



**United Nations**

# **Report of the Human Rights Council**

**Organizational session  
(6 December 2019)**

**Forty-third session  
(24 February–13 March and 15–23 June 2020)**

**Forty-fourth session  
(30 June–17 July 2020)**

**General Assembly**

**Official Records**

**Seventy-fifth Session**

**Supplement No. 53**





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**United Nations • New York, 2020**

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## I. Introduction

1. The present document contains the President's statement adopted at the organizational session of the Human Rights Council held on 6 December 2019 and the resolutions, decisions and President's statement adopted by the Council at its forty-third session, held from 24 February to 13 March 2020 and from 15 to 23 June 2020, and the resolutions and decisions adopted at its forty-fourth session, held from 30 June to 17 July 2020.
2. The reports of the Human Rights Council on the above-mentioned regular sessions are being issued in documents [A/HRC/43/2](#) and [A/HRC/44/2](#).

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

### 43/28. Situation of human rights in the Syrian Arab Republic

*The Human Rights Council,*

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

*Reaffirming its previous resolutions on the Syrian Arab Republic,*

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

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

*Condemning also any indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, in particular by the Syrian authorities, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as medical facilities and schools, including by ceasing their use for military purposes, and the prohibition on attacking, removing, destroying or rendering useless objects or areas indispensable to the survival of the civilian population, including drinking water installations, supplies, irrigation works and agricultural areas for the production of foodstuffs and crops,*

*Expressing deep concern at the situation of women, children, older persons and persons with disabilities, especially those who are internally displaced, who remain among the most vulnerable to violence and abuse, and noting in this regard relevant Security Council resolutions on the protection of civilians, including Council resolution 2475 (2019) of 20 June 2019,*

*Expressing deep concern also that the human rights of women continue to be violated, in particular through sexual and gender-based violence and systematic discrimination against women and girls, and that women, in particular those belonging to certain religious and ethnic communities, have been disproportionately affected by the conflict,*

*Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, as outlined by the Security Council in its resolution 1325 (2000) of 31 October 2000 and associated resolutions, and in accordance with the Geneva communiqué of 30 June 2012 and Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria in his efforts towards this end,*

*Welcoming the work of the Special Envoy to facilitate the work of the Constitutional Committee, and strongly urges all relevant parties to engage meaningfully and substantively on this issue, and expressing deep concern at the negative impact that the violence in the north-west could have on this process, and welcomes the Special Envoy's efforts to facilitate the implementation of all the provisions of Security Council resolution 2254 (2015) of 18 December 2015;*

*Recalling Security Council resolution 2336 (2016) of 31 December 2016, acknowledging the signing by Turkey and the Russian Federation of the memorandum on the stabilization of the situation in the Idlib de-escalation area on 17 September 2018 and the additional protocol thereto on 5 March 2020, and stressing the urgent need for the Syrian authorities and their State and non-State allies to cease any military offensive in Idlib and surrounding areas, and for all relevant parties to implement a complete ceasefire in Idlib in order to prevent further death, injury and displacement among civilians and to allow for*

immediate and unhindered humanitarian access, while emphasizing the need to establish an effective and lasting nationwide ceasefire in the Syrian Arab Republic,

*Reaffirming* that States must ensure that any measure taken to counter terrorism complies with any relevant rules of international law, in particular international human rights law and international humanitarian law,

*Recalling* that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014, 2268 (2016) of 26 February 2016 and 2401 (2018) of 24 February 2018, all parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

*Recalling also* Security Council resolution 2417 (2018) of 24 May 2018, in which the Council underlined that using starvation of civilians as a method of warfare may constitute a war crime,

*Recalling further* that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel and on humanitarian personnel, may also amount to war crimes,

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

*Reaffirming* that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any such use must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming the establishment by the Organisation for the Prohibition of Chemical Weapons of the Investigation and Identification Team pursuant to the decision made at the Fourth Special Session of the Conference of State Parties to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

*Welcoming* the work of the International Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including on instances of the use of chemical weapons, and taking note of the decision made by the General Assembly to include funding of the Mechanism in the regular budget of the United Nations,<sup>1</sup>

*Expressing its deepest concern* at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, including in its most recent report,<sup>2</sup> and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

*Bearing in mind* that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

*Acknowledging* the ongoing efforts of human rights defenders, journalists and media workers active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues into its tenth year with its devastating impact on the civilian population, including the consistent patterns of gross violations and abuses of international human rights law and violations of

<sup>1</sup> See General Assembly resolution 74/169.

<sup>2</sup> [A/HRC/43/57](#).

international humanitarian law across the country, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support meaningful negotiations for a political solution to the Syrian conflict, under the auspices of the Special Envoy of the Secretary-General for Syria and his office in Geneva, 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;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting essential accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are identified and held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic, and urges all Member States to cooperate with the Commission in the discharge of its mandate;

5. *Deplores* the escalation of violence in the north-west of the country, and strongly condemns the attacks by the Syrian authorities and their State and non-State allies on civilians and civilian infrastructure in the province of Idlib and surrounding areas, where violence, including airstrikes, has caused the death of more than 1,000 civilians, including first responders, since the beginning of December 2019, and devastating damage to civilian infrastructure, including health-care, educational and humanitarian facilities, as well as water stations, markets, camps for internally displaced persons and convoys of civilians trying to flee the violence, while noting that this has also caused the forced displacement of almost 1 million people since the start of December 2019, and that nearly 3 million people, half of whom children, are reliant upon humanitarian support;

6. *Expresses extreme concern* about the mass forced displacement caused by the violence in the north-west of the Syrian Arab Republic, and the ability of those internally displaced persons to have access to basic services, such as food and shelter, and to exercise the full enjoyment of their human rights, including the right to education for children, and urges Member States to fully fund and respond to specific United Nations appeals on this issue;

7. *Urges* all relevant parties, the signatories to the memorandum on the stabilization of the situation in the Idlib de-escalation area of 17 September 2018, and particularly the Syrian authorities and their State and non-State allies, to immediately respect and uphold the ceasefire in Idlib in order to prevent further death and injury among civilians, and to facilitate timely, immediate, unhindered, sustained and safe humanitarian assistance to those in need;

8. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian regime and its affiliated State and non-State actors, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and 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;

9. *Also strongly condemns* all attacks against the civilian population and civilian objects, such as schools, camps for internally displaced persons, medical units, medical

personnel, patients and transport, and personnel involved in humanitarian assistance, in violation of international humanitarian law, and recalls the primary responsibility of the Syrian authorities to protect the civilian population;

10. *Calls for* an immediate cessation of attacks on first responders, and on medical facilities, which are regularly put out of service, depriving civilians and persons hors de combat of immediate life-saving medical care, including mental health and psychosocial support, and deplors the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

11. *Welcomes* the report of the United Nations Board of Inquiry to investigate attacks on de-conflicted and United Nations-supported facilities in the north-west of the Syrian Arab Republic;

12. *Demands* that all parties to the conflict comply with their respective obligations under international human rights law and international humanitarian law, and that the Syrian authorities and their State and non-State allies immediately end the use of prohibited weapons and munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and expresses particular concern in this regard at the recent events in Idlib and surrounding areas;

13. *Expresses deep concern* at the number of civilians, including children, killed or maimed by landmines, explosive remnants of war and improvised explosive devices used by all parties to the conflict;

14. *Deplors* the deliberate use of starvation of civilians as a method of warfare, and encourages the Commission of Inquiry to include in future investigations violations and abuses of international human rights law and violations of international humanitarian law related to the use of starvation of civilians;

15. *Expresses deep concern* at the grave humanitarian situation in the Syrian Arab Republic and at the plight of the 11.1 million people in need of full, timely, immediate, unhindered and safe humanitarian assistance, including the more than 6.5 million Syrians whose needs are particularly acute and in areas where freedom of movement and access to humanitarian aid and services remain very restricted, including in camps for internally displaced persons, and, noting that the severity of the humanitarian situation requires the use of all aid modalities, is particularly concerned about the impact of reduced points of cross-border access and the reduced time frame following the adoption by the Security Council of its resolution 2504 (2020) on 10 January 2020, and calls for the continuation of cross-border humanitarian support beyond July 2020;

16. *Strongly condemns* the Syrian authorities' continued and deliberate obstruction of life-saving humanitarian assistance to those most in need, including the removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of vital necessities;

17. *Demands* that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, the full, timely, immediate, unrestricted and safe humanitarian access of the United Nations and other humanitarian actors to all areas, and that they ensure that the delivery of unrestricted humanitarian aid reaches all those in need, for as long as it is needed, including in areas that have been retaken by the Syrian authorities, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

18. *Strongly condemns* the use of arbitrary arrest, arbitrary detention and enforced disappearances by the Syrian authorities in the retaken areas of control, including Dara'a, Duma and Eastern Ghouta, and extremely concerned about the recent finding of the Commission of Inquiry that there is a general absence of rule of law in those retaken areas;

19. *Also strongly condemns* the practice of intimidation by the Syrian authorities against those taking part in political processes, including the Constitutional Committee, as reported by the Commission of Inquiry, and the fragile security situation and fear and tension created in retaken areas by the so-called "reconciliation processes" imposed by the Syrian

authorities, for which they have failed to fulfil their commitments or to abide by their assurances;

20. *Concerned* about the situation in the north-eastern region, takes note of the recent findings of the Commission of Inquiry in this regard, emphasizes that all parties must comply with their obligations under international human rights law and international humanitarian law, and reiterates the recommendation of the Commission of Inquiry to non-State armed groups that they must comply with international humanitarian law and investigate all allegations of violations and crimes committed by their fighters;

21. *Takes note with deep concern* of the recent conclusions of the Commission of Inquiry in its conference room paper entitled “‘They have erased the dreams of my children’: children’s rights in the Syrian Arab Republic”,<sup>3</sup> that an overwhelming impact of the conflict is that children remain victimized on multiple grounds and continue to be denied the protection to which they are entitled under international humanitarian and international human rights law, and encourages the Commission to continue its investigation and documentation of violations and abuses of the rights of the child, including potential recommendations for accountability measures;

22. *Deplores* the fact that children continue to be subjected to serious violations and abuses, including being killed, abducted, used or recruited by armed actors, and being maimed, injured and orphaned, bearing the brunt of the violence perpetrated by warring parties, strongly condemns the use of schools for military purposes, and takes note of the Commission of Inquiry’s finding that children’s experiences in the Syrian conflict have been deeply gendered;

23. *Also deplores* the fact that the unprecedented and recurrent nature of violations and abuses against children has affected generations to come, and that the psychological impact of the conflict on children has been a striking feature of the war in the Syrian Arab Republic with far-reaching consequences, and urges all parties to ensure that children affected by the conflict receive appropriate health treatment, including the provision of mental health and psychosocial support;

24. *Calls upon* all parties to respect and protect the full enjoyment by children of all their human rights, to ensure access to basic services, such as medical care and education, and to provide official documents such as birth and educational certificates, and to allow at all times humanitarian workers to reach children and families in need of life-saving assistance, and to prevent and protect children from all exploitation, violations and abuses, including sexual and gender-based violence and child, early and forced marriage, trafficking and torture by, among other actions, ending and preventing the recruitment and use of children in the armed conflict, immediately, safely and unconditionally releasing children and handing them over to civilian child-protection actors, and ensuring that such authorities have access to detained children associated with armed groups;

25. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), 1325 (2000) and 2122 (2013) of 18 October 2013, and to adhere to their obligations under international law, in particular to end arbitrary detention, torture and sexual and gender-based violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;

26. *Expresses deep concern* at reports of mass executions and torture of prisoners, and at the number of deaths among individuals detained by the Syrian authorities, including in Syrian Military Intelligence facilities and military hospitals, as evidenced by the issuing of thousands of death notifications, which provides further indication of systematic violations of international human rights law and international humanitarian law, and urges them to provide families with death certificates and the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate

<sup>3</sup> Available from [www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx).

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;

27. *Recognizes* the permanent damage that torture and ill-treatment, including sexual and gender-based abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

28. *Strongly condemns* the use of sexual and gender-based violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports and those depicted in the evidence presented by “Caesar” in January 2014, and recalls that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

29. *Also strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities have retaken control, and notes that the Commission of Inquiry has comprehensively highlighted that the arbitrary detention of tens of thousands of individuals represents an urgent and large-scale crisis of human rights protection;

30. *Urges* all parties to take heed of the recommendations made by the Commission of Inquiry on the issue of detainees, in particular its calls for appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those whom they have detained to their families;

31. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

32. *Underlines* the need for further sustained and large-scale concrete steps by the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, and encourages the members of the Working Group to further advance and expand their efforts in fulfilling its mandate;

33. *Welcomes* Security Council resolution 2474 (2019) of 11 June 2019, and calls upon parties to the armed conflict in the Syrian Arab Republic to take all appropriate measures to actively search for persons reported missing, to enable the return of their remains, to record and identify all those killed, to account for persons reported missing without adverse distinction, and to put in place appropriate channels enabling response and communication with families on the search and recording process, to take appropriate measures to prevent persons from going missing as a result of the armed conflict, while paying utmost attention to cases of children reported missing as a result of the armed conflict, and to take appropriate measures to search for and identify those children;

34. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, that rape and other forms of sexual and gender-based violence continue to occur, and that women and girls have been disproportionately affected and victimized on multiple grounds;

35. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by so-called Islamic State in Iraq and the Levant (Daesh), that they represent a widespread and systematic attack directed against the civilian population, amounting to crimes against humanity, and that such acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

36. *Strongly condemns* all acts of sexual and gender-based violence and abuse, recognizes the need for a survivor-centred approach in preventing and responding to such violence and abuse, calls for immediate and non-discriminatory access to services, such as medical and psychosocial support to be provided to all survivors of such crimes and for every

effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to respect and protect women's and girls' full enjoyment of human rights and to heed the recommendations made by the Commission of Inquiry;

37. *Condemns unequivocally* all attacks, threats, intimidation and violence against journalists and media workers by the Syrian regime, its State and non-State allies, and non-State armed groups, strongly urges all parties to respect the human rights of journalists and media workers, and recalls in this regard that journalists and media workers shall be considered civilians and shall be protected as such;

38. *Strongly condemns* violence against persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

39. *Also 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 resolution 2199 (2015) of 12 February 2015, 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;

40. *Expresses deep concern* at the displacement of approximately 13 million civilians, including 6.1 million internally displaced persons across the Syrian Arab Republic, and urges all parties to take note of the recommendations on this matter made by the Commission of Inquiry, and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

41. *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;

42. *Expresses deep concern* for the more than 5.6 million registered refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women, girls and persons with disabilities, while emphasizing the principles of responsibility and burden-sharing;

43. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

44. *Notes with concern* that one of the main obstacles to refugees' safe, voluntary and dignified return to their country of origin derive from the Syrian authorities' own practices of violating the human rights of civilians in areas under their control, including the rights to the freedoms of assembly, movement and expression, as well as those involving systematic property seizures, forced conscription, arbitrary arrests, enforced disappearances, political violence or torture;

45. *Expresses concern* at reports that the Syrian authorities are arbitrarily preventing internally displaced persons from accessing and returning to their homes, with no apparently valid security reason and without providing alternatives to the displaced communities, which may amount to forced displacement;

46. *Deplores* 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 recent reports of widespread property demolitions throughout the Syrian Arab Republic, calls for the immediate repeal of that legislation, and stresses the right of displaced Syrians to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it;

47. *Expresses concern* that the hostilities have restricted access to or resulted in the loss of civil documentation, including through confiscation, thereby limiting freedom of movement, access to essential services, and housing, land and property rights, particularly for children, persons with disabilities, women and female-headed households, and notes that the lack of casualty records and official death certificates can seriously affect inheritance and custody rights and severely restricts freedom of movement;

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

49. *Condemns in the strongest possible terms* the repeated use of chemical weapons by the Syrian authorities, in violation of its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

50. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons, which state that it continues to be unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain;

51. *Welcomes* the fact that the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons has completed its arrangements for the establishment of the Investigation and Identification Team tasked to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons, looks forward to the Team's first report, and calls upon the Syrian authorities to provide all necessary access and authorizations to the members of the Team;

52. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which they found that the Syrian authorities were responsible for the use of chemical weapons on four occasions, and that the Joint Investigative Mechanism also confirmed that so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

53. *Expresses grave concern* at the findings by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

54. *Recalls with grave concern* the finding by the Commission of Inquiry of a vast body of evidence suggesting that chlorine was dropped by helicopter on a residential building in Duma on 7 April 2018, that the Commission had received information on the deaths of at least 49 individuals and the wounding of up to 650 others, and at the findings of the Commission in the same report that, in a series of ground attacks in Duma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using chemical weapons, following a pattern previously documented by the Commission;

55. *Recalls* the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons in its report of 1 March 2019 that, on the basis of its

evaluation and analysis of all the information gathered, there were reasonable grounds that a toxic chemical was used as a weapon in Duma on 7 April 2018, and that the toxic chemical was likely molecular chlorine;

56. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for such use must be held accountable, and expresses its support for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

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

58. *Expresses deep concern* about the documented cases of civilians, including women and children, taken hostage by so-called Islamic State in Iraq and the Levant (Daesh), calls for their immediate release, notes that hostage-taking and the murder of civilians may constitute a war crime, condemns the recent reported mass arbitrary arrests and detention of civilians by Hay'at Tahrir al-Sham, and notes that imprisonment or other severe deprivation of physical liberty in violation of international law, when committed as part of a deliberate widespread or systematic attack directed against any civilian population, may amount to a crime against humanity;

59. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, in particular detainees, internally displaced persons and disappeared persons, children and victims of sexual and gender-based violence, and stresses the prerequisite role that accountability can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

60. *Recalls* that the International Criminal Court was established to contribute to ending impunity for applicable crimes in which a State is unwilling or unable to genuinely carry out investigations or prosecutions;

61. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard, and noting the authority of the Security Council to refer such situations to the Court;

62. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, as mandated by the General Assembly in resolution 71/248 of 21 December 2016, including its close cooperation with the Commission of Inquiry and Syrian civil society, so that the voices of victims are heard, any evidence of crimes is collected and criminal prosecution proceeds;

63. *Also welcomes* the decision made by the General Assembly to include full funding of the International, Impartial and Independent Mechanism in the regular budget of the United Nations, and invites Member States to actively support the Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning, on a sustainable basis, in accordance with relevant Assembly resolutions;

64. *Further welcomes* the steps taken by Member States to prosecute the most serious crimes under international law committed in the Syrian Arab Republic in national courts under the principles of universal jurisdiction and extraterritorial jurisdiction as an important contribution to end impunity and ensure justice for victims, and notes the contribution that the International, Impartial and Independent Mechanism and other accountability mechanisms can make in this regard;

65. *Welcomes* the relevant international campaigns and initiatives to support the Syrian people, including the upcoming conference to be hosted by the European Union and co-chaired by the United Nations in Brussels in June 2020, and renews its call for the international community to deliver in full all such pledges;

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

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

68. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its forty-fourth session, and to present an updated written report during an interactive dialogue at its forty-fifth and forty-sixth sessions;

69. *Also requests* the Commission of Inquiry to, in accordance with its mandate, urgently conduct a comprehensive, independent special inquiry into the recent events in Idlib province and surrounding areas, to, where possible, identify all those for whom there are reasonable grounds to believe that they are responsible for alleged violations and abuses of international human rights law, and to support efforts to ensure that perpetrators of alleged abuses and violations are held accountable, and further requests the Commission to provide a full report on its findings to the Human Rights Council no later than its forty-fourth session;

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

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

*46th meeting  
22 June 2020*

[Adopted by a recorded vote of 27 to 2, with 18 abstentions. The voting was as follows:

*In favour:*

Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Libya, Marshall Islands, Mexico, Netherlands, Peru, Poland, Qatar, Republic of Korea, Slovakia, Somalia, Spain, Togo, Ukraine, Uruguay

*Against:*

Eritrea, Venezuela (Bolivarian Republic of)

*Abstaining:*

Afghanistan, Angola, Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, India, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Philippines, Senegal, Sudan]

### III. President's statement adopted at the organizational session

#### **PRST OS/13/1. Efficiency of the Human Rights Council – addressing financial and time constraints**

At the organizational session of the Human Rights Council held on 6 December 2019, the President of the Council made the following statement:

“The Human Rights Council,

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

Welcoming its effectiveness, responsiveness and achievements in fulfilling and implementing its mandate as outlined in General Assembly resolution 60/251 and recognizing its unique role and added value,

Welcoming also the ongoing implementation of the measures outlined in President's statement [PRST OS/12/1](#) and their impact on addressing the financial and time constraints related to its workload,

Welcoming further the recent measures taken to enhance interactive dialogues, including the sharing of summaries of the reports of mandate holders, and recalling the importance of ensuring the timely issuance of reports as well as the encouragement to participants in interactive dialogues to envisage, including in their statements, questions and comments for mandate holders based on the reports,

Noting its increasing workload and challenges, particularly budgetary constraints, as reported by the United Nations Office at Geneva, in providing services on a continuing basis for all its meetings throughout the year, and reaffirming its willingness to consider measures aimed at making its work more efficient and effective,

Taking note with concern of the information provided by the Director-General of the United Nations Office at Geneva in her letter dated 25 November 2019 addressed to the President of the Human Rights Council,

Recognizing the need for introducing additional measures in line with its institution-building package to enhance its efficiency by addressing financial and time constraints, and welcoming the informal consultations on this matter led by its current and previous Bureaux, guided by the principles of transparency, inclusiveness, predictability, consensus and non-selectivity,

Recognizing the need to adopt the measures contained in the present statement with the mutual understanding of necessary restraint in order to plan the programme of work of the Human Rights Council in a manner that ensures compliance with General Assembly resolution 56/242 of 24 December 2001,

1. Decides to continue to discuss its financial and time constraints in relation to the universal periodic review;
2. Also decides to continue further the implementation of the measures outlined in President's statement [PRST OS/12/1](#), including the three-year programme of work, the two-hour duration of panel discussions, the voluntary rationalization of initiatives and related outcomes and the exchange of information;
3. Invites the Director-General of the United Nations Office at Geneva to continue to provide a comprehensive update, orally and in writing, at the organizational session held each year in December, on the actual and envisaged resources for conference services provided to the Human Rights Council;

4. Welcomes the efforts for the implementation of the measures on the use of modern technology set out in President's statement [PRST OS/12/1](#), annex II, in particular the e-deleGATE system, and strongly encourages the continuous, progressive and full implementation of modern technology measures to improve the efficiency of the Human Rights Council;

5. Also welcomes the introduction of new measures to address the challenges faced by delegations from small and developing countries, in particular small island developing States and the least developed countries, including the help desk of the Human Rights Council, and the secretariat's efforts to schedule informal consultations without overlap, and encourages such measures to continue;

6. Decides to convene general debates during its March and September sessions on all of its agenda items and that no general debates will take place during its June session;

7. Also decides to conduct its annual interactive dialogue on the annual report of the United Nations High Commissioner for Human Rights during its June session;

8. Further decides that all the interactive dialogues will follow existing modalities and be held individually and that the speaking time limits for all stakeholder interventions will be one and a half minutes;

9. Decides to allocate 20 minutes to all its mandate holders and mechanisms during the interactive dialogues, with two additional minutes allocated for every country visit report and/or other mandated report;

10. Also decides to implement the measures contained in the present statement on a trial basis for one year, and requests the President of the Human Rights Council to organize an informal stocktaking meeting to assess the impact of their implementation after its forty-fifth session and before the organizational session to be held in December 2020;

11. Further decides to remain actively seized of the matter.”

## IV. Forty-third session

### A. Resolutions

#### **43/1. Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and promoting and encouraging respect for human rights and fundamental freedoms for all,

*Recalling* the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

*Recalling also* the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and bearing in mind the Vienna Declaration and Programme of Action,

*Recalling further* its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

*Recalling* the General Assembly resolutions in this regard, in particular Assembly resolution 74/137 of 18 December 2019, and the imperative need for their full and effective implementation,

*Alarmed* at the resurgence of violence, racial hatred, hate speech, hate crimes, neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice, including the resurgence of racial superiority ideologies that incite hatred and violence against Africans and people of African descent,

*Recognizing* that racism, racial discrimination, xenophobia and related intolerance have a deep negative impact on the enjoyment of human rights, and therefore require a united and comprehensive response from the international community,

*Recalling* Human Rights Council resolution 7/34 of 28 March 2008 and all subsequent resolutions on the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including those of the Commission on Human Rights,

*Taking note* of the historic resolution on racial discrimination in the United States of America adopted at the first ordinary session of the Assembly of African Heads of State and Government of the Organization of African Unity, held in Cairo from 17 to 24 July 1964, and the statement made by the Chairperson of the African Union Commission which condemned the murder of George Floyd in Minnesota, United States of America, on 25 May 2020,

*Taking note also* of the statement made by the Inter-American Commission on Human Rights on 8 June 2020 expressing its strong condemnation of the murder of George Floyd and repudiating structural racism, the systemic violence against Afro-Americans, impunity and the disproportionate use of force by law enforcement officers,

*Recalling* the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

*Encouraging* States to look into their manuals and guidelines used for training law enforcement officers with a view to identifying the proportionality of measures in the handling of suspects and other persons in custody, with respect to the treatment of Africans and people of African descent,

*Reaffirming* the importance of the Durban Declaration and Programme of Action in advancing racial equality, ensuring equal opportunities for all, guaranteeing equality before the law and promoting social, economic and political inclusion without distinctions based on race, age, sex, disability, descent, national or ethnic origin, religion or economic or other status,

*Welcoming* all statements made by the special procedures regarding the killing of George Floyd, and in particular their joint statement of 5 June 2020, and the statement made by the United Nations High Commissioner for Human Rights on 3 June 2020,

1. *Strongly condemns* the continuing racially discriminatory and violent practices perpetrated by law enforcement agencies against Africans and people of African descent, in particular which led to the death of George Floyd on 25 May 2020 in Minnesota, as referred to in the ninth preambular paragraph above, and the deaths of other people of African descent, and also condemns the structural racism in the criminal justice system;

2. *Deplores* the recent incidents of excessive use of force and other human rights violations by law enforcement officers against peaceful demonstrators defending the rights of Africans and of people of African descent;

3. *Requests* the United Nations High Commissioner for Human Rights, with the assistance of relevant special procedure mandate holders, to prepare a report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent, to contribute to accountability and redress for victims;

4. *Also requests* the High Commissioner to examine government responses to anti-racism peaceful protests, including the alleged use of excessive force against protesters, bystanders and journalists;

5. *Calls upon* all States and all relevant stakeholders to cooperate fully with the High Commissioner in the preparation of the report;

6. *Requests* the High Commissioner to provide an oral update on the preparation of her report to the Human Rights Council at its forty-fifth and forty-sixth sessions, and to present a comprehensive report to the Council at its forty-seventh session, to be followed by an interactive dialogue;

7. *Also requests* the High Commissioner to include updates on police brutality against Africans and people of African descent in all her oral updates to the Human Rights Council;

8. *Invites* all treaty bodies, special procedure mandate holders and international and regional human rights mechanisms, within their respective mandates, to pay due attention to all forms of racism, racial discrimination, xenophobia and related intolerance, including against Africans and people of African descent, and to bring them to the attention of the Human Rights Council;

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

44th meeting  
19 June 2020

[Adopted without a vote.]

