency on 1 February 2021, and stressing that measures to address the COVID-19 pandemic must be targeted, necessary, transparent, non-discriminatory, time-bound, proportionate and in accordance with obligations under applicable international human rights law,

*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 COVID-19 pandemic, including for persons in the most vulnerable situations, those affected or displaced by armed conflicts in the country and persons belonging to minorities, such as the Rohingya,

1. *Expresses grave concern* at continuing reports of serious human rights violations and abuses by the military and security forces as well as violations of international humanitarian law in Myanmar, notably against Rohingya and other minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, deliberate killing and maiming of children, recruitment and use of children for forced labour, attacks on schools and hospitals and protected persons in relation to schools and/or hospitals, indiscriminate shelling in civilian areas, destruction and burning of homes, deprivation of economic and social rights, the forced displacement of over 902,000 Rohingya and other minorities to Bangladesh, rape, sexual slavery and other forms of sexual and gender-based violence, as well as restrictions on exercising the rights to freedom of religion or belief, expression and peaceful assembly, and restrictions on media freedom and full Internet access and other restrictions;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, including related to and following the declaration of the state of emergency on 1 February 2021, and emphasizes the importance of conducting international, independent, fair and transparent investigations into the gross human rights violations in Myanmar, including sexual and gender-based violence and violations and abuses against women and children, and of holding accountable all those responsible for brutal acts and crimes against all persons, including Rohingya, in order to deliver justice to victims using all legal instruments and domestic, regional and international judicial mechanisms, including the International Court of Justice and the International Criminal Court, as applicable;

3. *Calls upon* the security and armed forces of Myanmar to respect the democratic aspirations of the people of Myanmar and allow the democratic transition, to end violence, to fully respect human rights, fundamental freedoms and the rule of law, and to end the state of emergency declared on 1 February 2021;

4. *Calls upon* the security and armed forces of Myanmar and other armed groups to heed the Secretary-General's calls for a global ceasefire and end all hostilities and violence, and calls for the immediate release of all those detained arbitrarily, including foreign nationals;

5. *Takes note* of the order of the International Court of Justice of 23 January 2020 indicating 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;

6. *Expresses grave concern* about the ongoing restrictions on humanitarian access in all conflict areas, including in Rakhine and Chin States, as well as the limited steps taken to ensure access to health care for Rohingya, particularly in the time of COVID-19, and urges the granting of full, unrestricted and safe 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 United Nations country task force on monitoring and reporting grave violations committed against children, the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, and 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 and without fear of reprisal, intimidation or attack, and expresses deep concern that international access to affected areas of northern Rakhine State and other areas affected by violence remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

7. *Calls upon* the United Nations to ensure that the Independent Mechanism for Myanmar, as established by the Human Rights Council in its resolution 39/2, 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, Member States, judicial authorities and private entities to cooperate fully with the Mechanism, including by granting it access and by providing it with every assistance in the execution of its mandate;

8. *Expresses grave concern* at the potential retraumatization of survivors of human rights violations and abuses, particularly child survivors and sexual violence survivors, and calls upon all actors engaging in documentation to follow the “do no harm” principle for evidence-gathering in order to respect the dignity of survivors and to avoid retraumatization, and calls for fully addressing the needs of victims and survivors and their right to effective remedy, including through prompt, effective and independent casualty recording and guarantees of non-recurrence;

9. *Reiterates* the urgent call upon Myanmar:

(a) To end immediately all violence and all violations of international law in Myanmar, to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya and persons belonging to other minorities, and to take all measures necessary to provide justice to victims, to ensure full accountability and to end impunity for all violations and abuses of human rights law and violations of international humanitarian law, starting with a full, transparent and independent investigation into reports of all these violations, and calls for the release of the report of the Independent Commission of Enquiry established in 2018 in full or to share its findings with relevant international mechanisms;

(b) To ensure through concrete actions the voluntary, safe, dignified and sustainable return and reintegration of Rohingya Muslims in Myanmar;

(c) To engage in inclusive, constructive and peaceful dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar, including Rohingya Muslims and other minorities;

(d) To create the conditions necessary for the safe, voluntary, dignified and sustainable return of all refugees, including Rohingya Muslim refugees, particularly in view of the fact that not a single Rohingya so far has returned through a bilaterally set up mechanism for repatriation between Bangladesh and Myanmar owing to the failure of Myanmar to create such conditions in Rakhine State;

(e) To build trust among Rohingya Muslims in camps in Bangladesh through confidence-building measures, including by arranging “go and see” visits to Rakhine State by Rohingya representatives;

(f) 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, alleviate suffering, address the root causes of the crisis, including by repealing or reforming discriminatory legislation, and forge a viable, lasting and durable solution;

(g) To fulfil its human rights obligations and commitments to protect the right to freedom of expression, including online, and the rights to freedom of association and peaceful assembly, to create and maintain a safe and enabling environment for civil society and independent media;

(h) To take the measures necessary to address the spread of discrimination and prejudice and to combat the incitement of hatred against Rohingya Muslims and persons belonging to other minorities, and to publicly condemn such acts and combat hate speech, while fully respecting international human rights law, as well as to promote interfaith dialogue in cooperation with the international community and encourage political and religious leaders in the country to work towards reconciliation among communities and national unity through dialogue, and to implement the Peacebuilding Fund project to address hate speech;

(i) To ensure an inclusive COVID-19 response, including through universal vaccination, to protect all persons and communities, in line with international

humanitarian law and human rights law, including the Rohingya Muslims and other minorities;

(j) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of all minorities, in particular relating to Rohingya Muslims, by, inter alia, reviewing and reforming the 1982 Citizenship Law, which has led to deprivation of human rights, 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;

(k) To dismantle the camps for internally displaced persons in Rakhine State with a clear timeline and without further delay, ensuring that the return and relocation of internally displaced persons is carried out in accordance with international standards and best practices, in cooperation with the United Nations and the international community, including as set forth in the Guiding Principles on Internal Displacement;<sup>22</sup>

(l) To accelerate full implementation of all the recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis;

(m) To ensure that Rohingya, other minorities and internally displaced persons have an equal opportunity for representation and the full, equal and meaningful participation as candidates and voters in all general elections;

(n) To end and prevent the recruitment and use of children by all armed forces, including by the security and armed forces, and to address protection gaps by engaging with the task force on monitoring and reporting violations committed against children, notably by developing a joint action plan on killing and maiming and rape and other forms of sexual violence committed against children;

(o) To cooperate and engage meaningfully with the Special Rapporteur on the situation of human rights in Myanmar, the Independent Mechanism and other United Nations mandate holders and mechanisms working on Myanmar, including by facilitating visits and granting unrestricted access throughout the country;

(p) To cooperate and engage meaningfully with the Special Envoy of the Secretary-General on Myanmar, including by facilitating an immediate and unconditional visit to Myanmar;

(q) To swiftly 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 in the interest of the people of Myanmar and their livelihoods, 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;

(r) To take concrete steps to strengthen institution-building and structural reforms to uphold the rule of law, human rights and democratic principles, through a participatory and inclusive approach, including efforts to ensure the independence of the judiciary, and by reforming the security sector to enhance civilian control;

(s) To conduct independent, impartial and thorough investigations into all allegations of violations of international humanitarian law, including into conduct that

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<sup>22</sup> E/CN.4/1998/53/Add.2, annex.

may constitute war crimes and crimes against humanity in Rakhine and Chin States, crimes of sexual violence and allegations of human rights violations, and ensure that the perpetrators are brought to justice through transparent and credible processes;

(t) To continue to ensure access to COVID-19 pandemic-related information, supplies and health-care services to all, in a targeted, necessary, transparent, non-discriminatory, time-bound, proportionate manner and in accordance with obligations under applicable international human rights law;