## 43/2. Promotion and protection of human rights in Nicaragua

*The Human Rights Council,*

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

*Reaffirming* the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties and agreements to which they are parties, including in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, including the national framework for the exercise of the rights to freedom of peaceful assembly, of association and of expression, are in compliance with international human rights law,

*Recalling* its resolution 40/2 of 21 March 2019 on the promotion and protection of human rights in Nicaragua,

*Welcoming* the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Nicaragua, presented to the Human Rights Council at its forty-second session,<sup>4</sup>

*Bearing in mind* the continuing sociopolitical and human rights crisis in Nicaragua, as documented in the report of the High Commissioner, and its adverse impact on the enjoyment of civil, political, economic, social and cultural rights,

*Welcoming* the efforts of neighbouring and other States in the region to host Nicaraguan migrants, refugees and asylum seekers, and acknowledging the associated socioeconomic consequences for those States,

*Noting* the submission by the Government of Nicaragua of some national reports to relevant human rights treaty bodies, and in the context of the universal periodic review,

*Welcoming* the release of persons arbitrarily deprived of their liberty in relation to the 2018 protests, while remaining concerned that more persons remain detained or are subject to alternative measures to detention, including several previously released under the Amnesty Law,

*Expressing concern* that the broad scope of Law No. 996 (Amnesty Law) may lead to impunity for human rights violations, contrary to international law, and fail to provide adequate protections for persons released from arbitrary detention in relation to the 2018 protests,

*Noting* that, according to the Global Alliance of National Human Rights Institutions, the national human rights institution of Nicaragua, the Office of the Human Rights Advocate (*Procuraduría para la Defensa de los Derechos Humanos*), does not demonstrate the independence required by, nor act in a manner that is fully compliant with, the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

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

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

1. *Expresses grave concern* at the continuing reports of serious human rights violations and abuses since April 2018, and the persisting disproportionate use of force by

<sup>4</sup> [A/HRC/42/18](#).

the police to repress social protests, and acts of violence by armed groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, torture and sexual and gender-based violence in detention;

2. *Expresses concern* at the persisting restrictions on civic space and the repression of dissent in Nicaragua targeting civil society, human rights defenders, including women human rights defenders, community and religious leaders, journalists and other media workers, students, victims and their family members, and individuals expressing critical views of the Government;

3. *Urges* the Government of Nicaragua to respect the rights to freedom of peaceful assembly, of association and of expression, and the independence of the media, the prosecution authority and the judiciary by authorizing peaceful and public demonstrations, restoring the legal registration of civil society organizations and independent media outlets that were cancelled, and returning seized assets;

4. *Calls upon* the Government of Nicaragua to cease using arbitrary arrests and arbitrary detentions or alternative measures of detention as a means to repress dissent, to release all those arbitrarily or illegally detained without condition, to guarantee due process rights, to ensure that conditions of detention have due regard to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules) and comply with applicable human rights obligations and standards, and to carry out prompt and impartial investigations into any allegations of extrajudicial execution, torture or ill-treatment, and take effective action against sexual and gender-based violence;

5. *Urges* the Government of Nicaragua to guarantee a safe and enabling environment for human rights defenders, including women human rights defenders, and adequate conditions for them to carry out their work freely;

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

7. *Urges* the Government of Nicaragua to develop a comprehensive, inclusive and victim- and survivor-centred action plan for accountability, as recommended by the United Nations High Commissioner for Human Rights in her report, which would include, inter alia, prompt, thorough and transparent criminal investigations into all allegations of, and prosecution of, human rights violations and abuses committed since 2018; measures that ensure access to justice, truth, reparations and guarantees of non-recurrence; participative and inclusive consultations to reform the judicial sector; and comprehensive reform of the security sector, including the dismantlement and disarmament of armed groups;

8. *Calls upon* the Government of Nicaragua to resume its cooperation with the Office of the High Commissioner, the Human Rights Council and its mechanisms, and the Organization of American States and the Inter-American Commission on Human Rights, including by granting unfettered access throughout the country and facilitating visits, and to positively consider the recommendations made in their reports and offers of technical assistance, and to strengthen its cooperation with relevant treaty bodies;

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

10. *Further calls upon* the Government of Nicaragua to ensure a wide, credible, representative, inclusive and transparent national dialogue with the participation of all parties, and urges the Government to implement fully the agreements reached with the Civic Alliance for Justice and Democracy in March 2019, and in this regard requests the international community to support those efforts;

11. *Urges* the Government of Nicaragua and relevant electoral institutions to undertake and implement legal and institutional reforms to ensure free, fair, transparent and

credible elections, in accordance with international standards, that include the presence of independent national and international electoral observers;

12. *Encourages* continued and strengthened cooperation between the Inter-American Commission on Human Rights and the Human Rights Council and its mechanisms for the promotion and protection of human rights in Nicaragua;

13. *Requests* the High Commissioner to enhance monitoring by the Office of the High Commissioner and to continue to report on the situation of human rights in Nicaragua, including by preparing a comprehensive written report that assesses progress and challenges regarding that situation, and to present it to the Human Rights Council at its forty-sixth session, to be followed by an interactive dialogue, and to present an oral update on the situation of human rights to the Council at its forty-fourth and forty-fifth sessions.

*44th meeting  
19 June 2020*

[Adopted by a recorded vote of 24 to 4, with 19 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Marshall Islands, Mexico, Netherlands, Peru, Poland, Republic of Korea, Slovakia, Spain, Ukraine, Uruguay

*Against:*

Eritrea, Philippines, Somalia, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Qatar, Senegal, Sudan, Togo]

**43/3. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

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

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

*Recalling also* the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

*Recalling further* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, at which the High Contracting Parties reaffirmed, inter alia, their commitment to uphold their obligation to ensure respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* its relevant resolutions, including resolutions S-9/1 of 12 January 2009, 19/17 of 22 March 2012, S-21/1 of 23 July 2014 and S-28/1 of 18 May 2018,

*Recalling also* the reports of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory,<sup>5</sup> the independent commission of inquiry on the 2014 Gaza conflict,<sup>6</sup> the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup> and the United Nations Fact-Finding Mission on the Gaza Conflict,<sup>8</sup>

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

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

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

*Emphasizing* the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

*Gravely concerned* by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes and crimes against humanity, including the findings of the independent international commissions of inquiry, fact-finding missions and boards of inquiry convened by the Secretary-General,

*Condemning* all violations of human rights and of international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused in the Occupied Palestinian Territory, including East Jerusalem,

*Stressing* the urgency of achieving without delay an end to the Israeli occupation that began in 1967, and affirming that this is necessary in order to uphold human rights and international law,

*Deploing* the non-cooperation by Israel with all Human Rights Council fact-finding missions and independent commissions of inquiry, and its refusal to grant access to and cooperate with international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

*Regretting* the lack of implementation of the recommendations contained in the reports of the independent commissions of inquiry and fact-finding missions, which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

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

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

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

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<sup>5</sup> [A/HRC/40/74](#).

<sup>6</sup> [A/HRC/29/52](#).

<sup>7</sup> [A/HRC/22/63](#).

<sup>8</sup> [A/HRC/12/48](#).

*Noting* the accession by the State of Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recognizing* the importance of the right to life and the right to freedom of peaceful assembly and association to the full enjoyment of all human rights,

1. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, the independent commission of inquiry on the 2014 Gaza conflict, the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

2. *Notes* the importance of the work of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, the independent commission of inquiry on the 2014 Gaza conflict, the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, and of the information collected regarding grave violations in support of future accountability efforts, in particular information on alleged perpetrators of violations of international law;

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

4. *Stresses* that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law, and should ensure credible and comprehensive accountability for all violations of international law in order to bring about sustainable peace;

5. *Takes note* of the conclusion by the International Criminal Court of its preliminary examination into the situation in Palestine on 20 December 2019, with the determination that all statutory criteria under the Rome Statute for the opening of an investigation had been met, emphasizes the importance of respecting the Court's mandate and the Prosecutor's independence, and calls upon the parties concerned to cooperate fully with any investigation that may be opened;

6. *Denounces* all acts of intimidation, threats and delegitimization directed at human rights organizations, civil society actors and human rights defenders involved in documenting and countering violations of international law and impunity in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States to ensure their protection;

7. *Condemns* the use of unlawful lethal and other excessive force against civilians, including against civilians with special protected status under international law, who pose no imminent threat to life;

8. *Calls upon* all parties to ensure that future demonstrations remain peaceful and to abstain from actions that could endanger the lives of civilians;

9. *Calls upon* all States to promote compliance with international law and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties, including by ensuring that they do not become involved in internationally unlawful conduct, and to

assess the potential that arms could be used to commit or facilitate a serious violation of international humanitarian or human rights law;

10. *Requests* the United Nations High Commissioner for Human Rights to report on how all parties can fulfil their obligations in implementing the recommendations reviewed by the High Commissioner in 2017,<sup>9</sup> including measures of accountability and legal measures to be taken by states to ensure respect by Israel, and all other relevant parties, of their obligations under international law in the Occupied Palestinian Territory including East Jerusalem, and to present a report to the Council at its forty-sixth session, to be followed by an interactive dialogue;

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

*44th meeting  
19 June 2020*

[Adopted by a recorded vote of 22 to 8, with 17 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Bahrain, Bangladesh, Burkina Faso, Chile, Eritrea, Indonesia, Libya, Mauritania, Mexico, Namibia, Nigeria, Pakistan, Peru, Qatar, Senegal, Somalia, Sudan, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Austria, Brazil, Bulgaria, Czechia, Fiji, Togo, Ukraine

*Abstaining:*

Bahamas, Cameroon, Democratic Republic of the Congo, Denmark, Germany, India, Italy, Japan, Marshall Islands, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Slovakia, Spain, Uruguay]

#### **43/4. Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

*The Human Rights Council,*

*Recalling* Human Rights Council resolutions 7/36 of 28 March 2008, 12/16 of 2 October 2009, 16/4 of 24 March 2011, 23/2 of 13 June 2013, 25/2 of 27 March 2014 and 34/18 of 24 March 2017, and all previous resolutions of the Commission on Human Rights and the Council on the right to freedom of opinion and expression,

*Recognizing* that the effective exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

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

1. *Welcomes* the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;<sup>10</sup>
2. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years;

<sup>9</sup> See [A/HRC/35/19](#).

<sup>10</sup> See [A/HRC/41/35](#) and [Add.1–4](#).

3. *Urges* all States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her and to consider favourably his or her requests for visits and for implementing his or her recommendations;

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

5. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to his or her mandate, with a view to maximizing the benefits of the reporting process;

6. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

44th meeting  
19 June 2020

[Adopted without a vote.]

### **43/5. Birth registration and the right of everyone to recognition everywhere as a person before the law**

*The Human Rights Council,*

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

*Reaffirming* the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and recalling the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Reduction of Statelessness and other relevant international instruments,

*Recalling* the obligation of States to register all children, without discrimination of any kind, immediately after birth, which is an important element of the protection and realization of all human rights, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

*Recalling also* the resolutions adopted by the General Assembly and the Human Rights Council in which they called upon States to ensure the registration of all children immediately after birth, and without discrimination of any kind, the most recent being Assembly resolution 74/133 of 18 December 2019 and Council resolution 34/15 of 24 March 2017,

*Recognizing* that birth registration and the right to recognition everywhere as a person before the law are closely linked to the realization of all other human rights, and therefore underlining the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed at respecting, promoting, protecting and fulfilling human rights, and at preventing human rights violations,

*Welcoming* the commitment of States to leave no one behind, and recalling that the provision of legal identity for all, including birth registration, is included as the standalone target 16.9 in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 16, and taking note with interest of the report entitled “Birth Registration for Every Child by 2030: Are we on track?”, published by the United Nations Children’s Fund in 2019,

*Recognizing* that the full implementation of this target will have both a direct and an indirect impact on the achievement of other targets and goals, inter alia social protection, protection in emergencies, access to financial and economic resources, the elimination of all forms of discrimination and violence against women and children everywhere, and access to quality education,

*Welcoming* the continuing efforts of the Committee on the Rights of the Child and other treaty-based bodies towards universal birth registration, such as through recommendations widely addressed to States in this regard,

*Recognizing* the importance of birth registration, including late birth registration and the provision of documents of proof of birth, as a means of providing an official record of the existence of a person and the recognition of that individual as a person before the law, and as a critical means of preventing statelessness,

*Expressing concern* that unregistered individuals may have limited or no access to services and the enjoyment of all the rights to which they are entitled, including the rights to a name and to acquire a nationality, and rights relating to health, education, property and inheritance, social welfare, work and political participation, and taking into consideration that registering a person's birth is a vital step towards respect for and the protection and fulfilment of all their human rights, and that persons without birth registration are more vulnerable to poverty, marginalization, exclusion, discrimination, violence, statelessness, abduction, sale, exploitation and abuse, including when they take the form of child labour, human trafficking, child, early and forced marriage, other harmful practices, illegal adoption and child recruitment,

*Bearing in mind* that certain groups, such as nomadic and border populations, minorities, refugees, internally displaced persons, migrants, abandoned, orphaned, unaccompanied or separated children, indigenous peoples and persons with disabilities are at particular risk of statelessness because their situation makes it difficult for them to register births or to obtain related documents, thereby hindering the full realization of their human rights,

*Recognizing* that armed conflict and emergencies can be a cause and a consequence of statelessness, rendering women and girls particularly vulnerable to various forms of abuse in both the private and public domains, and that statelessness can arise when women's experience of conflict intersects with discrimination with regard to nationality rights, such as laws that require women to change nationality upon marriage or its dissolution or that deny them the ability to pass on their nationality,

*Being fully aware* of the fact that non-registration of children at birth may represent a major impediment to the enjoyment of civil, political, social, economic and cultural rights,

*Recognizing* that free birth registration and free or low-fee late birth registration are part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve internationally agreed development goals,

*Recognizing also* that non-governmental organizations, professional associations, the media, the private sector and other members of civil society, including those involved in public-private partnerships, can also contribute to the improvement and promotion of community awareness of birth registration in a manner that reflects national priorities and strategies,

1. *Expresses deep concern* at the fact that, according to the United Nations Children's Fund, nearly 237 million children still do not have a birth certificate despite ongoing efforts to increase the global rate of birth registration;

2. *Reminds* States of their obligation to register all births without discrimination of any kind, and also reminds States that birth registration should take place immediately after birth, in the country where children are born, including the children of migrants, non-nationals, asylum seekers, refugees and stateless persons, in accordance with international human rights law and national law, and that late birth registration should be limited to those cases that would otherwise result in a lack of registration;

3. *Reaffirms* that the provision of legal identity for all, including birth registration by 2030, can contribute to prevent, inter alia, poverty, marginalization, exclusion, discrimination, violence, statelessness, illegal adoption, abduction, sale, exploitation and abuse, including when they take the form of child labour, human trafficking, child, early and forced marriage and other harmful practices, and child recruitment, and can also assist in the reunification of families separated by conflict, disaster or humanitarian crisis;

4. *Welcomes* the report of the United Nations High Commissioner for Human Rights on best practices and specific measures to ensure access to birth registration, particularly for those children most at risk,<sup>11</sup> in which the High Commissioner addressed the situation of children marginalized and living in situations of conflict, poverty, emergency or vulnerability, including girls, children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons;

5. *Calls upon* States:

(a) To identify and reform laws or policies that discriminate against women and children and compromise access to birth registration and the realization of their right to recognition everywhere as a person before the law;

(b) To identify and remove physical, administrative, procedural, practical and any other barriers that discriminate or impede access to birth registration, in order to ensure that birth registration procedures are universal, accessible, simple, expeditious, effective and provided at minimal or no cost, to remove documentation requirements that are difficult or impossible to fulfil, and to pay due attention to, inter alia, those barriers relating to gender, indigeneity, culture, religion, poverty, social or economic status, disability, women's equal nationality rights, age, adoption processes, nationality, statelessness, displacement, illiteracy, detention contexts, armed conflict and humanitarian situations, and to persons in vulnerable situations;

(c) To establish or strengthen existing institutions at all levels responsible for birth registration, including through the development of comprehensive civil registration systems and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase the accessibility of birth registration facilities within its territory and, in accordance with relevant international and national laws, abroad, either by increasing the number or through other means, such as mobile birth registration officials in rural areas, promoting community awareness and working to address the barriers faced by persons who may be in vulnerable situations, such as women and girls, persons with disabilities, indigenous children, children belonging to minorities, children of migrants, asylum seekers, refugees and stateless persons, in their access to birth registration;

(d) To implement targeted programmes to reach children living in the most remote and excluded circumstances, including by integrating the provision of birth registration with the delivery of other essential services, particularly health services, and utilizing mobile registration units, technology and other innovative solutions to advance decentralized registration procedures;

(e) To take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to, inter alia, emergency or armed conflict situations, including through the use of digital and new technologies as a means to facilitate and universalize access to birth registration, to prevent the loss of children's personal data and to ensure continuity of birth registration during and after situations of conflict and humanitarian crisis, and also to strengthen civil registration and vital statistics, which are key for the collection of disaggregated data for monitoring the Sustainable Development Goals;

<sup>11</sup> A/HRC/39/30.

(f) To ensure that only the minimum information necessary to uphold an individual's rights is recorded on birth certificates, such as the child's name, gender, date and place of birth, and, when available, the parents' names, citizenship and addresses;

(g) To assess potential risks to privacy and to take steps to protect individuals from discrimination and harm when determining the information included in a birth certificate, particularly details concerning origin, gender, race, ethnicity, social origin, language, religion and parents' marital status, and to protect personal information obtained through birth registration or other civil registration processes that may be used to discriminate against an individual;

(h) To raise awareness of birth registration continuously at the national, regional and local levels, including by engaging in collaboration with all relevant actors, such as national human rights institutions, the public and private sectors and civil society organizations, in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;

(i) To ensure that lack of birth registration or documents of proof of birth does not constitute an obstacle to access to and the enjoyment of relevant national services and programmes, in accordance with national and international human rights law;

(j) To ensure individual documentation, including in post-conflict and other migration flows, of internally displaced women, refugee and asylum-seeking women and separated and unaccompanied girls and other marginalized groups, and also to ensure the timely and equal registration of all births, marriages, divorces and deaths;

(k) To make every effort to tackle the differences found in the prevalence of birth registration between boys and girls;

(l) To strengthen global partnerships and to provide the cooperation and assistance necessary to enhance technical capacity-building with a view to attaining Sustainable Development Goal target 16.9 by 2030;

6. *Encourages* States to ensure that registration documents are accessible, comprehensible and available in minority and local languages, whenever possible;

7. *Invites* States and other relevant stakeholders to work towards ensuring universal birth registration through, inter alia, cooperation, innovation, the exchange of good practices and technical assistance, including through the universal periodic review and other relevant mechanisms of the Human Rights Council;

8. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means of respecting the right of everyone to be recognized everywhere as a person before the law;

9. *Invites* States and other actors to consider endorsing the Principles on Identification for Sustainable Development, which aim to strengthen identification systems and to foster cooperation around the implementation of the Sustainable Development Goals;

10. *Invites* relevant United Nations agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

11. *Requests* the High Commissioner to identify and actively pursue opportunities to collaborate with the United Nations Statistics Division and other relevant United Nations agencies, funds and programmes, as well as other relevant stakeholders, in order to strengthen existing policies and programmes aimed at universal birth registration and vital statistics development, and to ensure that they are based on international standards, taking into account best practices, and are implemented in accordance with relevant international human rights obligations;

12. *Decides* to consider this issue, in accordance with its programme of work, at its fifty-second session.

44th meeting  
19 June 2020

[Adopted without a vote.]

### **43/6. Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, religion or national origin,

*Recalling* all international norms and standards relevant to the human rights of migrants,

*Recalling also* Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolutions 8/10 of 18 June 2008, 17/12 of 17 June 2011, 26/19 of 26 June 2014 and 34/21 of 24 March 2017 entitled “Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants”,

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

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

*Resolved* to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years, effective from the end of its forty-fourth session, the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(d) To promote the effective application of relevant international norms and standards on the issue;

(e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(f) To take into account a gender perspective when requesting and analysing information, and to give special attention to the occurrence of multiple forms of discrimination and violence against migrant women;

(g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(h) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out the mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out the mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of the mandate;

5. *Requests* the Special Rapporteur, in carrying out the mandate, to take into account bilateral, regional and international initiatives that address issues relating to the effective protection of human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of the mandate.

44th meeting  
19 June 2020

[Adopted without a vote.]

## **43/7. Right to work**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all international human rights instruments relevant to the right to work, in particular the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development,

*Reaffirming also* previous Human Rights Council resolutions on the right to work, the most recent being resolution 37/16 of 22 March 2018,

*Recalling* General Assembly resolution 63/199 of 19 December 2008, entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization", and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

*Recalling also* the International Labour Organization Declaration on Fundamental Principles and Rights at Work and the follow-up thereto, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for

a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, and the Centenary Declaration for the Future of Work, adopted by the Conference at its 108th session, on 21 June 2019,

*Recognizing* the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system and through its unique tripartite structure in relation to the promotion of decent work and full and productive employment for all, and recalling its initiatives and activities in that regard, including the Decent Work Agenda, and the centenary initiatives of the Organization,

*Acknowledging* the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work,

*Acknowledging also* the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full and productive employment and decent work for all and the full realization of the right to work, and recognizing the important contributions made by the United Nations Entity for Gender Equality and the Empowerment of Women in relation to the realization of the right to work for women,

*Reaffirming* that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

*Emphasizing* that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Emphasizing also* that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and social justice, and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

*Recognizing* that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development, and that they require a multidimensional focus that incorporates Governments, representatives of employers and workers, the private sector, national human rights institutions, civil society organizations and international organizations, in particular the agencies of the United Nations system and international financial institutions,

*Recognizing also* that, on the one hand, the development of automation enabled by advanced technologies, including robotics and artificial intelligence, brings the promise of higher productivity, job creation, better services and improved well-being, while on the other, it entails challenges that may have a broader impact on jobs, skills, wages and the nature of work itself that may vary widely across different regions and within countries,

*Recognizing further* that climate change poses an existential threat for some, and has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights, including the right to work,

*Acknowledging* that the World Programme of Action for Youth to the Year 2000 and Beyond provided a policy framework and practical guidelines for national action and international support to improve the situation of young people, and such recent international initiatives as the Global Initiative on Decent Jobs for Youth, led by the International Labour Organization, and the United Nations Youth Strategy, which considers decent work one of its priorities,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the enjoyment of all human rights by young people;<sup>12</sup>

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take appropriate steps to progressively achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures;

5. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for those whose freedom is frequently compromised by discriminatory legal provisions or forced labour, in particular women, young people and persons with disabilities;

6. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish perpetrators for its use in all its forms, and seek to provide appropriate support to victims;

7. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

8. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

9. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities continue to face multiple and intersecting forms of inequality and discrimination, including the lack of reasonable accommodation, which represent significant obstacles to exercising their right to work on an equal basis with others, and that they are

<sup>12</sup> A/HRC/40/31.

frequently subject to less favourable conditions of pay, precarious, often informal working conditions and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities;

10. *Stresses* that States should protect young people from all forms of labour exploitation and address the barriers that they face when seeking access to and participating in the labour market, and ensure that they enjoy just and favourable conditions of work, including safe and healthy working conditions and a fair wage that would ensure a decent living, in accordance with article 7 of the International Covenant on Economic, Social and Cultural Rights, and promote women's pay equality by respecting the principle of equal pay for work of equal value, as well as access to adequate social security, including maternity protection;

11. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development, and to take additional measures to prevent the engagement of children in the worst forms of child labour;

12. *Recognizes* that the right to work is interrelated with and interdependent on other human rights, particularly the right to social security, the right to education and the right to participate in public affairs, the realization of which would be essential in promoting young people's empowerment;

13. *Notes with concern* that, according to the most recent report of the International Labour Organization, *Global Employment Trends for Youth 2020*, although there has been a modest economic recovery, youth unemployment remains high and employment quality a concern, and young people are three times as likely as adults to be unemployed, which constitutes a serious global problem;

14. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, and emphasizes that full and productive employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability, thus contributing to sustainable development and peace;

15. *Stresses* the fundamental importance of equal opportunities, education, technical and vocational training, including the use of new technologies, and that lifelong learning opportunities and guidance for all, including for women, young people and persons with disabilities, are necessary for the realization of the right to work;

16. *Encourages* States to effectively implement the 2030 Agenda for Sustainable Development, including its Goal 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Stresses* that the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking, and that to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full and productive employment and decent work for all women and men by 2030;

18. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant and inclusive social protection measures, including social protection floors;

19. *Also recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and the exchange of relevant

lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full and productive employment and decent work for all;

20. *Calls upon* States to put in place cohesive and comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women by, inter alia, considering undertaking policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, including those that are owned by women, and considering investing in infrastructure, services and social protection systems to allow for and to promote equitable sharing of care responsibilities between men and women;

21. *Encourages* States to adopt proactive employment policies and partnerships that aim at generating decent jobs, in particular for young people, and to consider putting in place specialized services that assist them in identifying and securing available employment, including by providing access to information channels, technology and job search mechanisms, and that promote equality and accessibility;

22. *Acknowledges* that the promotion of greater involvement by young people, without any discrimination in policymaking, law-making processes and in the leadership of workers' and employers' organizations, is called for so that their views are taken into account;

23. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of inclusive, sustained economic growth, full and productive employment and decent work for all, noting the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals and the Addis Ababa Action Agenda by 2030, and noting the need to promote the implementation of the Guiding Principles on Business and Human Rights and the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women, as applicable;

24. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all, and the importance of promoting equitable representation, participation and leadership in such organizations;

25. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities for women and men, and reaffirms that opportunities for all to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth, and sustainable development;

26. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination and violence, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

27. *Encourages* States to take all appropriate measures to prohibit discrimination in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement, and to pay particular attention to women facing multiple intersecting forms of inequality and discrimination;

28. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, relevant United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, the special procedures, civil society, national human rights institutions and other stakeholders, on the relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities, with an emphasis on their empowerment, in accordance with States' respective obligations under international human rights law, to indicate the major challenges and best practices in that regard, and to submit the report in an accessible format to the Human Rights Council prior to its forty-sixth session;

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

44th meeting  
19 June 2020

[Adopted without a vote.]

**43/8. Rights of persons belonging to national or ethnic, religious and linguistic minorities: mandate of the Special Rapporteur on minority issues**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

*Taking into consideration* article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

*Recalling* all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

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

*Recalling further* the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development, of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Sustainable Development Goals and targets seek to realize the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda in order to ensure that no one is left behind,

*Recalling* the International Year of Indigenous Languages held in 2019, which drew attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages, including as an educational medium, and to take further urgent steps to that end at the national and international levels,

*Emphasizing* the need to strengthen efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

including by addressing their economic and social conditions and marginalization, and to end any type of discrimination against them,

*Recognizing* that education in and the teaching of minority languages contribute to the preservation of cultural and linguistic diversity as well as to social inclusion, equality for all, social cohesion and the unity of the State for which knowledge of the official languages is a factor,

*Emphasizing* the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

*Emphasizing also* the fundamental importance of human rights education, training and learning, dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society relating to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including through the sharing of best practices relating to, inter alia, the promotion of mutual understanding of minority issues, the management of diversity through the recognition of plural identities and the promotion of inclusive, just, tolerant and stable societies and of social cohesion therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues,<sup>13</sup> his report on the recommendations of the Forum on Minority Issues at its twelfth session<sup>14</sup> and his report submitted to the General Assembly at its seventy-fourth session;<sup>15</sup>

2. *Notes* the completion, in November 2019, of the twelfth session of the Forum on Minority Issues, addressing education, language and the human rights of minorities, which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;<sup>16</sup>

4. *Commends* the Special Rapporteur on minority issues for his work and for the important role that he has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for his guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights obligations and commitments, and recommends that all measures taken with a view to implementing the Declaration be, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the twelfth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including minority youth, to take appropriate measures by, inter alia:

<sup>13</sup> [A/HRC/43/47](#).

<sup>14</sup> [A/HRC/43/62](#).

<sup>15</sup> [A/74/160](#).

<sup>16</sup> [A/HRC/43/28](#).

(a) Taking legislative, policy or practical measures to ensure that persons belonging to minorities have equal access to education of equal quality, delivered in an inclusive environment that fosters greater achievement for all;

(b) Considering ratifying and acceding and adhering to relevant international and regional human rights instruments that protect and promote the rights of persons belonging to linguistic minorities, including those pertaining to the right to education;

(c) Providing, wherever possible, persons belonging to minorities with adequate opportunities to learn their own language or to have instruction in their own language, while ensuring that minorities also have access to instruction in official languages;

(d) Considering minority language education in the implementation of Goal 4 of the Sustainable Development Goals, aimed at ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all;

(e) Promoting educational environments that respect linguistic and cultural diversity and freedom from discrimination, stigmatization, hatred and hate speech towards persons belonging to minorities, including through public education and information campaigns and by providing training for educators;

(f) Refraining from the forced assimilation of persons belonging to minorities through, *inter alia*, the prohibition of education in or the teaching of the mother tongue of minorities;

(g) Creating a safe and enabling environment for civil society representatives working on the human rights of persons belonging to minorities in language matters and monitoring the implementation of States' obligations towards ensuring access to, education in and the teaching of minority languages;

(h) Promoting access of persons belonging to minorities to administrative, legal and health services by considering offering them also in minority languages;

(i) Ensuring that education is provided in sign language for the deaf community where this is practicable;

(j) Developing and financing programmes for the development and training of minority language teachers, and promoting such programmes among minority communities;

(k) Allocating the resources necessary to promote access to education in and the teaching of minority languages;

(l) Ensuring that educational curricula do not include materials that stereotype minorities, including women and girls belonging to minorities, on the basis of their ethnicity or their gender;

(m) Taking all measures necessary to ensure access to minority language education and teaching for women and girls of minority communities, where applicable, considering the multiple and intersecting forms of discrimination, marginalization and exclusion to which they are often subjected because of their gender and minority status;

7. *Invites* international and regional organizations to continue to pay attention to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities, and in this regard to take into consideration relevant recommendations of the Forum on Minority Issues;

8. *Welcomes* the fact that the twelfth session of the Forum on Minority Issues was fully interpreted in sign language, and stresses the importance that discussions at the Forum's sessions remain fully accessible to persons with disabilities;

9. *Invites* the Office of the High Commissioner, United Nations entities and Member States to support and collaborate in the organization of regional forums on minority issues in order to complement and enrich the work and recommendations of the Forum on Minority Issues;

10. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges

them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, drawing also on relevant outcomes of the Forum on Minority Issues and taking into account the work of relevant regional organizations;

11. *Notes in particular* in this regard the initiatives and activities of the United Nations network on racial discrimination and the protection of persons belonging to national or ethnic, religious and linguistic minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

12. *Requests* the High Commissioner to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

13. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur on minority issues and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Decides* to extend the mandate of the Special Rapporteur on minority issues for a period of three years under the same terms as provided for by the Human Rights Council in its resolution 25/5;

15. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to him or her, to provide him or her with all the necessary information requested and to seriously consider responding promptly and favourably to the request of the Special Rapporteur to visit their countries in order to enable him or her to fulfil his or her duties effectively;

16. *Encourages* specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop and maintain regular dialogue and cooperation with the mandate holder, and to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

17. *Requests* the Secretary-General and the High Commissioner to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur;

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

44th meeting  
19 June 2020

[Adopted without a vote.]