10. *Underscores* the importance of providing protection and assistance, including non-discriminatory access to services such as medical and psychosocial care, specifically tailored to women and girls, especially those who are victims of sexual and gender-based violence and human trafficking;

11. *Reiterates its deep concern* at the continued plight of Rohingya and forcibly displaced persons living in Bangladesh and in other countries, and appreciates the commitment by the Government of Bangladesh to provide temporary shelter, humanitarian assistance and protection to them;

12. *Commends* the Government of Bangladesh for containing the spread of the COVID-19 virus in the Rohingya camps effectively since the beginning of the pandemic and avoiding loss of life with the support of all relevant national and international partners, including the host community, and for including Rohingya in the national vaccination drive;

13. *Encourages* Myanmar to continue to work with Bangladesh, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, in order to expedite the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of the forcibly displaced Rohingya in Bangladesh, with the full support and meaningful involvement of the international community, including the United Nations and its funds, programmes and agencies, and stresses the importance of meaningfully engaging with civil society;

14. *Recognizes with appreciation* the assistance and support of the international community, including regional organizations, in particular the Association of Southeast Asian Nations, and the countries neighbouring Myanmar;

15. *Calls upon* the international community to effectively address irregular maritime movements of Rohingya, in cooperation with the relevant United Nations agencies, as well as ensure international burden- and responsibility-sharing, especially by the States parties to the 1951 Convention relating to the Status of Refugees;<sup>23</sup>

16. *Calls for* the renewal of the memorandum of understanding with the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees to associate them to the implementation of bilateral arrangements with Bangladesh on the return of displaced persons from Rakhine State, and emphasizes the need for Myanmar to continue to cooperate fully with the Government of Bangladesh and with the United Nations, in particular the Office of the United Nations High Commissioner for Refugees, and in consultation with the populations concerned to enable the safe, voluntary, dignified, sustainable and well-informed return of all refugees and forcibly displaced persons and internally displaced persons to their places of origin in Myanmar, and to give returnees freedom of movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

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<sup>23</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

17. *Also calls for* the prompt implementation of the memorandum of understanding signed by the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme with Myanmar, upon its possible renewal, to support the creation of conditions for the return of refugees from Bangladesh;

18. *Underlines* the urgent need for the expansion of the pilot projects by the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees under which the internally displaced Rohingya, living under difficult conditions in northern Rakhine State, can return to their original house plots and their communities can receive multisectoral assistance;

19. *Encourages* the international community to (a) assist Bangladesh in providing humanitarian assistance to Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity; and (b) assist in the provision of humanitarian assistance in Myanmar to affected persons of all communities including those who have been internally displaced as well as those in camps for internally displaced persons within Rakhine State;

20. *Urges* the international community to support the 2021 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

21. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to respect human rights in accordance with the Guiding Principles on Business and Human Rights<sup>24</sup> and the recommendations made by the independent international fact-finding mission in its report on the economic interests of the Myanmar military;

22. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to Myanmar;

(b) To submit the report of the Special Envoy on Myanmar covering all relevant issues addressed in the present resolution to the General Assembly at its seventy-seventh session;

(c) To provide all assistance necessary to enable the Special Envoy on Myanmar to effectively discharge her mandate and to report to Member States every six months, or as warranted by the situation on the ground, including through a workplan for the Special Envoy's work in Myanmar;

(d) To identify ways in which the existing mandates can more effectively deliver in their respective areas of responsibility concerning Myanmar and can complement each other's work through enhanced coordination;

(e) To ensure that all in-country programmes incorporate a human rights-based approach and undergo due diligence processes;

(f) To call the continued attention of the Security Council to the situation in Myanmar with concrete recommendations for action towards resolving the humanitarian crisis, promoting the safe, dignified, voluntary and sustainable return of Rohingya refugees and forcibly displaced persons and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses;

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<sup>24</sup> A/HRC/17/31, annex.

(g) To support the implementation of the recommendations of the independent international fact-finding mission on Myanmar and assist the work of the ongoing Independent Mechanism;

(h) To fully implement the recommendations contained in the report of the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018;

(i) To support, upon its possible renewal, the implementation of the memorandum of understanding signed between Myanmar and the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme and to include a part dedicated to the implementation of the memorandum of understanding in his annual report;

23. *Requests* that the Special Envoy continue to participate by way of interactive dialogue in the seventy-seventh session of the General Assembly;

24. *Decides* to remain seized of the matter, inter alia, on the basis of the reports of the Secretary-General, the independent international fact-finding mission on Myanmar, the Independent Mechanism, the Special Rapporteur on the situation of human rights in Myanmar and the Special Envoy of the Secretary-General on Myanmar.

## Draft resolution V

### Situation of human rights in the Syrian Arab Republic

*The General Assembly,*

*Guided by the Charter of the United Nations,*

*Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights<sup>1</sup> and relevant international human rights treaties, including the International Covenants on Human Rights,<sup>2</sup>*

*Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter, and demanding that the Syrian regime meet its responsibility to protect the Syrian population and to respect, protect and fulfil the human rights of all persons within its territory and subject to its jurisdiction,*

*Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014, 70/234 of 23 December 2015, 71/130 of 9 December 2016, 71/203 of 19 December 2016, 71/248 of 21 December 2016, 73/182 of 17 December 2018, 74/169 of 18 December 2019 and 74/262 of 27 December 2019, Human Rights Council resolutions S-16/1 of 29 April 2011,<sup>3</sup> S-17/1 of 23 August 2011,<sup>4</sup> S-18/1 of 2 December 2011,<sup>5</sup> 19/1 of 1 March 2012,<sup>6</sup> 19/22 of 23 March 2012,<sup>7</sup> S-19/1 of 1 June 2012,<sup>8</sup> 20/22 of 6 July 2012,<sup>9</sup> 21/26 of 28 September 2012,<sup>10</sup> 22/24 of 22 March 2013,<sup>11</sup> 23/1 of 29 May 2013,<sup>12</sup> 23/26 of 14 June 2013,<sup>13</sup> 24/22 of 27 September 2013,<sup>14</sup> 25/23 of 28 March 2014,<sup>15</sup> 26/23 of 27 June 2014,<sup>16</sup> 27/16 of 25 September 2014,<sup>17</sup> 28/20 of 27 March 2015,<sup>18</sup> 29/16 of 2 July 2015,<sup>19</sup> 30/10 of 1 October 2015,<sup>20</sup> 31/17 of 23 March 2016,<sup>21</sup> 32/25 of 1 July 2016,<sup>22</sup> 33/23 of 30 September 2016,<sup>23</sup> S-25/1 of 21 October 2016,<sup>24</sup>*

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> Resolution 2200 A (XXI), annex.

<sup>3</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. I.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and A/66/53/Add.2/Corr.1), chap. II.

<sup>6</sup> *Ibid.*, *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and A/67/53/Corr.1), chap. III, sect. A.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, chap. V.

<sup>9</sup> *Ibid.*, chap. IV, sect. A.

<sup>10</sup> *Ibid.*, *Supplement No. 53A (A/67/53/Add.1)*, chap. III.

<sup>11</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. IV, sect. A.

<sup>12</sup> *Ibid.*, chap. V, sect. A.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*, *Supplement No. 53A (A/68/53/Add.1)*, chap. III.

<sup>15</sup> *Ibid.*, *Sixty-ninth Session, Supplement No. 53 (A/69/53)*, chap. IV, sect. A.

<sup>16</sup> *Ibid.*, chap. V, sect. A.

<sup>17</sup> *Ibid.*, *Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

<sup>18</sup> *Ibid.*, *Seventieth Session, Supplement No. 53 (A/70/53)*, chap. II.

<sup>19</sup> *Ibid.*, chap. V, sect. A.

<sup>20</sup> *Ibid.*, *Supplement No. 53A (A/70/53/Add.1)*, chap. II.

<sup>21</sup> *Ibid.*, *Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. II.

<sup>22</sup> *Ibid.*, chap. IV, sect. A.

<sup>23</sup> *Ibid.*, *Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

<sup>24</sup> *Ibid.*, *Supplement No. 53B* and corrigendum (A/71/53/Add.2 and A/71/53/Add.2/Corr.1), chap. II.

34/26 of 24 March 2017,<sup>25</sup> 35/26 of 23 June 2017,<sup>26</sup> 36/20 of 29 September 2017<sup>27</sup> and 39/15 of 28 September 2018,<sup>28</sup> Security Council resolutions 1325 (2000) of 31 October 2000, 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2242 (2015) of 13 October 2015, 2254 (2015) of 18 December 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016, 2286 (2016) of 3 May 2016, 2314 (2016) of 31 October 2016, 2319 (2016) of 17 November 2016, 2328 (2016) of 19 December 2016, 2332 (2016) of 21 December 2016, 2336 (2016) of 31 December 2016, 2393 (2017) of 19 December 2017, 2401 (2018) of 24 February 2018, 2449 (2018) of 13 December 2018, 2504 (2020) of 10 January 2020, 2533 (2020) of 11 July 2020 and 2585 (2021) of 9 July 2021, and the statements by the President of the Security Council of 3 August 2011,<sup>29</sup> 2 October 2013,<sup>30</sup> 17 August 2015<sup>31</sup> and 8 October 2019,<sup>32</sup>

*Deploring* 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,

*Strongly condemning* the grave human rights situation in the Syrian Arab Republic, the indiscriminate killing and deliberate targeting of civilians, including humanitarian workers, including those involving the continued indiscriminate use of heavy weapons and aerial bombardments, which has caused more than 500,000 fatalities, including the killing of more than 29,000 children, the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including by the starvation of civilians as a method of warfare and the use of chemical weapons, including sarin and chlorine gas, and sulfur mustard, which are prohibited under international law, and acts of violence by the Syrian regime that foment sectarian tensions within the Syrian population,

*Noting with grave concern* that the Office of the United Nations High Commissioner for Human Rights has identified 350,209 individuals by full name, together with an established date of death and location, who were killed in the conflict in the Syrian Arab Republic between March 2011 and March 2021 and that, of those identified, 26,727 were women and 27,126 were children, recalling also that the list compiled by the Office of the United Nations High Commissioner for Human Rights indicates a minimum verifiable number and is certainly an undercount of the actual number of killings,

*Reiterating* that the only sustainable solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process, under the auspices of the United Nations, that meets the legitimate aspirations of the Syrian

<sup>25</sup> Ibid., *Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. II.

<sup>26</sup> Ibid., chap. V, sect. A.

<sup>27</sup> Ibid., *Supplement No. 53A (A/72/53/Add.1)*, chap. III.

<sup>28</sup> Ibid., *Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. III.

<sup>29</sup> S/PRST/2011/16; see *Resolutions and Decisions of the Security Council, 1 August 2011–31 July 2012 (S/INF/67)*.

<sup>30</sup> S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013–31 July 2014 (S/INF/69)*.

<sup>31</sup> S/PRST/2015/15; see *Resolutions and Decisions of the Security Council, 1 August 2015–31 December 2016 (S/INF/71)*.

<sup>32</sup> S/PRST/2019/12.

people in line with Security Council resolution [2254 \(2015\)](#), with a view to establishing credible, inclusive and non-sectarian governance, with the full, equal and meaningful participation and leadership of all women and youth at all levels, welcoming the establishment of the Constitutional Committee, reaffirming in this regard the important role of women in the prevention and resolution of conflicts and in peacebuilding, stressing the importance of their full, equal and meaningful participation and involvement in all efforts for the maintenance and promotion of peace and security and their role in decision-making with regard to conflict prevention and resolution, and recognizing the work carried out by the Special Envoy of the Secretary-General for Syria to that end,

*Recalling* its demand that all parties take all appropriate steps to protect civilians, including members of ethnic and religious communities,

*Welcoming* the efforts of the Special Envoy to advance United Nations efforts to achieve a sustainable political solution to the conflict in the Syrian Arab Republic in line with Security Council resolution [2254 \(2015\)](#), recalling the importance of advancing the work of the Constitutional Committee and achieving tangible results, and in that regard urging all parties to engage meaningfully in the work of the Constitutional Committee, particularly the Syrian regime, and underlining that a political solution to the conflict in the Syrian Arab Republic requires full implementation of all aspects of resolution [2254 \(2015\)](#), including the holding of free and fair elections, under the supervision of the United Nations, to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including displaced persons, refugees and members of the diaspora, eligible to participate, as well as the establishment of a neutral and safe environment, noting that the recent presidential elections held in Syria were neither free, fair, nor consistent with the political process called for by Security Council resolution [2254 \(2015\)](#),

*Reconfirming* its endorsement of the Geneva communiqué of 30 June 2012,<sup>33</sup> endorsing the joint statement on the outcome of the multilateral talks on Syria held in Vienna of 30 October 2015 and the statement of the International Syria Support Group of 14 November 2015 (the Vienna statements) in pursuit of the full implementation of the Geneva communiqué, facilitated by the Special Envoy, as the basis for a Syrian-led and Syrian-owned political transition in order to end the conflict in the Syrian Arab Republic, and stressing that the Syrian people will decide the future of the Syrian Arab Republic,

*Welcoming* the call made by the Secretary-General for a global ceasefire and that of the Special Envoy for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, as endorsed by the Security Council in its resolutions [2532 \(2020\)](#) of 1 July 2020 and [2565 \(2021\)](#) of 26 February 2021, and reaffirming that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, while continuing to support legitimate counter-terrorism operations against Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida and Hay'at Tahrir al-Sham (formerly known as the Nusra Front), and all other individuals, groups, undertakings and entities associated with Al-Qaida or ISIL, and other terrorist groups, which have been designated by the Security Council,

*Urging* all parties, particularly the Syrian regime, to engage meaningfully in the political process under the auspices of the Special Envoy and his office in Geneva, in line with Security Council resolution [2254 \(2015\)](#), and including the full, equal and

<sup>33</sup> Security Council resolution [2118 \(2013\)](#), annex II.

meaningful participation and representation of women in all efforts and decisions, welcoming the resumption of the Syrian-led and Syrian-owned Constitutional Committee convened and facilitated by the Special Envoy in Geneva from 18 to 22 October 2021, urging the regime to engage in the United Nations-facilitated Constitutional Committee in line with the agreed terms of reference and rules of procedure, reaffirming the importance of the full implementation of the women, peace and security agenda of the Security Council, pursuant to Security Council resolution [1325 \(2000\)](#), and its nine subsequent resolutions, in this regard, and welcoming the inclusion of civil society in the political process, in particular through the Civil Society Support Room and Syrian Women's Advisory Board,

*Noting with deep concern* the culture of impunity from within the Syrian regime for the most serious violations of international law and violations and abuses of human rights law committed during the present conflict, some of which rise to the level of war crimes and crimes against humanity, which has provided a fertile ground for further violations and abuses,

*Emphasizing* the importance of accountability for the most serious crimes in violation of international law committed during the conflict for ensuring sustainable peace,