### **43/9. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity**

*The Human Rights Council,*

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

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

*Recalling also* all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26 March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011, 19/6 of 22 March 2012, 20/11 of 5 July 2012, 23/10 of 13 June 2013, 25/19 of 28 March 2014, 28/9 of 26 March 2015, 31/12 of 23 March 2016, 34/2 of 23 March 2017, 37/12 of 22 March 2018 and 40/6 of 21 March 2019,

*Noting* the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

*Welcoming* the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and that entered into force on 18 March 2007,

*Convinced* that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

*Recognizing* that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

*Determined* to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for and the promotion of cultural rights are essential for development, peace, the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the field of cultural rights in the discharge of the mandate, to provide the mandate holder with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

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

11. *Requests* the Special Rapporteur to continue to work, within her mandate, with relevant stakeholders towards the comprehensive promotion and protection of cultural rights, and to report regularly to the Human Rights Council and the General Assembly, in accordance with their respective programmes of work;

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

44th meeting  
19 June 2020

[Adopted without a vote.]

**43/10. Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**

*The Human Rights Council,*

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

*Reaffirming* all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 40/8 of 21 March 2019, and all other relevant resolutions,

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

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

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

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

*Stressing also* the determination expressed in the 2030 Agenda to assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at

fostering debt financing, debt relief and debt restructuring, as appropriate, and to address the external debt of highly indebted poor countries to reduce debt distress,

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

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

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

1. *Expresses its appreciation* for the work and contributions of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;<sup>17</sup>

2. *Decides* to extend the mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years, in accordance with the terms provided for by Human Rights Council resolution 34/3;

3. *Encourages* the Independent Expert to cooperate, in accordance with the mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development;

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

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

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

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

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*19 June 2020*

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

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Burkina Faso, Cameroon, Chile, Democratic Republic of the Congo, Eritrea, Fiji, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Senegal, Somalia, Sudan, Togo, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Austria, Brazil, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Netherlands, Poland, Republic of Korea, Slovakia, Spain, Ukraine

*Abstaining:*

Afghanistan, Armenia, Bahamas, Marshall Islands, Mexico, Peru]

<sup>17</sup> See [A/HRC/43/45](#) and [Adds.1](#) and [2](#).

## 43/11. The right to food

*The Human Rights Council,*

*Recalling* all previous resolutions of the General Assembly and the Human Rights Council on the right to food, and all resolutions of the Commission on Human Rights on the issue,

*Recalling also* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his or her health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development, in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

*Recalling further* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

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

*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and reaffirming the Five Rome Principles for Sustainable Global Food Security, and the recommendations and commitments made therein,

*Stressing* the importance of the Rome Declaration on Nutrition and its Framework for Action, adopted at the second International Conference on Nutrition, held in Rome on 21 November 2014,

*Acknowledging* that the right to food has been recognized as the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and nutritious food, in conformity with, inter alia, the culture, beliefs, traditions, dietary habits and preferences of individuals, and that is produced and consumed sustainably, thereby preserving access to food for future generations,

*Reaffirming* that a peaceful, stable and enabling political, social and economic environment at both the national and international levels is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in the realization of the right to food through an increased and sustained effort of international cooperation and solidarity, with a view to building a community of shared future for humanity,

*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

*Reaffirming* that food security is a national responsibility, and that any plan for addressing food security challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders, and recognizing the commitment to strengthening the multilateral system in the channelling of resources and in the promotion of policies dedicated to fighting hunger and malnutrition,

*Recognizing* the complex character of food insecurity and its likely recurrence owing to a combination of several major factors, such as the effects of the global financial and economic crisis, environmental degradation, desertification and the impact of global climate change, as well as poverty, natural disasters, armed conflicts, drought, excessive volatility in commodity prices and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, including land-locked developing countries, least developed countries and small island developing States, and the need for coherence and collaboration between international institutions at the global level,

*Expressing its deep concern* at the number and scale of human-made and natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have, in combination with other factors, resulted in substantial loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

*Recognizing in particular* the need to urgently assist certain African countries that are facing drought, plague, starvation and famine-related threats that could affect millions of people, most of whom are women and children,

*Stressing* the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance, and recognizing that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

*Recognizing* the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

*Recognizing also* the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

*Looking forward* to the fifty-third session of the Commission on Population and Development, which will consider the theme “Population, food security, nutrition and sustainable development”, and noting that the Programme of Action of the International Conference on Population and Development prescribed that measures should be taken to strengthen food, nutrition and agricultural policies and programmes,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. Expresses its deep concern that The State of Food Security and Nutrition in the World 2019: Safeguarding against economic slowdowns and downturns<sup>18</sup> confirmed a rise in world hunger for a third year in a row, that there were 821 million chronically undernourished people in the world in 2019, and that one in nine people in the world now faces hunger;

4. *Considers it intolerable* that, as estimated by the United Nations Children’s Fund, nearly half of all deaths of children under the age of 5 are attributable to undernutrition, which puts children at greater risk of dying from common infections, increases the frequency and severity of such infections, and delays recovery;

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<sup>18</sup> Issued by the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, the United Nations Children’s Fund, the World Food Programme and the World Health Organization.

5. *Expresses its great concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and ensuring that women and girls have equal access to social protection and resources, including income, land and water, and their ownership, and full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

7. *Encourages* the Special Rapporteur on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective in their relevant policies, programmes and activities regarding access to food;

8. *Stresses* that improving access to productive resources and responsible public investment in rural development, taking into consideration the Principles for Responsible Investment in Agriculture and Food Systems, as endorsed by the Committee on World Food Security, is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investment, including private investment, in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts and to tackle water scarcity;

9. *Recognizes* the importance of smallholder and family farmers and peasants in developing countries, including women and local and indigenous communities, in ensuring food security, reducing poverty and preserving ecosystems, and the need to assist their development;

10. *Reaffirms* the need to ensure that programmes delivering safe, sufficient, nutritious and culturally accepted food are inclusive and accessible to persons with disabilities;

11. *Encourages* States to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and, where appropriate, to consider establishing appropriate institutional mechanisms and adopting national plans to combat hunger;

12. *Recognizes* the advances made through South-South and triangular cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

13. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, and access to locally adapted seeds, including for many indigenous peoples and local communities;

14. *Stresses* that the primary responsibility of States is to promote and protect the right to food, and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, achieving food security, with special attention paid to the specific needs of women and girls, and promoting support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and to ensure support for the establishment of secure land tenure systems;

15. *Calls upon* States to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

16. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,<sup>19</sup> and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take action to address those obstacles and challenges and the continuous discrimination against indigenous peoples;

17. *Recognizes* the contributions of peasants, smallholders, family farmers and other people working in rural areas in all regions of the world to development and in ensuring the right to food and food security, which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development;

18. *Requests* all States, private actors, international organizations and agencies, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all;

19. *Recognizes* the need to strengthen national commitments and international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

20. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

21. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to avoid any actions that could have a negative impact on the realization of the right to food;

22. *Expresses its appreciation* for the work and contributions of the Special Rapporteur on the right to food during her mandate, and takes note of her latest report;<sup>20</sup>

23. *Encourages* the new mandate holder to continue collaboration with relevant international organizations and United Nations agencies, funds and programmes in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

24. *Requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, paying particular attention to Sustainable Development Goal 2 in respect of achieving zero hunger;

25. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

26. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur by supplying all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable more effective fulfilment of the mandate;

27. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of the

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<sup>19</sup> General Assembly resolution 69/2.

<sup>20</sup> [A/HRC/43/44](#).

mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

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

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

44th meeting  
19 June 2020

[Adopted without a vote.]

## **43/12. Freedom of religion or belief**

*The Human Rights Council,*

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

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

*Recalling further* Human Rights Council resolution 40/10 of 21 March 2019, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

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

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

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

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

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

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

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

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights

can play in the fight against all forms of intolerance and discrimination based on religion or belief;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to

torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention, on that account, and to bring to justice all perpetrators of violations of these rights;

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

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

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

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

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

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

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

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

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

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

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

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on

the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

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

13. *Takes note* of the thematic report presented by the Special Rapporteur on the relationship between the right to freedom of religion or belief and gender equality;<sup>21</sup>

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

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

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

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

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

*44th meeting  
19 June 2020*

[Adopted without a vote.]

### **43/13. Mental health and human rights**

*The Human Rights Council,*

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

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

*Reaffirming* Human Rights Council resolutions 32/18 of 1 July 2016 and 36/13 of 28 September 2017 on mental health and human rights, and Council resolutions on the rights of persons with disabilities,

*Welcoming* the Sustainable Development Goals, including Goal 3, on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets,

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing,

<sup>21</sup> [A/HRC/43/48](#).

*Welcoming* the consultation on human rights and mental health<sup>22</sup> organized by the United Nations High Commissioner for Human Rights on 14 and 15 May 2018 pursuant to Human Rights Council resolution 36/13, which, inter alia, identified strategies to promote human rights in mental health,

*Welcoming also* the political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases,<sup>23</sup>

*Welcoming further* the discussion held by the Joint United Nations Programme on HIV/AIDS on the theme of mental health and HIV/AIDS: promoting human rights, an integrated and person-centred approach to improving adherence to antiretroviral therapy, well-being and quality of life, during the thematic segment of the forty-third meeting of its Programming Coordinating Board in December 2018,

*Welcoming* the World Health Organization QualityRights initiative and its comprehensive package of training and guidance materials on how to implement a human rights and recovery approach in the area of mental health in line with the Convention on the Rights of Persons with Disabilities and other international human rights standards of November 2019,

*Welcoming also* the adoption at the Thirty-third International Conference of the Red Cross and Red Crescent, held in Geneva from 9 to 12 December 2019, of resolution 33IC/19/R2 on addressing mental health and psychosocial needs of people affected by armed conflicts, natural disasters and other emergencies,

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

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

*Reaffirming further* that everyone has the right to life, liberty and security of person, the equal right to live independently and be included in the community and the right to equal recognition before the law, which includes the enjoyment of legal capacity on an equal basis with others, and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

*Recalling* the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely respect for inherent dignity, individual autonomy and independence, non-discrimination, and full and effective participation and inclusion in society,

*Reaffirming* the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that mental health is an integral part of that right,

*Welcoming* the work of the treaty bodies and the special procedures of the Human Rights Council relating to issues of mental health and human rights, and taking note of their respective general comments and reports,

*Reaffirming* the right of everyone to be guaranteed the full enjoyment of their human rights and fundamental freedoms, without discrimination of any kind,

*Deeply concerned* that persons with mental health conditions or psychosocial disabilities, including persons using mental health services, continue to be subject to, inter alia, widespread, multiple, intersecting and aggravated discrimination, stigma, stereotypes, prejudice, violence, abuse, social exclusion and segregation, unlawful and arbitrary deprivation of liberty and institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences,

<sup>22</sup> See [A/HRC/39/36](#).

<sup>23</sup> General Assembly resolution 73/2.

*Equally concerned* that such practices may constitute or lead to violations and abuses of their human rights and fundamental freedoms, sometimes amounting to torture or other cruel, inhuman or degrading treatment or punishment,

*Equally concerned also* that suicide is the second leading cause of death in young people aged from 15 to 29 years, and is among the top 20 leading causes of death worldwide, and acknowledging that suicide attempts and self-harm must be addressed through prevention strategies and support services that promote and respect human rights and fight stigma and discrimination,

*Recognizing* the need to protect, promote and respect all human rights in the global response to mental health-related issues, and stressing that mental health and community services should integrate a human rights perspective so as to avoid any harm to persons using them and to respect their dignity, integrity, enjoyment of legal capacity on an equal basis with others, choices and inclusion in the community,

*Emphasizing* that States should ensure that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, have access to a range of support services, including peer support, that are based on respect for human rights in order to live independently, be included in the community, exercise their autonomy and agency, participate meaningfully in and decide upon all matters affecting them and have their dignity respected, on an equal basis with others,

*Reiterating* how important it is for States to adopt, implement, update, strengthen or monitor, as appropriate, laws, policies and practices to eradicate any form of discrimination, stigma, violence and abuse in the context of mental health,

*Recognizing* the particularly important role that psychiatry and other mental health professions should have, alongside, inter alia, government institutions and services, actors within the justice system, including the penitentiary system, civil society organizations and national human rights institutions, in taking measures to ensure that practices in the field of mental health do not perpetuate stigma, discrimination and social exclusion, coercion, overmedicalization and institutionalization that lead to violations or abuses of human rights,

*Acknowledging* that the Convention on the Rights of Persons with Disabilities laid the foundation for a paradigm shift in mental health and created the momentum for deinstitutionalization and the identification of models of care and support based on respect for human rights that, inter alia, address the underlying determinants of mental health, provide effective mental health and community-based services and psychosocial support, reduce power asymmetries in mental health settings and respect the enjoyment of autonomy on an equal basis with others,

*Reaffirming* that the right to the enjoyment of the highest attainable standard of physical and mental health is an inclusive right that encompasses tackling the underlying determinants of health through interventions, policies and programmes that protect persons from key risk factors of poor health,

*Recalling* that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

*Acknowledging* that good mental health and well-being cannot be defined by the absence of a mental health condition or psychosocial disability but rather by an environment that enables individuals and populations to live a life of dignity, with full enjoyment of their rights, in the equitable pursuit of their potential, and that values both social connection and respect through non-violent and healthy relationships at the individual and societal levels, and recognizing that discriminatory laws, policies, practices and attitudes undermine the social structures required to support well-being and inclusion,

*Concerned* that there is a continuing lack of parity between physical and mental health reflected in the marginalization of mental health within health policies and budgets or in medical education, research and practice, and stressing the importance of investing more on mental health promotion through a multisectoral approach that is based on respect for human

rights and that also addresses the underlying social, economic and environmental determinants of mental health,

*Reaffirming* the right of refugees and migrants to the enjoyment, without discrimination, of the highest attainable standard of physical and mental health, and underscoring the vulnerable situations that can have a negative impact on the mental health of persons on the move,

*Recognizing* that women and girls with mental health conditions or psychosocial disabilities at all ages, in particular those using mental health services, face an increased vulnerability to violence, abuse, discrimination and negative stereotyping, and underscoring the need to take all appropriate measures to ensure access to mental health and community services that are gender-sensitive,

*Acknowledging* the intersections between mental health and HIV and that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by people living with, presumed to be living with or affected by HIV/AIDS and members of key populations have negative consequences on their enjoyment of the highest attainable standard of mental health, and underlining the importance of improving psychosocial well-being and the quality of life of people affected and living with HIV through the implementation of community-, evidence- and human rights-based and people-centred policies and programmes in the context of HIV prevention, diagnosis, treatment and comprehensive care services,

*Convinced* that the Human Rights Council, in fulfilling its responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, has an important role to play in the area of mental health and human rights, to foster constructive international dialogue and cooperation, and to promote human rights education and learning, and also advisory services, technical assistance, capacity-building and awareness-raising,

*Acknowledging* the leadership of the World Health Organization in the field of health, and also the work that it has carried out to date to, inter alia, integrate a human rights perspective into mental health, and recalling the commitment of States to implement by 2030 the Organization's comprehensive mental health action plan,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on mental health and human rights on the consultation on human rights and mental health held in Geneva on 14 and 15 May 2018;<sup>24</sup>

2. *Also takes note with appreciation* of the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the critical role of the social and underlying determinants of health in advancing the realization of the right to mental health;<sup>25</sup>

3. *Further takes note with appreciation* of the reports of the Special Rapporteur on the rights of person with disabilities on the right of persons with disabilities to equal recognition before the law;<sup>26</sup>

4. *Takes note with appreciation* of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on questions arising in relation to the notion of "psychological torture" under human rights law;<sup>27</sup>

5. *Reaffirms* the obligation of States to protect, promote and respect all human rights and fundamental freedoms and to ensure that policies and services relating to mental health comply with international human rights norms;

6. *Urges* States to take active steps to fully integrate a human rights perspective into mental health and community services, and to adopt, implement, update, strengthen or monitor, as appropriate, all existing laws, policies and practices, with a view to eliminating all forms of discrimination, stigma, stereotypes, prejudice, violence, abuse, social exclusion,

<sup>24</sup> [A/HRC/39/36](#).