*Recalling* all relevant resolutions on the safety and security of humanitarian personnel and the protection of United Nations personnel, including its resolution [73/137](#) of 14 December 2018, as well as Security Council resolutions on the protection of humanitarian personnel, including resolutions [2175 \(2014\)](#) of 29 August 2014 and [2286 \(2016\)](#) of 3 May 2016, the relevant statements by the President of the Security Council referring to the specific obligations under international humanitarian law to respect and protect, in situations of armed conflict, all medical personnel and humanitarian workers exclusively engaged in medical duties, their means of transport, equipment, hospitals and other medical facilities, and to ensure that the wounded and sick receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required, and condemning attacks against hospitals and places where the sick and wounded are collected, including makeshift hospitals, as well as attacks against medical personnel and humanitarian workers that are in violation of international humanitarian law,

*Expressing grave concern* at the continued indiscriminate use of force by the Syrian regime against civilians, which continues to cause immense human suffering and fomented the spread of violent extremism and violent extremist groups and which demonstrates the continuing failure of the Syrian regime to protect the population and implement the relevant resolutions and decisions of United Nations bodies and has created a safe haven and operating environment for perpetrators of war crimes and crimes against humanity,

*Expressing grave concern also* at the remaining presence of violent extremism and violent extremist groups, terrorists and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular ISIL (also known as Da'esh), Al-Qaida-affiliated terrorist groups, armed groups and non-State actors, and also the Syrian regime and its allies,

*Noting with serious concern* the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic that non-State armed groups still resort to the use of force against civilians,

*Expressing support* for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, welcoming its reports, strongly condemning the lack of cooperation by the Syrian regime with the Commission of

Inquiry, reiterating its decision to transmit the reports of the Commission of Inquiry to the Security Council, expressing its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and requesting that the Commission of Inquiry continue to brief the General Assembly and members of the Security Council,

*Reaffirming its condemnation in the strongest possible terms* of the use of chemical weapons by anyone under any circumstances, emphasizing that any use of chemical weapons anywhere, at any time, by anyone, under any circumstances is unacceptable and is and would be a violation of international law, and expressing its strong conviction that those individuals responsible for the use of chemical weapons must and should be held accountable,

*Condemning in the strongest possible terms* the fact that chemical weapons have been used repeatedly in the Syrian Arab Republic, including the instances independently attributed by the Organisation for the Prohibition of Chemical Weapons, the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism and the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons, noting that the Joint Investigative Mechanism concluded that the Syrian Arab Armed Forces had been responsible for attacks that released toxic substances in 2014 and 2015 and that ISIL (also known as Da'esh) had used sulfur mustard in 2015 and 2016, and further concluded in October 2017 that the Syrian Arab Air Force had been responsible for the use of chemical weapons on 4 April 2017 in Khan Shaykhun, and noting also that the Investigation and Identification Team concluded in April 2020 that there were reasonable grounds to believe that the Syrian Air Force had carried out three chemical weapons attacks in Ltamenah in March 2017 and further concluded in April 2021 that there were reasonable grounds to believe the Syrian Air Force had carried out a chemical weapons attack in Saraqib in February 2018,

*Noting* that the work of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons is ongoing, and that its report on the use of a toxic chemical as a weapon in Duma is forthcoming,

*Welcoming* the decision adopted on 9 July 2020 by the Executive Council of the Organisation for the Prohibition of Chemical Weapons,<sup>34</sup> in which the Executive Council condemned the use by the Syrian Arab Republic of chemical weapons in Ltamenah and requested that the Syrian Arab Republic take steps to redress the situation, welcoming also the decision adopted on 21 April 2021 by the Organisation for the Prohibition of Chemical Weapons Conference of the States Parties,<sup>35</sup> addressing the possession and use of chemical weapons by the Syrian Arab Republic and suspending certain rights and privileges of the Syrian Arab Republic under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction<sup>36</sup> until the Director-General of the Organisation for the Prohibition of Chemical Weapons reports that the Syrian Arab Republic has completed the measures requested by the Executive Council, and expressing regret that the Syrian Arab Republic has failed to comply with this request and demanding that the perpetrators immediately desist from any further use of chemical weapons,

*Welcoming also* the reports for 2019, 2020 and 2021 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<sup>37</sup> and their consideration

<sup>34</sup> [A/74/959-S/2020/724](#), enclosure.

<sup>35</sup> [A/75/871-S/2021/425](#), enclosure.

<sup>36</sup> United Nations, *Treaty Series*, vol. 1974, No. 33757.

<sup>37</sup> [A/73/295](#), [A/73/741](#), [A/74/313](#), [A/74/699](#), [A/75/311](#) and [A/75/743](#).

by the General Assembly, noting with serious concern the observation of the Commission of Inquiry that, since March 2011, there are reasonable grounds to believe that the Syrian regime has conducted widespread and systemic attacks against the civilian population amounting to war crimes and crimes against humanity, including targeted attacks on protected persons and objects, including medical facilities, and personnel and transport and blocked humanitarian convoys, as well as enforced disappearances, torture in detention, arbitrary detentions, summary executions and other violations and abuses, and underscoring the need for those allegations to be examined and evidence to be collected and made available for future accountability efforts,

*Strongly condemning* the reported killing of detainees in Syrian military intelligence facilities and the widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence and torture in detention centres referred to in the reports of the Commission of Inquiry, including, but not limited to, Branch 215, Branch 227, Branch 235, Branch 251, the Air Force Intelligence Investigation Branch at Mazzah military airport and Saydnaya prison, including the practice of mass hangings by the regime, as well as the killing of detainees at military hospitals, including Tishrin and Harasta hospitals,

*Expressing grave concern* about all persons missing as a result of the situation in the Syrian Arab Republic, including those subject to abductions, enforced disappearance and arbitrary detention, first and foremost by the Syrian regime, noting the comments of the Commission of Inquiry and the Special Envoy of the Secretary-General for Syria that tens of thousands of individuals remain missing in the Syrian Arab Republic, recalling Human Rights Council resolutions [45/3](#) of 6 October 2020<sup>38</sup> and [48/15](#) of 8 October 2021<sup>39</sup> and Security Council resolutions [2254 \(2015\)](#), [2139 \(2014\)](#) and [2191 \(2014\)](#) in this regard, and encouraging all parties to enhance engagement with the Office of the Special Envoy on the issue of arbitrary detention, as action to address enforced disappearance and arbitrary detention is intrinsically linked to protecting the rights of all Syrians and a lasting political settlement in the Syrian Arab Republic,

*Recalling* the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution<sup>40</sup> was not adopted notwithstanding broad support from Member States,

*Recalling also* the report of 6 April 2020 of the United Nations Board of Inquiry<sup>41</sup> into strikes that damaged and destroyed health-care facilities in the north-west of the Syrian Arab Republic, including sites whose coordinates had been recorded on the United Nations deconfliction list as a step to ensure that they would not be targeted or impacted by violence, and which in most instances examined, concluded that it was “highly probable that the strikes had been carried out by the Government of the Syrian Arab Republic and/or its allies” and found that health-care services were being provided at the time of some of the strikes and that there were no armed opposition groups in or near the facilities, and calling on all parties to adhere to and comply with the deconfliction mechanism,

<sup>38</sup> See *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 53A (A/75/53/Add.1)*, chap. III.

<sup>39</sup> *Ibid.*, *Seventy-sixth Session, Supplement No. 53A (A/76/53/Add.1)*, chap. IV, sect. A.

<sup>40</sup> [S/2014/348](#).

<sup>41</sup> See [S/2020/278](#), annex.

*Recalling further* the report of March 2021 of the Independent International Commission of Inquiry<sup>42</sup> reporting regime and pro-regime forces' indiscriminate bombardment of civilian populated areas and deliberate targeting of hospitals and medical facilities, and areas with large civilian concentrations, including markets, schools and neighbourhoods, and concluding that government forces had committed war crimes and crimes against humanity in the conduct of their use of air strikes and artillery shelling of civilian areas.

*Calling for* the immediate repeal of Law No. 10/2018, concerned about the Syrian regime's infringement on the housing, land and property of Syrians, particularly through the dispossession of displaced Syrians' land and property in the national legislation and similar measures, which would have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and expressing concern about reports of armed groups' abuses of Syrians' housing, land and property rights in areas under their control,

*Deploping* in this regard the existence and application of national legislation, in particular Law No. 42/2018 and other legislation and practices concerning housing, land and property rights, which have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property, as evidenced by continuing reports of widespread demolition of property in areas formerly controlled by the Syrian opposition as well as the confiscation of property owned by arbitrarily detained and missing persons throughout the Syrian Arab Republic, calling for the immediate repeal of that legislation, and stressing the right of everyone, including displaced Syrians, to not be arbitrarily deprived of their property and that they should be able to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, noting in this regard the issuing in September by the Syrian Ministry of Justice of Circular No. 30 of 2021, which requires prior security approval in order to obtain judicial power of attorney, an order that risks further disenfranchisement of displaced people and refugees who rely on power of attorney to conduct civil administrative affairs,

*Expressing concern* that the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015), 2268 (2016), 2286 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020) and 2585 (2021) remains unresolved, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and safe, full, immediate, unimpeded and sustained humanitarian access throughout the Syrian Arab Republic,

*Emphasizing* that the humanitarian cross-border mechanism remains an essential and life-saving channel to address the humanitarian needs of a significant portion of the population of the Syrian Arab Republic, which cannot be reached through existing operations within the Syrian Arab Republic, and emphasizing the importance of cross-line operations and also that an immediate and significant improvement to cross-line access and respect for principled humanitarian action are essential to prevent further unnecessary suffering and loss of life,

*Expressing grave concern* at the impact of the COVID-19 pandemic and about United Nations reports on rising numbers of death notices and burials which seem to indicate that actual COVID-19 cases in the Syrian Arab Republic far exceed official figures, recognizing that the pandemic presents a profound challenge to the decimated health system, socioeconomic and humanitarian situations of the Syrian Arab Republic, and the disproportionate impacts on women and girls, underlining that the

<sup>42</sup> A/HRC/46/55.

grave risk posed by COVID-19 heightens the imperative of using every possible means, including the cross-border mechanism, to reach people in need without preconditions and discrimination, calling for the provision of humanitarian assistance to all parts of the Syrian Arab Republic, including in areas where humanitarian needs are especially urgent, and stressing the importance of accurate and timely data collection and reporting,

*Recalling its commitment* to Security Council resolutions [2170 \(2014\)](#), [2178 \(2014\)](#) and [2253 \(2015\)](#) of 17 December 2015,

*Alarmed* that more than 5.6 million refugees, including more than 3.8 million women and children, have been forced to flee the Syrian Arab Republic and that 11.1 million people in the Syrian Arab Republic, of whom 6.6 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

*Expressing its profound indignation* at the death of more than 29,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all violations and abuses committed against children, in particular by the Syrian regime, in contravention of applicable international law, including those involving their recruitment and use, abduction, killing and maiming and rape and other forms of sexual and gender-based violence, attacks on schools and hospitals, and denial of humanitarian access, as well as their arbitrary arrest, detention, torture and ill-treatment and their use as human shields, and noting in this regard the adoption on 18 July 2019 of the Security Council Working Group on Children and Armed Conflict conclusions on children and armed conflict in the Syrian Arab Republic<sup>43</sup> as well as the report of 13 January 2020 of the Independent International Commission of Inquiry entitled “They have erased the dreams of my children: children’s rights in the Syrian Arab Republic”, and emphasizing that the Syrian regime and its allies must comply with their applicable international law obligations that are relevant to children, including under the Convention on the Rights of the Child and the Protocols thereto,

*Noting with concern* that the Hawl camp currently hosts over 58,000 people, 93 per cent of whom are women and children, including some 35,000 children under 12 years of age who live under extremely challenging conditions,

*Recalling with serious concern* the findings of the Commission of Inquiry in its report entitled “Out of sight, out of mind: deaths in detention in the Syrian Arab Republic”, and its report to the Human Rights Council dated September 2021,<sup>44</sup> noting in this regard the issuing of death notifications of detained individuals by the Syrian regime, which provides further indication of systematic violations of international human rights law and international humanitarian law, as well as the Commission’s reporting in March 2019 and 2021 on the scope and scale of arbitrary arrests and detention used by government forces as tools of repression that have led to the custodial deaths of tens of thousands of Syrian civilians and its reporting that the deaths of thousands of individuals previously detained in Hama, Ladhikiyah, Hasakah and Damascus have been confirmed by Syrian regime entities through certificates of death, and the findings of the Commission in its report of March 2021 entitled “Arbitrary Imprisonment and Detention”, noting that the whereabouts of tens of thousands of detainees remains unknown and unacknowledged by the Syrian regime, recalling chilling accounts of detention, killings, disappearances, torture and inhumane conditions, which the Commission meticulously documented and described as amounting to crimes against humanity, of extermination, murder, rape or other

<sup>43</sup> [S/AC.51/2019/1](#).

<sup>44</sup> [A/HRC/48/70](#).

forms of sexual and gender-based violence, torture and imprisonment in the context of the regime's widespread and systematic detentions, and immediately calling for the cessation of torture and other cruel, inhuman or degrading treatment or punishment, and sexual and gender-based violence, in places of detention, and the cessation of all forms of incommunicado detention, for the release of all persons arbitrarily detained, for all feasible measures to be taken, under Security Council resolution [2474 \(2019\)](#) of 11 June 2019, to search for and reveal the fates of those detained and/or disappeared, and for the further establishment of an effective channel of communication with families to ensure that their legal, economic and psychological needs are addressed adequately, as set out in its latest report,<sup>45</sup>

*Urging* the Syrian regime to provide families with the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody in accordance with Security Council resolution [2474 \(2019\)](#), many of whom still remain in detention and are highly vulnerable to COVID-19 owing to overcrowded conditions and pre-existing health issues, such as widespread malnutrition and tuberculosis, despite calls from the Secretary-General, the Special Envoy and the international community for the large-scale release of detainees in the Syrian Arab Republic to mitigate the spread of the virus,

*Welcoming* Security Council resolution [2475 \(2019\)](#) of 20 June 2019 on the situation of persons with disabilities in armed conflict, expressing serious concern regarding the disproportionate impact that armed conflict has on persons with disabilities, including abandonment, violence and lack of access to basic services, stressing the protection and assistance needs of all affected civilian populations, and emphasizing the need to consider the particular needs of persons with disabilities in humanitarian response in the Syrian conflict,

*Expressing its deep appreciation* for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries,

*Welcoming* the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria of 30 June 2012 and consistent with Security Council resolution [2254 \(2015\)](#),

*Expressing full support* for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to the protection of the civilian population and the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance in accordance with the final communiqué and consistent with Security Council resolutions [2254 \(2015\)](#) and [2258 \(2015\)](#), urging Syrian parties to engage constructively with the Constitutional Committee in order to pave the way for the negotiation of a genuine political transition, noting with appreciation the mediation efforts to facilitate the establishment of a ceasefire in the Syrian Arab Republic, as noted by the Security Council in its resolution [2336 \(2016\)](#), and supporting the efforts to end violence, while expressing deep concern at the violations, demanding that all parties to the ceasefire in the Syrian Arab Republic respect their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence to ensure respect for those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to

<sup>45</sup> [A/HRC/45/31](#).

achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

1. *Strongly condemns* the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law committed in the Syrian Arab Republic and the indiscriminate and disproportionate attacks against the civilian population and against civilian infrastructure, in particular attacks on medical facilities and schools, which continue to claim civilian lives, and demands that all parties comply with their obligations under international humanitarian law;

2. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian regime against the Syrian people since the beginning of the peaceful protests in 2011, and demands that the Syrian regime immediately put an end to all attacks against civilians, take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects and meet its responsibilities to protect the Syrian population and immediately implement Security Council resolutions [2254 \(2015\)](#), [2258 \(2015\)](#) and [2286 \(2016\)](#);

3. *Urges* all Member States, especially the members of the International Syria Support Group, to create conditions for continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations, by working towards the nationwide ceasefire, to enable safe, full, immediate, unimpeded and sustained humanitarian access and to lead to the release of those arbitrarily detained and ensure the assessment of the number of people who remain in prisons, consistent with Security Council resolution [2254 \(2015\)](#), as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

4. *Strongly condemns* any use of chemical weapons, such as chlorine, sarin and sulfur mustard, by any party to the conflict in the Syrian Arab Republic, emphasizes that the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons anywhere, at any time, by anyone, under any circumstances, is unacceptable, constitutes one of the most serious crimes under international law, and is a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution [2118 \(2013\)](#), and expresses its strong conviction that individuals responsible for the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons must and should be held accountable;

5. *Demands* that the Syrian regime and ISIL (also known as Da'esh) immediately desist from any further use of chemical weapons;

6. *Welcomes* the establishment and operationalization of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons, which is authorized to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic, thereby making an important contribution towards the ultimate goal of holding such perpetrators to account, and in this regard also welcomes the memorandum of understanding concluded between the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Organisation for the Prohibition of Chemical Weapons as well as the ongoing cooperation between them;

7. *Recalls* the issuance of the Secretary-General's bulletin on the records and archives of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, and calls upon the Secretary-General, Member States and other relevant actors to ensure that the relevant materials are processed expeditiously to be shared with the International, Impartial and Independent Mechanism without any further delays;

8. *Demands* that the Syrian regime adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and to eliminate its chemical weapons programme in its entirety;<sup>46</sup>

9. *Requests* that the Executive Council of the Organisation for the Prohibition of Chemical Weapons consider additional procedures for stringent verification pursuant to article IV, paragraph 8, and article V, paragraph 10, of the Convention, in order to ensure the complete destruction of the Syrian chemical weapons programme and prevent any further use of chemical weapons;

10. *Deplores and condemns in the strongest terms* the continued widespread and systematic gross violations and abuses of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian regime, the government-affiliated militias and those who fight on their behalf, including those deliberately targeting civilians or civilian objects, attacks on schools, hospitals, civilian water stations and places of worship, indiscriminate attacks with heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical or other weapons and other force targeting civilians, as well as the starvation of the civilian population as a method of warfare, massacres, arbitrary executions, extrajudicial killings, the killing of peaceful protesters, human rights defenders and journalists, individuals and members of communities on the basis of their religion or belief, arbitrary detention, enforced disappearances, forced displacement of members of minority groups and of those opposed to the Syrian regime, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment, other violations and abuses of human rights, including those of women and children, and violations of international humanitarian law;

11. *Condemns unequivocally* all attacks and violence against journalists and media workers by the Syrian regime, the government-affiliated militias and non-State armed groups, urges all parties to respect the professional independence and rights of journalists, and recalls in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians;

12. *Strongly condemns* all violations and abuses of human rights and all violations of international humanitarian law, including the killing and persecution of individuals and members of communities on the basis of their religion or belief, by armed non-State actors, as well as any human rights abuses or violations of international humanitarian law by non-State armed groups, including Hizbullah and those designated as terrorist groups by the Security Council;

13. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by ISIL (also known as Da'esh), Hay'at Tahrir al-Sham (formerly

<sup>46</sup> Security Council resolution 2118 (2013), annex I.

known as the Nusrah Front), Al-Qaida-affiliated terrorist groups, terrorist groups, such as Hurras al-Din, designated by the Security Council and other violent extremist groups and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism cannot and should not be associated with any religion, gender, ethnicity, nationality or civilization;

14. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by terrorist groups and armed groups, including so-called ISIL (also known as Da'esh), in particular those involving the killing of women and girls, sexual and gender-based violence, including the enslavement and sexual exploitation and abuse of women and girls and the recruitment, use and abduction of children;

15. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic, including forced displacement of civilians as a result of local truce agreements, as highlighted by the Commission of Inquiry, and the alarming impact thereof on the demography of the country, which amounts to a strategy of radical demographic change initiated by the Syrian regime, its allies and other non-State actors, calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to war crimes and crimes against humanity, notes that impunity for such crimes is unacceptable, reaffirms that those responsible for such breaches of international law, must be brought to justice, and supports efforts to collect evidence in view of future legal action;

16. *Emphasizes* the importance of creating conditions conducive to voluntary, safe, dignified and informed movements of internally displaced persons within the Syrian Arab Republic, and strongly urges all parties to work with the United Nations to ensure that any such movements are in line with the Guiding Principles on Internal Displacement,<sup>47</sup> and that displaced persons receive the information they need to make informed and voluntary decisions about their movement and safety;

17. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at 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;

18. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>48</sup> including its obligation to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the obligation to extradite or prosecute contained in article 7 of the Convention;

19. *Encourages* the Special Rapporteur on the human rights of internally displaced persons and the Office of the United Nations High Commissioner for Refugees to remain seized of the urgent human rights and humanitarian situation of internally displaced persons in the Syrian Arab Republic, with a view to helping Member States, the United Nations, including the High-level Panel on Internal Displacement established by the Secretary-General, and other humanitarian and human rights actors to improve their responses to internal displacement in the Syrian Arab Republic, with a focus on identifying durable solutions for displaced persons, reducing the significant gap between needs and available resources, improving the

<sup>47</sup> E/CN.4/1998/53/Add.2, annex.

<sup>48</sup> United Nations, *Treaty Series*, vol. 1465, No. 24841.

collection and coordination of data on displacement, including on displaced children, and providing more effective assistance through well-planned programmes;

20. *Deplores* the continued closure of the Bab al-Salam and Ya‘rubiyah border crossings for the purpose of cross-border humanitarian aid, and urges the Security Council to reauthorize the use of these border crossings and to continue to consider additional crossing points to meet humanitarian needs, considering that humanitarian needs have risen 38 per cent in north-east Syrian Arab Republic since the closing of the Ya‘rubiyah border crossing alone, according to the United Nations, emphasizes that more than 6.9 million people live in areas not under the control of the Syrian regime and 5.3 million require humanitarian assistance in the north-east and north-west, and also considers the multiplier effect of the COVID-19 pandemic and that the cross-border mechanism remains an indispensable tool to address the humanitarian needs of the population, including to deliver vaccines and supplies to combat the COVID-19 pandemic, which cannot be adequately reached through existing operations within the Syrian Arab Republic, in the light of the limitations of cross-line assistance;

21. *Demands* that the Syrian regime and all other parties to the conflict not hinder safe, full, timely, immediate, unrestricted and sustained humanitarian access, and calls for the continuation of cross-border humanitarian support beyond July 2022;

22. *Strongly condemns* the persistent and widespread use of sexual and gender-based violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, notes that such acts may constitute violations of international humanitarian law, violations of international human rights law and abuses of human rights, in this regard expresses deep concern at the prevailing climate of impunity for sexual and gender-based violence, urges all parties to the conflict, especially the Syrian regime, to immediately cease the perpetration of sexual and gender-based violence, and urges the Syrian regime to ensure that victims and survivors of sexual and gender-based violence have access to holistic support and are able to seek reparations and redress;

23. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, including those involving their recruitment and use, killing and maiming, rape and all other forms of sexual and gender-based violence, abductions, denial of humanitarian access and education for children, and attacks on civilian objects, including schools and hospitals, as well as their arbitrary arrest, unlawful detention, torture and ill-treatment and their use as human shields;