<sup>25</sup> [A/HRC/41/34](#).

<sup>26</sup> [A/HRC/37/56](#) and [A/HRC/40/54](#).

<sup>27</sup> [A/HRC/43/49](#).

segregation, unlawful or arbitrary deprivation of liberty and institutionalization, and overmedicalization within that context, and to promote the right of persons with mental health conditions or psychosocial disabilities to live independently, to full inclusion and effective participation in society, to decide upon matters affecting them and to have their dignity respected on an equal basis with others;

7. *Also urges* States to promote a paradigm shift in mental health, inter alia, in the fields of clinical practice, policy, research, medical education and investment, through the promotion of community-, evidence- and human rights-based and people-centred services and supports that protect, promote and respect the enjoyment of the rights, autonomy, will and preferences of all persons, including by providing a range of voluntary supported decision-making mechanisms, such as peer support, and safeguards against abuse and undue influence within support arrangements, over a model based on the dominance of biomedical interventions, coercion, medicalization and institutionalization;

8. *Calls upon* States to abandon all practices and treatments that fail to respect the rights, autonomy, will and preferences of all persons on an equal basis with others, and that lead to power imbalances, stigma, discrimination, harm and human rights violations and abuses in mental health settings;

9. *Also calls upon* States to ensure that persons with mental health conditions or psychosocial disabilities, including users of mental health services, have access to justice on an equal basis with others, including through the provision of procedural and age-appropriate accommodations;

10. *Urges* States to address the underlying social, economic and environmental determinants of health and to address holistically the range of barriers arising from inequality and discrimination that impede the full enjoyment of human rights in the context of mental health;

11. *Strongly encourages* States to develop cross-sectoral strategies for the promotion of mental health that include public policies to prevent inequality, discrimination and violence in all settings and promote non-violent and respectful relationships between members of societies and communities, and increase mutual trust between authorities, individuals and civil society;

12. *Urges* States to adopt prevention strategies to address depression and suicide, such as public health policies that respect human rights and focus on tackling determinants, enhancing life skills and resilience, promoting social connection and healthy relationships, and avoiding overmedicalization;

13. *Calls upon* States to take all the measures necessary to ensure that health professionals provide care and support of the same quality to persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of these persons through training and the promulgation of ethical standards for public and private health care;

14. *Strongly encourages* States to support persons with mental health conditions or psychosocial disabilities to empower themselves in order to know and demand their rights, including by promoting health and human rights literacy, to provide human rights education and training for health and social workers, police, law enforcement officers, prison staff and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for the will and preferences of all, confidentiality and privacy, and to exchange best practices in this regard;

15. *Encourages* States to promote the effective, full and meaningful participation of persons with mental health conditions or psychosocial disabilities and their organizations in the design, implementation and monitoring of law, policies, services and programmes relevant to realizing the right of everyone to the enjoyment of the highest attainable standard of mental health;

16. *Recognizes* the need to promote the mainstreaming of a human rights perspective into mental health in all relevant public policies;

17. *Encourages* States to provide technical support and capacity-building through international cooperation to countries that develop and implement policies, plans, laws and services that promote and protect the human rights of persons with mental health conditions or psychosocial disabilities, in accordance with the present resolution, in consultation with, and with the consent of, the countries concerned;

18. *Requests* the High Commissioner to organize in 2021, and no later than the seventy-fourth session of the World Health Assembly, a one-day consultation to discuss the best ways to harmonize national laws, policies and practices relating to mental health with the norms of the Convention on the Rights of Persons with Disabilities;

19. *Also requests* the High Commissioner to provide the above-mentioned consultation with all the services and facilities necessary to fulfil its activities, including by making the discussions fully accessible to persons with disabilities;

20. *Further requests* the High Commissioner to invite to the consultation Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, in particular the World Health Organization, the special procedures of the Human Rights Council, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the treaty bodies, national human rights institutions and civil society;

21. *Requests* the High Commissioner to invite persons with mental health conditions or psychosocial disabilities, including persons using mental health services, and their organizations, and to ensure their active participation in the consultation, mindful of the central role they play and their historical exclusion from decision-making processes;

22. *Also requests* the High Commissioner to prepare a report on the outcome of the consultation, with recommendations for States and all other relevant stakeholders, including health professionals, on ways to harmonize, as appropriate, laws, policies and practices relating to mental health with the norms of the Convention on the Rights of Persons with Disabilities and on how to implement them, and to present the report to the Human Rights Council at its forty-ninth session;

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

44th meeting  
19 June 2020

[Adopted without a vote.]

#### **43/14. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context**

*The Human Rights Council,*

*Reaffirming* that international human rights law instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

*Reaffirming also* that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to

adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

*Recalling also* all previous resolutions adopted by the Human Rights Council and the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living,

*Recalling further* all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005,

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

*Reaffirming* the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits, inter alia, the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), and underlining the importance of the implementation of the 2030 Agenda for Sustainable Development, including target 11.1,

*Concerned* that the right to adequate housing is not realized for many throughout the world and that millions continue to live in substandard housing, and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

*Expressing deep concern* at the number and scale of natural disasters and their negative impact on the right to adequate housing, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030,

*Emphasizing* that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living,

*Deeply concerned* that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

*Recognizing* that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

*Recalling* the guiding principles on security of tenure for the urban poor, and of the basic principles and guidelines on development-based evictions and displacement, submitted to the Human Rights Council by previous mandate holders,

*Noting with appreciation* the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

1. *Calls upon* States:

(a) To give due consideration to integrating the human right to adequate housing into the implementation of the New Urban Agenda and the 2030 Agenda for Sustainable Development;

(b) To take urgent measures to address inadequate housing and to improve the living circumstances of persons residing in informal settlements, in compliance with international human rights law;

(c) To take the measures necessary to curb factors that result in a lack of affordable housing, such as housing speculation and the “financialization of housing”;<sup>28</sup>

(d) To take the right to adequate housing into account in strategies for adaptation to and mitigation of climate change;

(e) To work with affected communities and individuals to develop and promote environmentally sustainable and sound housing design, construction and maintenance to address the effects of climate change while ensuring the right to adequate housing;

(f) To consider adopting national programmes and legislation compliant with human rights law and due process and with respect for human dignity and proportionality, to prevent, avoid and reduce evictions, and to promote affordable housing for all;

(g) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for regular monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

(h) To ensure equality and non-discrimination when fulfilling the right to adequate housing, and to strive towards the full realization of the right to adequate housing for all;

(i) To ensure women’s equal right to adequate housing as a component of the right to an adequate standard of living in all aspects of housing strategies, including through equal access to credit, mortgages, home ownership and rental housing, to take the safety of such housing properly into account, especially when women and children face any form of violence or threat of violence, and to undertake legislative and other reforms to realize equal rights for all with respect to property and inheritance;

(j) To take all measures necessary to eliminate legislation that criminalizes homelessness, and to take positive measures with a view to prevent and eliminate homelessness by adopting and implementing laws, administrative orders, cross-sectional strategies and programmes at all levels that are, among others, gender-, age- and disability-responsive and based on international human rights law;

(k) To ensure that construction companies work in accordance with building regulations and in compliance with safety standards;

2. *Also calls upon* States to provide, in an accessible, affordable, timely and effective manner, an effective remedy and equal access to justice and administrative procedures in complementing judicial recourses for all for violations and abuses of the right to adequate housing by considering:

(a) Adopting domestic legislation and administrative orders giving full effect to the right to adequate housing and redress for violations of that right;

(b) Making provisions for legal support and legal aid;

(c) Promoting the establishment of national human rights institutions, equality bodies, ombudspersons and civil society organizations supporting the interests of affected persons in accordance with their respective procedural law;

(d) Ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, if not yet ratified;

<sup>28</sup> See [A/HRC/34/51](#).

3. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, including the undertaking of country visits, and takes note of her reports, including her most recent report containing guidelines for the implementation of the right to adequate housing;<sup>29</sup>

4. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, as set out by the Human Rights Council in previous resolutions, in particular Council resolution 15/8 of 30 September 2010;

5. *Requests* the Special Rapporteur, in fulfilling the mandate, to continue to engage with States in the implementation of the right to adequate housing, the New Urban Agenda and housing-related Sustainable Development Goals and targets, and to consult with civil society and other stakeholders, in accordance with Human Rights Council resolution 37/4 of 22 March 2018;

6. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate, and to respond favourably to his or her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to follow-up to and implementation of his or her recommendations;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources and assistance necessary for the Special Rapporteur to fulfil the mandate effectively;

8. *Requests* the Special Rapporteur to submit an annual report on the implementation of the mandate to the Human Rights Council and to the General Assembly in accordance with their annual programme of work;

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

*44th meeting  
19 June 2020*

[Adopted without a vote.]

### **43/15. The negative impact of unilateral coercive measures on the enjoyment of human rights**

*The Human Rights Council,*

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

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

*Recalling further* Human Rights Council resolutions 36/10 of 28 September 2017 and 40/3 of 21 March 2019, and General Assembly resolutions 73/167 of 17 December 2018 and 74/154 of 18 December 2019,

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

<sup>29</sup> [A/HRC/43/43](#).

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

*Taking note* of the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial panel discussion on unilateral coercive measures and human rights,<sup>30</sup>

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

*Recognizing* the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

*Expressing its grave concern* at the negative impact of unilateral coercive measures on human rights, the right to development, international relations, trade, investment and cooperation,

*Reaffirming* that no State may use or encourage the use of any type of measure, including but not limited to economic or political measures, to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

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

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

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

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

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

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

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

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

<sup>30</sup> A/HRC/43/36.

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

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

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

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

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

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

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

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

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

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

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

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

*Welcoming* the continuing efforts of the open-ended Working Group on the Right to Development, and reaffirming in particular its criteria and relevant sub-criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

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

Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

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

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

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

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

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

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

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

7. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights and peremptory norms of customary international law, and entails adverse consequences for the enjoyment of human rights by innocent people;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. *Takes note* of the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights<sup>31</sup> and the addendum thereto on elements for a draft General Assembly declaration on unilateral coercive measures and the rule of law, submitted to the Human Rights Council at its forty-second session;<sup>32</sup>

<sup>31</sup> A/HRC/42/46.

<sup>32</sup> A/HRC/42/46/Add.1.

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

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

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

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

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

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

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

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

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

*45th meeting  
22 June 2020*

[Adopted by a recorded vote of 25 to 16, with 6 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, Eritrea, Fiji, India, Indonesia, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Senegal, Somalia, Sudan, Togo, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Austria, Brazil, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Slovakia, Spain, Ukraine

*Abstaining:*

Afghanistan, Chile, Libya, Mauritania, Mexico, Peru]

## 43/16. Mandate of the Special Rapporteur on the situation of human rights defenders

*The Human Rights Council,*

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

*Recalling* General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

*Recalling also* the continued validity and application of all the provisions of the above-mentioned Declaration,

*Recalling further* all previous resolutions on this subject, including Human Rights Council resolutions 16/5 of 24 March 2011, 25/18 of 28 March 2014, 31/32 of 24 March 2016, 34/5 of 23 March 2017 and 40/11 of 21 March 2019, and General Assembly resolutions 68/181 of 18 December 2013, 70/161 of 17 December 2015, 72/247 of 24 December 2017 and 74/146 of 18 December 2019,

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

*Emphasizing* the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play at the local, national, regional and international levels in the promotion and protection of all human rights and fundamental freedoms for all,

*Reiterating* the grave concerns expressed by the General Assembly and the Human Rights Council with regard to the serious risks faced by human rights defenders due to threats, attacks, reprisals and acts of intimidation against them,

*Reaffirming* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

*Stressing* that respect and support for the activities of all human rights defenders, including women human rights defenders, are essential to the overall enjoyment of human rights,

*Mindful* that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

*Underscoring* that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

*Gravely concerned* that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

*Recognizing* the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

1. *Welcomes* the work and takes note with appreciation of the reports of the Special Rapporteur on the situation of human rights defenders,<sup>33</sup> and strongly urges all States to take concrete steps to create, in law and in practice, a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;
2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights defenders for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 16/5;
3. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to the communications transmitted to them by the Special Rapporteur without undue delay;
4. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil the mandate even more effectively;
5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his or her mandate;
6. *Encourages* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his or her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders;
7. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*45th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/17. Regional arrangements for the promotion and protection of human rights**

*The Human Rights Council,*

*Recalling* General Assembly resolution 32/127 of 16 December 1977 and subsequent Assembly resolutions concerning regional arrangements for the promotion and protection of human rights, the latest being resolution 63/170 of 18 December 2008,

*Recalling also* Commission on Human Rights resolution 1993/51 of 9 March 1993 and subsequent Commission resolutions in this regard, and Human Rights Council resolutions 6/20 of 28 September 2007, 12/15 of 1 October 2009, 18/14 of 29 September 2011, 24/19 of 27 September 2013, 30/3 of 1 October 2015 and 34/17 of 24 March 2017,

*Bearing in mind* paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should work in close cooperation with regional organizations,

*Bearing in mind also* the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

*Reaffirming* the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

<sup>33</sup> [A/HRC/43/51](#) and [Add.1](#) and [2](#).

1. *Welcomes* the progress made by Governments in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world;

2. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the workshop on regional arrangements for the promotion and protection of human rights,<sup>34</sup> held on 21 and 22 October 2019 in Geneva, including its conclusions and recommendations;

3. *Further welcomes* the holding of the meetings of focal points for cooperation between United Nations and regional human rights mechanisms, and takes note with appreciation of their outcomes;

4. *Notes with appreciation* the progress made towards the implementation of its resolution 34/17, as described in the report of the High Commissioner, and encourages regional arrangements for the promotion and protection of human rights and other organizations to continue to enhance their cooperation;

5. *Also notes with appreciation* the critical role played by the Office of the High Commissioner in advancing cooperation between international and regional human rights mechanisms;

6. *Welcomes* the successful creation by the Office of the High Commissioner of a dedicated programme for regional human rights mechanisms to gain experience in the United Nations human rights system in order to enhance capacity-building and cooperation among them;

7. *Requests* the Secretary-General and the High Commissioner to provide the resources necessary to enable the Office of the High Commissioner to support the above-mentioned activities appropriately, in particular the annual meetings of the regional mechanisms' focal points for cooperation and the dedicated programme;

8. *Requests* the High Commissioner to hold, in 2022, a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop held in 2019, including a thematic discussion on the role of regional arrangements in the field of business and human rights, based on concrete and practical experience of regional mechanisms, in order to share information on best practices, lessons learned and possible new forms of cooperation, with the participation of relevant experts from international, regional, subregional and interregional human rights mechanisms, as well as Members States, observers, national human rights institutions and non-governmental organizations;

9. *Also requests* the High Commissioner to present to the Human Rights Council, at its fifty-second session, a report containing a summary of the discussions held at the above-mentioned workshop and the progress made towards the implementation of the present resolution.

*45th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/18. Promoting human rights through sport and the Olympic ideal**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Recalling* the Universal Declaration of Human Rights and relevant international human rights instruments, including the relevant provisions of the key international human rights treaties, in particular article 31 of the Convention on the Rights of the Child, articles 1

<sup>34</sup> [A/HRC/43/32](#).

and 30 of the Convention on the Rights of Persons with Disabilities and articles 10 (g) and 13 (c) of the Convention on the Elimination of All Forms of Discrimination against Women,

*Recalling also* the resolutions adopted by the General Assembly on the issue of sport for development and peace, in particular its resolution 73/24 of 3 December 2018, in which the Assembly, inter alia, recalled the proclamation of 6 April as the International Day of Sport for Development and Peace, and its resolutions on the issue of building a peaceful and better world through sport and the Olympic ideal, in particular its resolution 74/16 of 9 December 2019,

*Reaffirming* previous Human Rights Council resolutions on the issue of sport and human rights, in particular resolutions 13/27 of 26 March 2010, 18/23 of 30 September 2011, 24/1 of 26 September 2013, 26/18 of 26 June 2014, 27/8 of 25 September 2014, 31/23 of 24 March 2016 and 37/18 of 23 March 2018,

*Recalling* that the General Assembly has supported the independence and autonomy of sport and the mission of the International Olympic Committee in leading the Olympic Movement, and of the International Paralympic Committee in leading the Paralympic Movement, and noting that they, as well as other relevant stakeholders, also have a role in protecting the interests and rights of athletes and the integrity of sport in accordance with the Olympic Charter, the International Paralympic Committee Code of Ethics and other relevant international standards and principles,

*Acknowledging* the fundamental principles of the Olympic Charter, in particular principle 4, which states that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, and principle 6, which states that the enjoyment of the rights and freedoms set forth in the Charter shall be secured for all, without discrimination of any kind,

*Recognizing* the need to reflect more thoroughly on the value of relevant principles enshrined in the Olympic Charter, the International Paralympic Committee Code of Ethics and good sporting example in achieving universal respect for the realization of all human rights,

*Recalling* that the General Assembly has recognized the valuable contribution of sport to the promotion of education, sustainable development, peace, cooperation, solidarity, fairness, social inclusion and health at the local, regional and international levels, and noting that, as declared in the 2005 World Summit Outcome, sports can contribute to an atmosphere of tolerance and understanding among peoples and nations,

*Acknowledging* the revised International Charter for Physical Education, Physical Activity and Sport, as proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session, in November 2015, and the Kazan Action Plan, adopted at the Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, held in Kazan, Russian Federation, in July 2017, and welcoming the endorsement by the World Health Assembly of the global action plan on physical activity 2018–2030,

*Acknowledging also* the major role of the United Nations system and its country programmes and the role of Member States in promoting human development through sport and physical education, and the joint endeavours of the International Olympic Committee, the International Paralympic Committee and the United Nations system in such fields as human development, poverty alleviation, humanitarian assistance, health promotion, HIV and AIDS prevention, child and youth education, gender equality, peacebuilding and sustainable development,

*Recalling* the final report of the Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them,<sup>35</sup> and its recommendations to States, national, regional and international sport organizations and other stakeholders,

<sup>35</sup> [A/HRC/30/50](#).

*Welcoming* the significant impetus that the Olympic Games, the Paralympic Games and the Youth Olympic Games give to the volunteer movement around the world, acknowledging the contributions of volunteers to the success of the Games, and in this regard calling upon host countries to promote social inclusion without discrimination of any kind,

*Recognizing* the potential of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness as a means to combat all forms of discrimination and to promote social inclusion for all, and reaffirming the need to combat discrimination and intolerance where they occur, within and outside the sporting context,

*Recognizing also* that sport, the Olympic and Paralympic Games and other major sporting events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights, and to promote human rights and to strengthen universal respect for them, thus contributing to their full realization,

*Welcoming* the continued advancement of women and girls in and through sports and sporting activities, in particular the support for their progressively greater participation in sport events, which provides opportunities for women's and girls' empowerment and the realization of gender equality, and recognizing the imperative need to engage them further in the practice of sport and to enhance, to this end, their participation in sporting events at the national and international levels,

*Acknowledging* the potential of sport and major sporting events, including the Youth Olympic Games, to inspire and educate the youth of the world, including university students, and to promote their social inclusion through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

*Acknowledging also* the valuable contribution that the appeal by the International Olympic Committee for an Olympic Truce, also known as *ekecheiria*, could make towards international understanding and peace and the advancement of the purposes and principles of the Charter of the United Nations, and recalling in that regard that recreational programmes, sport and games have helped to reduce tensions in some regions where there is armed conflict,

*Noting* that sports could be a strong force for equality and diversity, and may play a role in the promotion of compassion, tolerance and acceptance for refugees and migrants, and welcoming in this context the participation in Olympic and Paralympic Games as well as in mega sporting events of teams of refugees, which might inspire a new understanding of the rights of millions of people caught up in crises around the world,

*Acknowledging* the very important role of the media in the promotion and popularization of sport and in raising public awareness of the merits of practicing as a key element of a healthy lifestyle, thus contributing to the enjoyment of the highest attainable standard of physical and mental health, and the positive role that they may play when reporting on how sport can translate into respect for human rights and promote social cohesion and acceptance of diversity and the values of sport, including integrity, teamwork, excellence, respect, tolerance, fair play and friendship,

*Welcoming* the hosting of the upcoming Olympic and Paralympic Games in the cities of Tokyo, Beijing, Paris, Milan and Cortina, Italy and Los Angeles, United States of America in 2021, 2022, 2024, 2026 and 2028 respectively, and the successful conclusion of the Youth Olympic Games in Lausanne, Switzerland in 2020, and stressing the opportunity to promote human rights, especially through sport and the Olympic ideal,

*Recognizing* the potential of sport and major sporting events in contributing to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and encouraging Member States to use all opportunities offered by sport and its values to that end, and recalling in this regard that the General Assembly, in its resolution 74/16, recognized that Tokyo 2020 aimed to ensure a sustainable delivery of the Games,

*Taking into account* the need to address and prevent improper practices of stakeholders engaged in the organization and preparation of sports events, which may lead to human rights violations and abuses and negatively affect the economic, social and

environmental spheres, and recalling that the General Assembly, its resolution 73/24, encouraged relevant entities involved in delivering major sporting events to respect applicable laws and international principles, including the Guiding Principles on Business and Human Rights, and also recognized that such events should be organized in the spirit of peace, mutual understanding, friendship, tolerance and inadmissibility of discrimination of any kind,

*Being aware* of the need to actively involve sport, the Olympic and Paralympic Games and other major sporting events in achieving the full and equal enjoyment of all human rights by persons with disabilities and respect for their inherent dignity, while recognizing efforts made by hosting countries to create a barrier-free environment for persons with disabilities, and stressing the need to continue to build on such efforts, including those made most recently at the latest Summer and Winter Olympic and Paralympic Games, the 2018 International Federation of Association Football World Cup in the Russian Federation, and those made ahead of Tokyo 2020, Beijing 2022 and Qatar 2022,

*Acknowledging* the role that the Paralympic Movement plays in showcasing the achievements of athletes with disabilities to a global audience and in acting as a primary vehicle to promote positive perceptions and greater inclusion of persons with disabilities in sport and society,

*Recognizing* the need to support the independence and autonomy of sport and to preserve integrity in sports in all aspects through good governance of sport executive bodies and the effective and impartial implementation of anti-corruption, anti-doping and other relevant regulations, without prejudice to the human rights of athletes,

1. *Encourages* States to promote sport as a means to combat all forms of discrimination;

2. *Calls upon* States to cooperate with the International Olympic Committee and the International Paralympic Committee in their efforts to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation during and beyond the period of the Olympic and Paralympic Games, in particular by observing the Olympic Truce;

3. *Encourages* States to adopt best practices and means to promote the practice of sport and physical activities by all members of society, and to cultivate a sports culture in society;

4. *Invites* States and national, regional and international sports organizations to, where appropriate, implement new or strengthen existing programmes that provide more opportunities and facilitate barrier-free access to sport for all, in particular for children and youth, persons with disabilities, and women and girls, and substantially increase opportunities for women's participation and leadership in all areas of sport, and in this regard encourages States to leverage sport and physical education policies and programmes to advance gender equality and the empowerment of women and girls;

5. *Encourages* States and national, regional and international sports organizations to enhance human rights awareness and education, including the values of sport, of athletes, coaches and other sports officials;

6. *Calls upon* States to take effective measures to address vandalism and violence during and around sporting events while respecting and protecting human rights, and to encourage national, regional and international sports organizations to contribute to that end;

7. *Welcomes* the cooperation among Member States, the United Nations and its specialized agencies, funds and programmes, the International Olympic Committee and the International Paralympic Committee to maximize the potential of sport to make a meaningful and sustainable contribution to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and encourages the Olympic and Paralympic Movements to work closely with national, regional and international sport organizations on the use of sport for this purpose;

8. *Decides*, in the light of the COVID-19 pandemic, to postpone the quadrennial thematic panel discussion on promoting human rights through sport and the Olympic ideal, as already incorporated into the programme of work of the Human Rights Council in its

resolution 37/18 and due to be held at its forty-fourth session, to its forty-seventh session, prior to the Olympic and Paralympic Games Tokyo 2020, programmed for 2021, using for this purpose the funds already allocated for the forty-fourth session, in accordance with Council resolution 37/18;

9. *Also decides* that the title of the above-mentioned thematic panel discussion, which will be fully accessible to persons with disabilities, will be “The potential of leveraging sport and the Olympic ideal for promoting human rights for young people”;

10. *Further decides* to remain seized of the matter.

45th meeting  
22 June 2020

[Adopted without a vote.]

### **43/19. Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights and that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

*Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all other human rights instruments,

*Reaffirming* General Assembly resolution 60/251 of 3 April 2006, in which the Assembly decided that the work of the Human Rights Council would be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

*Reaffirming also* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

*Reaffirming further* Human Rights Council resolution 37/24 of 23 March 2018, and recalling other relevant resolutions adopted by the Council,

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

*Recognizing also* that the implementation of the 2030 Agenda must be consistent with a State’s obligations under international human rights law,

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

*Recognizing* that national human rights mechanisms for reporting and follow-up could make a contribution to the promotion and protection of human rights and the implementation of the Sustainable Development Goals,

*Reaffirming* that the high-level political forum on sustainable development, consistent with its universal intergovernmental character, shall provide political leadership, guidance and recommendations for sustainable development, and follow up on and review progress in the implementation of sustainable development commitments, enhancing the integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all

levels, and have a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges,

*Reaffirming also* General Assembly resolution 74/4 of 15 October 2019, in which the Assembly endorsed the political declaration adopted by the high-level political forum on sustainable development at the Sustainable Development Goals Summit on 24 and 25 September 2019,

*Noting* the contribution of international human rights mechanisms, including the treaty bodies, the special procedures of the Human Rights Council and the universal periodic review, in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations and commitments,

*Noting also* the important role that technical cooperation and capacity-building can play in building States' capacities to implement the Sustainable Development Goals in a way that is consistent with their respective obligations under international human rights law,

*Taking note of the Report of the Secretary-General on SDG Progress 2019 and the Global Sustainable Development Report 2019,*

*Recalling* that the organizations of the United Nations system and other relevant intergovernmental organizations are invited to contribute within their respective mandates to the discussions of the high-level political forum on sustainable development,

*Welcoming* the holding of the two intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development, on 16 January 2019 and on 3 December 2019, and taking note of the summary reports thereof,<sup>36</sup>

1. *Decides* to organize three half-day intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development, which will provide a space for States, relevant United Nations and regional human rights mechanisms, United Nations agencies, funds and programmes, national human rights institutions and civil society organizations to voluntarily share good practices, achievements, challenges and lessons learned concerning integrated approaches in the promotion and protection of human rights and the implementation of the 2030 Agenda;

2. *Also decides* that the focus of each of the intersessional meetings will be informed by the stated themes of the 2021, 2022 and 2023 meetings of the high-level political forum on sustainable development;

3. *Further decides* that the intersessional meetings should be held in advance of the 2021, 2022 and 2023 meetings of the high-level political forum;

4. *Requests* the United Nations High Commissioner for Human Rights to organize the three intersessional meetings in consultation with Member States, relevant United Nations agencies, funds and programmes, international human rights mechanisms, national human rights institutions, civil society organizations and other relevant stakeholders, and to facilitate their participation in the meetings, as appropriate;

5. *Also requests* the High Commissioner to provide, for the above-mentioned half-day intersessional meetings, all the services and facilities necessary to make the discussions fully accessible to persons with disabilities, and to provide webcasting services for the meetings;

6. *Requests* the President of the Human Rights Council to appoint for each meeting, on the basis of regional rotation, and in consultation with regional groups, a chair for the meeting from candidates nominated by members and observers of the Council; the chair, together with the Office of the High Commissioner, shall be responsible for the preparation of summary reports of the discussions of the meetings, to be made available to all its participants, and for their presentation to the Council at its forty-sixth, forty-ninth and fifty-second sessions, respectively;

<sup>36</sup> A/HRC/40/34 and A/HRC/43/33.