24. *Expresses grave concern* at the deprivation of liberty of children for their association or alleged association with armed groups or armed forces, and urges the Syrian regime to comply with its obligations under the Convention on the Rights of the Child, as applicable, in particular that the arrest, detention and imprisonment of children should be used only as a measure of last resort and for the shortest appropriate period of time, and that in actions concerning children the best interests of the child should be a primary consideration;

25. *Reaffirms* the Syrian regime’s responsibility for the systematic use of enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian regime’s use of enforced disappearances amounts to a crime against humanity, and condemns the targeted disappearances of young men and boys and the exploitation of ceasefires as an opportunity to forcibly recruit and arbitrarily detain them;

26. *Notes with deep concern* the March 2021 report of the Commission of Inquiry and its comments that widespread enforced disappearance has been

deliberately perpetrated by all parties to the conflict and first and foremost the Syrian regime security forces throughout the past decade on a massive scale;

27. *Expresses deep concern* that, according to the recent findings of the Commission of Inquiry, the Syrian regime forces continue to deliberately conceal the fate and whereabouts of forcibly disappeared persons, intentionally prolonging the suffering of hundreds of thousands of family members of the forcibly disappeared, which is gravely concerning as evidence suggests that the Syrian regime maintains a detailed bureaucracy and high degree of centralized control with regard to those it has detained, including records on who is detained and where, noting the potential value of such information to family members of those who are missing, including those forcibly disappeared, and calls upon the Syrian regime to provide information on detained, missing or forcibly disappeared persons to their families;

28. *Encourages* all parties to the conflict to enhance their engagement with the Special Envoy of the Secretary-General for Syria to hasten the release of all arbitrarily detained persons by the Syrian regime and to make progress on the issue of missing persons;

29. *Demands* that the Syrian regime, consistent with its obligations under relevant provisions of international human rights law and international humanitarian law, promote non-discriminatory access to health services and respect and protect the wounded and sick as well as medical and health personnel from obstruction, threats and physical attacks, and notes with concern the limited access to health-care services in the light of COVID-19, particularly in the north of the Syrian Arab Republic, where health-care networks have been severely damaged and in many cases destroyed by the regime and its allies' aerial attacks;

30. *Strongly condemns* all attacks on the wounded and sick as well as medical and health personnel, their means of transport and equipment, as well as on hospitals and other medical facilities, deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic, and reaffirms the obligations under international humanitarian law related to the protection of medical personnel and humanitarian personnel, their means of transport and equipment;

31. *Also strongly condemns* the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities, which may constitute war crimes, including the attack against the deconflicted Atarib cave hospital on 21 March 2021 and the terrorist attack against Al-Shifa' hospital on 12 June 2021;

32. *Urges* all parties to the conflict to develop effective measures to prevent acts of violence, attacks and threats of attacks against sick and wounded persons, internally displaced persons, as well as medical personnel and humanitarian personnel, hospitals and other medical facilities, including through the conduct of full, prompt, impartial and effective investigations to hold those responsible for any such acts to account;

33. *Expresses its profound concern* about the findings contained in the report of July 2020 of the Commission of Inquiry regarding at least 1,500 air strikes, predominantly air-to-ground missiles and barrel bombs launched in south-eastern Idlib and western Aleppo between 1 November 2019 and 5 March 2020, which damaged medical facilities, schools and markets and killed civilians, and the conclusions of the Commission of Inquiry that there exist "reasonable grounds to believe that pro-government forces committed the war crimes of deliberately attacking medical personnel and facilities by conducting air strikes", as well as "the war crime of launching indiscriminate attacks resulting in death or injury to civilians", causing the displacement of over 560,000 people from the north-west of

Idlib, in addition to the previous displacement of more than half of the 2.5 million people residing in Idlib who have been displaced since the onset of conflict, often multiple times, stresses that the situation in Idlib is of particular concern, expresses its support for the current agreement to cease hostilities in order to avoid a further humanitarian catastrophe, and calls upon the guarantors of that agreement to ensure that the ceasefire is upheld and that humanitarian access is granted in a safe, full, rapid, unimpeded and sustainable manner;

34. *Demands* that the Syrian regime cooperate fully with the Commission of Inquiry, including by granting it immediate, full, safe, unhindered and sustained access throughout the Syrian Arab Republic;

35. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region, and further demands that all foreign terrorist fighters, and those who are fighting in support of the Syrian regime, including all militias sponsored by foreign Governments, must immediately withdraw from the Syrian Arab Republic;

36. *Demands* that all parties immediately put an end to all violations of international human rights law, abuses of human rights and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, and refrain from militarizing such facilities, seek to avoid establishing military positions in densely populated areas and enable the evacuation of the wounded and all civilians who wish to leave areas of conflict, including besieged areas, and recalls in this regard that the Syrian regime bears primary responsibility for protecting its population;

37. *Condemns in the strongest terms* all attacks on protected objects, including indiscriminate and disproportionate attacks and those which may constitute a war crime, taking place in the Syrian Arab Republic, requests the Commission of Inquiry to continue to investigate all such acts, and demands that the Syrian regime meet its responsibility to protect the Syrian population;

38. *Demands* that the Syrian regime immediately cease any attacks on civilians, any disproportionate attacks and any indiscriminate use of weapons in populated areas, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

39. *Emphasizes* the need for accountability for crimes involving breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011, through fair and independent investigations and prosecutions at the domestic or international level;

40. *Requests* the International, Impartial and Independent Mechanism to submit an annual report to the General Assembly, starting at its seventy-fifth session, on the implementation of its mandate while preserving the confidential nature of its substantive work, in time for the annual presentation of the report by the Head of the Mechanism in April at a plenary meeting of the Assembly under the agenda item entitled "Prevention of armed conflict";

41. *Welcomes* efforts by the International, Impartial and Independent Mechanism to assist in the search for missing persons in the Syrian context, as stated in the Mechanism's reports to the General Assembly, and further encourages the Mechanism to identify additional ways and means to contribute to this end;

42. *Also welcomes* the inclusion of the full funding for the International, Impartial and Independent Mechanism in the budget proposal of the Secretary-General for 2020, in accordance with General Assembly resolution 73/182, and emphasizes the need to fully implement its previous decisions on the funding of the Mechanism in order to ensure that the Mechanism can operate at its full capacity as soon as possible;

43. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard in accordance with complementarity;

44. *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, encourages them to continue to do so and to share relevant information between States in accordance with their national legislation and international law, and also encourages other States to consider doing the same;

45. *Urgently requests* the Commission of Inquiry to present its latest reporting to the General Assembly during an interactive dialogue at its seventy-seventh session on the situation of human rights in the Syrian Arab Republic, and encourages United Nations monitoring and reporting to further document violations of international humanitarian law and violations and abuses of human rights, including those that may amount to crimes against humanity and war crimes, to provide recommendations to facilitate improvements in civilian protection and accountability measures, and to feature witness testimony of Syrian human rights defenders, survivors of torture and sexual and gender-based violence, former detainees, and other Syrian voices through appropriate and safe means, and where informed consent has been provided;

46. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to assume its responsibility for providing urgent financial support to enable the host countries and communities to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the importance of burden-sharing;

47. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, its specialized agencies and other humanitarian actors to provide humanitarian and medical assistance to the millions of Syrians who are in need, including those displaced both internally and in host countries and communities;

48. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, also encourages other States outside the region to consider implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance, acknowledges the need to improve the conditions on the ground to facilitate the return of refugees in a safe, voluntary, informed and dignified manner to their place of origin or another location of their choice, and takes note of the recent finding of the Commission of Inquiry that the Syrian Arab Republic does

not yet offer a safe and stable environment for the sustainable and dignified return of refugees or for the 6.7 million displaced persons inside the country;

49. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of warfare is prohibited under international law, and noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard;

50. *Demands* that the Syrian regime and all other parties to the conflict ensure the full, immediate, unimpeded and sustained safe and unhindered access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas such as Rukban, that the Syrian regime cease to impede the ability of the United Nations and humanitarian actors to move through the north-east of the Syrian Arab Republic and beyond, especially in the light of the restricted humanitarian space and worsened humanitarian situation following the failure to reauthorize the Ya'rubiyah border crossing in Security Council resolutions [2504 \(2020\)](#), [2533 \(2020\)](#) and [2585 \(2021\)](#) and that all parties preserve the Fish Khabur border crossing and other crossing points along the Turkish borders with the Syrian Arab Republic, and allow sustained deliveries of humanitarian assistance to persons in need across the Syrian Arab Republic, including through commercial routes, consistent with Security Council resolutions [2139 \(2014\)](#), [2165 \(2014\)](#), [2191 \(2014\)](#), [2254 \(2015\)](#), [2258 \(2015\)](#), [2332 \(2016\)](#), [2393 \(2017\)](#), [2401 \(2018\)](#), [2449 \(2018\)](#), [2504 \(2020\)](#), [2533 \(2020\)](#) and [2585 \(2021\)](#);

51. *Strongly condemns* practices including abduction, hostage-taking, arbitrary detention, torture, and murder of civilians carried out by non-State armed groups and terrorist groups designated by the Security Council, most notably Hay'at Tahrir al-Sham (formerly known as the Nusra Front), as well as ISIL (also known as Da'esh) and Al-Qaida affiliates such as Hurras al-Din, and underlines that such acts may amount to crimes against humanity;

52. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, and in the reports of widespread killing of detainees by Syrian military intelligence;

53. *Strongly condemns* the reported killing of detainees in Syrian military intelligence facilities, and calls upon the Syrian regime to release all unlawfully held detainees, including women, children and the elderly, and to facilitate information about those still in detention as well as those who died while in detention by the Syrian regime, returning their remains, with full transparency regarding what happened to these individuals, and urges the regime to immediately reverse its abhorrent use of mass detentions and torture as means of silencing and repressing political opposition, journalists and other media workers and of depriving Syrian citizens of their rights to freedom of expression;

54. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in all prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

55. *Demands* in this respect the immediate release of all persons arbitrarily or unlawfully detained by the Syrian regime, notes in particular the additional life-threatening risks to health created by the COVID-19 pandemic and the high risks that exacerbate the already dire situation of detainees, and notes in this regard the

statements made by the United Nations High Commissioner for Human Rights, the Special Envoy and the Commission of Inquiry;

56. *Also demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including persons belonging to national or ethnic, religious and linguistic minorities, and stresses that, in this regard, the primary responsibility to protect the population lies with the Syrian regime;

57. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolutions [2199 \(2015\)](#) of 12 February 2015 and [2347 \(2017\)](#) of 24 March 2017, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

58. *Deplores* the military offensive that began in Idlib Province and surrounding areas in December 2019 and caused large-scale injuries, deaths, displacement and suffering in the civilian population and devastating damage to civilian infrastructure, recalls the findings of the United Nations Board of Inquiry established by the Secretary-General in this regard, notes with grave concern the recent findings of the Commission of Inquiry that there are reasonable grounds to believe that war crimes and crimes against humanity were committed during the said offensive, also notes the Commission's comments on the gendered impact of the military offensive, and remains extremely concerned about the situation;

59. *Notes with concern* the continued insecurity in the north-east of the Syrian Arab Republic, the significant increase in humanitarian needs and the restricted humanitarian space following the failure to reauthorize the Ya'rubiyah border crossing, in Security Council resolutions [2504 \(2020\)](#), [2533 \(2020\)](#) and [2585 \(2021\)](#), further compounded by lack of access to water and electricity, which continues to undermine the stability and security of the whole region, eroding progress in the fight against ISIL (also known as Da'esh) and worsening the humanitarian situation and humanitarian actors' ability to respond to humanitarian needs;

60. *Stresses* the situation of particular concern in north-west Syrian Arab Republic, particularly Idlib, strongly condemns the attacks on civilians and first responders and civilian infrastructure where ongoing violence, including air strikes, continues to cause death and injury among civilians and first responders, as well as devastating damage to civilian infrastructure, including health-care and educational facilities, and welcomes the establishment of the United Nations board of inquiry mandated to investigate the destruction of and damage to facilities on the United Nations deconfliction list and United Nations-supported facilities;

61. *Expresses concern* about reports of attacks on civilians in areas such as Daraa that supported peaceful protests in 2011, and the siege-like conditions in Daraa that have displaced 40,000 people and resulted in acute food and medicine shortages, and, targeted assassinations of civilian leaders including former judges, medical workers and others engaged in reconciliation negotiations, noting that the Chair of the Commission of Inquiry reported in June 2021 that at least 130 such incidents had been recorded between July 2020 and April 2021, underscoring the pervasively unstable environment;

62. *Expresses deep concern* in particular about the recent increase in violence in the north-west, including air strikes, and the impact on civilians of that violence, including the reported deaths and injuries of at least 45 children since the beginning of July 2021, stresses the urgent need for the immediate cessation of military hostilities in Idlib and the surrounding areas, for the prioritization of the protection of all civilians, including those displaced, and for full, timely, immediate, unrestricted

and safe humanitarian access, including cross-border access, 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, and stresses the importance of continuing work towards preserving calm on the ground and creating the necessary conditions for the safe, dignified and voluntary returns of displaced people;

63. *Notes* the recommendation of the Commission of Inquiry that an independent mechanism be created with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance, the briefing of the Secretary-General to the General Assembly on 30 March 2021 in which he noted the lack of progress on those issues in the absence of an international mandate, and the endorsement of an independent mechanism by the United Nations High Commissioner for Human Rights on 24 September 2021, and reiterates the importance of not tampering with or contaminating mass grave sites in the Syrian Arab Republic in this regard;

64. *Requests* the Secretary-General to conduct a study on how to bolster efforts, including through existing measures and mechanisms, to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families, in consultation with the Office of the United Nations High Commissioner for Human Rights and based on the recommendations of the Commission of Inquiry, with the full and meaningful participation of victims, survivors and their families and in consultation with other relevant actors, and to present an interim oral update to the General Assembly by 1 March 2022, to be followed by a report within the first half of 2022;

65. *Calls on* 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;

66. *Urges* all parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities, including national and locally recruited personnel, as required by international humanitarian law, without prejudice to their freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council has reaffirmed that it will take further measures in the event of non-compliance with its resolutions [2139 \(2014\)](#), [2165 \(2014\)](#), [2191 \(2014\)](#), [2234 \(2015\)](#), [2258 \(2015\)](#), [2286 \(2016\)](#), [2393 \(2017\)](#), [2401 \(2018\)](#), [2449 \(2018\)](#) and [2585 \(2021\)](#) by any Syrian party;

67. *Urges* the international community to support the leadership and full, effective and meaningful participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolution [1325 \(2000\)](#) and all subsequent resolutions of the women, peace and security agenda;

68. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, reiterates its commitment to the national unity and territorial integrity of the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the final communiqué of the Action Group for Syria of 30 June 2012, consistent with Security Council resolutions [2254 \(2015\)](#), [2268 \(2016\)](#) and [2585](#)

(2021), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full, equal and meaningful participation and leadership of all women at all levels, where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and where all persons receive equal protection, regardless of gender, religion or ethnicity, and further demands that all parties work urgently towards the comprehensive implementation of the final communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions.

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