7. *Requests* the Office of the High Commissioner to compile a report on best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda at the national level by States, relevant United Nations and regional human rights mechanisms, United Nations agencies, funds and programmes, national human rights institutions and civil society organizations, taking into account previous reports of the Office relating to the implementation of the 2030 Agenda, and to present the report to the Human Rights Council at its fifty-first session;

8. *Decides* that the summary reports of the discussions of the intersessional meetings and the report on best practices, challenges and lessons learned should be made available to the high-level political forum on sustainable development.

*45th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/20. Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur**

*The Human Rights Council,*

*Recalling* international human rights law, standards and guidelines on torture and other cruel inhuman degrading treatment or punishment,

*Reaffirming* that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

*Recalling also* that the prohibition of torture is a peremptory norm of international law, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

*Recognizing* the importance of the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

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

1. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(a) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, and to follow up on recommendations made in reports after visits to their countries;

(c) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment

or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective and a victim-centred approach throughout the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the Subcommittee on Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations, and to contribute to the promotion of strengthened cooperation among the above-mentioned actors;

(g) To report on all of his or her activities, observations, conclusions and recommendations to the Human Rights Council in accordance with its programme of work, and annually on overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing the benefits of the reporting process;

## 2. *Urges States:*

(a) To cooperate fully with and to assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To respond favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries;

(c) To ensure, as an important element in preventing and combating torture and other cruel, inhuman and degrading treatment or punishment, that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(d) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

(e) To adopt a victim-centred and gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims in policy development and other activities relating to rehabilitation, prevention and accountability for torture and other cruel, inhuman or degrading treatment or punishment, and gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(f) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto as a matter of priority, and to designating or establishing independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

(g) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on Prevention of Torture;

(h) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Takes note with appreciation* of the report of the Special Rapporteur;<sup>37</sup>

4. *Requests* the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

5. *Decides* to continue to consider this matter in conformity with its annual programme of work.

45th meeting  
22 June 2020

[Adopted without a vote.]

## **43/21. Promoting mutually beneficial cooperation in the field of human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations,

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

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

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

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

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

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

*Acknowledging also* the important role that mutually beneficial cooperation among all relevant stakeholders can play in promoting and protecting all human rights in an increasingly interrelated world,

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

*Recognizing* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization,

*Reaffirming* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and

<sup>37</sup> A/HRC/43/49.

cultural systems, without interference from any other State or non-State actor, in strict conformity with the Charter, the Universal Declaration of Human Rights and other relevant international instruments,

*Reaffirming also* that the work of the Human Rights Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

*Emphasizing* the need for a cooperative and constructive approach on the part of all stakeholders to resolving human rights issues in international forums, to contribute to the promotion and protection of human rights,

*Recognizing* the importance of presenting best practices, positive outcomes and experience in the field of human rights, in particular its role in promoting mutual learning and mutual understanding, enhancing dialogue and assisting the promotion of technical cooperation among States,

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

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

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

*Reiterating* the need to further enhance the role of the Human Rights Council in promoting technical assistance and capacity-building, including by exploring the avenues for States to introduce their achievements and good practices in the field of human rights, to share concrete experiences and expertise in promoting and protecting human rights, and to voluntarily pledge their contributions and commitments,

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

*Recognizing also* that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

*Recognizing further* the importance of fostering international relations based on mutual respect, fairness, justice and mutually beneficial cooperation, and of building a community of shared future for human beings in which human rights are enjoyed by all,

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

2. *Stresses* the critical role of the Human Rights Council as the principal intergovernmental body dealing with human rights within the United Nations system, and emphasizes the need for the Council to fulfil its mandate with a strong commitment to

multilateralism by implementing the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights;

3. *Calls upon* all States and other stakeholders to undertake constructive and genuine dialogue and cooperation in the field of human rights, based on universality, impartiality, objectivity, indivisibility, non-selectivity, non-politicization, equality and mutual respect, with the aim of promoting mutual understanding, expanding common ground, narrowing differences and strengthening constructive cooperation;

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

5. *Takes note* of the report of the Human Rights Council Advisory Committee on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights;<sup>38</sup>

6. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States, and calls upon all States and relevant stakeholders to participate constructively in it;

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

8. *Decides* to convene at its forty-sixth session a meeting under item 3 of its agenda, with a duration of two hours, to be presided over by the President of the Human Rights Council, on the theme of the role of poverty alleviation in promoting and protecting human rights, with the participation of senior officials from States to share information on good practices and experience in their countries with regard to particular aspects of the promotion and protection of human rights, and encourages States to take this opportunity to facilitate relevant technical cooperation;

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

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

*45th meeting  
22 June 2020*

[Adopted by a recorded vote of 23 to 16, with 8 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Eritrea, Indonesia, Mauritania, Mexico, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Senegal, Somalia, Sudan, Togo, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Austria, Bulgaria, Czechia, Denmark, Germany, India, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Slovakia, Spain, Ukraine

<sup>38</sup> [A/HRC/43/31](#).

*Abstaining:*

Afghanistan, Armenia, Bahamas, Chile, Democratic Republic of the Congo, Fiji, Libya, Peru]

**43/22. Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material**

*The Human Rights Council,*

*Recalling* Human Rights Council resolutions 7/13 of 27 March 2008 and 34/16 of 24 March 2017, and all relevant resolutions of the Commission on Human Rights, in particular Commission resolution 1990/68 of 7 March 1990, and Economic and Social Council decision 2004/285 of 22 July 2004,

*Emphasizing* that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation,

*Deeply concerned* about the persistence of the sale and the sexual exploitation and abuse of children,

*Recognizing* the scale, complexity and enormous individual and societal harm of all forms of sale and sexual exploitation and abuse of children, including online,

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

1. *Welcomes* the work and contributions of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material;

2. *Decides* to extend the mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, in accordance with Human Rights Council resolutions 7/13 and 34/16, for a further period of three years;

3. *Requests* the Special Rapporteur to support States in developing legal and policy frameworks and child protection strategies in a child- and gender-responsive and child-friendly manner to effectively prevent and eradicate new and emerging forms of online sale and sexual exploitation and abuse of children, in accordance with international human rights law;

4. *Also requests* the Special Rapporteur to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly, in accordance with their respective programmes of work, making suggestions and recommendations on the prevention of the sale and sexual exploitation and abuse of children and on the rehabilitation, recovery and reintegration of child victims and survivors, in a gender-responsive and child rights-based manner;

5. *Requests* all States to cooperate fully with and to assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her and to consider favourably his or her requests for visits and for implementing his or her recommendations;

6. *Encourages* the Special Rapporteur to continue to cooperate with the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the assistance necessary to the Special Rapporteur to fulfil the

mandate, in particular by placing adequate human and material resources at his or her disposal;

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

45th meeting  
22 June 2020

[Adopted without a vote.]

### **43/23. Awareness-raising on the rights of persons with disabilities, and habilitation and rehabilitation**

*The Human Rights Council,*

*Recalling* the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

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

*Reaffirming* all of its previous resolutions on the rights of persons with disabilities, the most recent of which was resolution 37/22 of 23 March 2018 on equality and non-discrimination of persons with disabilities and the rights of persons with disabilities to access to justice, and welcoming the efforts of all stakeholders to implement those resolutions,

*Recalling* General Assembly resolution 74/144 of 18 December 2019 on the implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

*Reaffirming* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person, and in this regard recognizing that awareness-raising plays a key role in promoting respect for human rights, empowering persons with disabilities and their families, and addressing the underlying attitudes, values and beliefs that can be a cause of human rights violations and abuses, including discriminatory laws, State policies, discourse and conduct,

*Mindful* of the need to incorporate a gender perspective and to take measures to address multiple and intersecting forms of discrimination in all efforts to promote the full enjoyment by persons with disabilities of human rights and fundamental freedoms,

*Recalling* the general principles reflected in the Convention, namely, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, individual autonomy and independence of persons, equality between men and women and respect for the evolving capacities of children with disabilities,

*Recognizing* that participation, accountability, non-discrimination and empowerment are fundamental principles of a human rights-based approach to disability, and recalling article 3 of the Convention in that regard,

*Recalling* that article 8 of the Convention calls upon States parties to adopt immediate, effective and appropriate measures to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities, to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life, and to promote awareness of the capabilities and contributions of persons with disabilities,

*Stressing* the importance of awareness-raising in tackling deeply rooted stereotypes, negative attitudes and stigma, which can lead to discrimination against persons with disabilities, and in this regard stressing the importance of addressing harmful practices and belief systems, including ableism, which is described as a value system that considers certain characteristics of body and mind as essential for living a life of value,

*Recalling* in particular that article 26 of the Convention, on habilitation and rehabilitation, calls upon States parties to take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, and also calls upon States parties to organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, and to promote the availability, knowledge and use of assistive devices and technologies, including those designed for persons with disabilities, as they relate to habilitation and rehabilitation,

*Recognizing* that habilitation and rehabilitation are a set of interventions that include community-based health and non-health interventions designed and tailored to optimize the function of individuals with impairments in context-specific situations and contribute to the independence of the individual, their full inclusion and participation in society and their full physical, mental, social and vocational ability, including where necessary early interventions for children with disabilities,

*Concerned* that persons with disabilities also face restrictions in their access to habilitation and rehabilitation services owing to lack of accessibility of buildings, equipment and services, and that the distance to and from those facilities in rural and remote areas constitutes a significant barrier to persons with disabilities owing to poverty and the absence of accessible and affordable transport,

*Acknowledging* the importance of taking measures to raise awareness of the rights of women and girls with disabilities in order to eliminate stereotypes, prejudices and violence, including harmful practices that seriously violate and impair or nullify the enjoyment by women and girls with disabilities of all human rights and fundamental freedoms and that constitute a major impediment to their full, equal and effective participation in society, the economy and political decision-making, and their access to health, including sexual and reproductive health, employment, education and social services,

*Noting* the cross-cutting nature of equality and non-discrimination in the 2030 Agenda for Sustainable Development, which has an impact on all the Sustainable Development Goals, noting in particular target 3.8, on achieving universal health coverage, and target 17.18, to increase significantly the availability of high-quality, timely and reliable data disaggregated by, inter alia, gender, age, disability and other characteristics relevant in national contexts, as a means to measure the advancement under the 2030 Agenda and to ensure that no one is left behind,

*Welcoming* the progress made towards mainstreaming disability, including the rights of persons with disabilities, in the work of the United Nations, and welcoming also the launch of the United Nations Disability Inclusion Strategy and the leadership of the Secretary-General to bring about transformative and systematic change on disability inclusion across the United Nations system,

*Welcoming also* the work of the Special Rapporteur on the rights of persons with disabilities, and taking note with appreciation of her reports,<sup>39</sup>

*Welcoming further* the work of the Committee on the Rights of Persons with Disabilities, and taking note with appreciation of its general comments,

*Welcoming* the work undertaken by the task force on secretariat services, accessibility for persons with disabilities and use of information technology,

*Recalling* Security Council resolution 2475 (2019) of 20 June 2019, in which the Council addressed the disproportionate impact of armed conflict and related humanitarian crises on persons with disabilities,

*Noting with appreciation* the Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action launched by the Inter-Agency Standing Committee in 2019,

<sup>39</sup> A/HRC/40/54 and Add.1; A/HRC/43/41 and Add.1–3.

1. *Welcomes* the fact that, to date, 180 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, which has 163 signatories, and that 94 States have signed and 96 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Welcomes* the reports of the Office of the United Nations High Commissioner for Human Rights on the thematic studies on awareness-raising under article of the Convention on the Rights of Persons with Disabilities<sup>40</sup> and habilitation and rehabilitation under article 26 of the Convention,<sup>41</sup> and calls upon all stakeholders to consider the findings and recommendations made in those studies with a view to implementing them, where appropriate;

4. *Calls upon* States to take immediate, effective and appropriate measures to raise awareness regarding persons with disabilities, applying a gender-responsive and human rights-based approach, recognizing the capabilities and contributions throughout society of persons with disabilities, fostering respect for the rights and dignity of persons with disabilities and addressing stereotypes, prejudices and harmful practices, including those based on gender and age, at all levels of society and in all areas of life, such as by:

(a) Initiating and maintaining effective public campaigns, media, education systems and training programmes;

(b) Reviewing laws and policies that perpetuate the outdated understanding of disability present in charity and medical models and ableism, and incorporating a human rights-based approach to disability;

(c) Taking effective measures to raise awareness of the rights of women and girls with disabilities in order to eliminate stereotypes, prejudices and violence, including harmful practices;

(d) Ensuring that public awareness-raising campaigns promote a positive portrayal of persons with disabilities, and taking all measures necessary to eliminate attitudinal barriers that prevent or restrict the effective participation of persons with disabilities in society;

(e) Developing awareness-raising programmes, including in accessible formats, to provide information about the rights of persons with disabilities, and information regarding access to justice, accountability mechanisms and remedies, where rights are not respected, including but not limited to complaint mechanisms, judicial remedies and legal aid services;

(f) Providing training to professionals, including judges and law enforcement officials, health-care professionals, teachers and personnel working with persons with disabilities to raise their awareness of the rights under the Convention, and addressing the intersecting forms of discrimination that affect persons with disabilities in the enjoyment of their rights;

(g) Working with media and other stakeholders to encourage the positive portrayal of persons with disabilities in a manner consistent with the purpose of the Convention and to modify harmful views of persons with disabilities, including through the production of disability-sensitive content that promotes diversity and combats disability-based discrimination;

(h) Refraining from supporting, through funding or as part of public-private partnerships, campaigns that perpetuate stigmatization or stereotyping;

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<sup>40</sup> [A/HRC/43/27](#).

<sup>41</sup> [A/HRC/40/32](#).

(i) Ensuring that media regulatory and monitoring bodies have clear mandates to establish and encourage mandatory accessibility standards that allow persons with disabilities to access media content and digital environments on an equal basis with others;

(j) Ensuring the inclusion and participation of persons with disabilities in the design and implementation of awareness-raising programmes and media-related legislation and regulations, including institutional frameworks;

(k) Conducting, promoting and funding research and data collection, and monitoring the evolution of attitudes towards persons with disabilities;

5. *Calls upon* States to take effective and appropriate habilitation and rehabilitation measures that are person-centred and age- and gender-responsive, and address multiple and intersecting forms of discrimination to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, such as by:

(a) Establishing and strengthening policy and legal frameworks and other measures that provide for comprehensive, high-quality habilitation and rehabilitation services that are voluntary and guarantee equal access for persons with disabilities, while promoting a rights-based and participatory approach to rehabilitation;

(b) Developing and strengthening coordination mechanisms for a comprehensive approach between State agencies in implementing high-quality habilitation and rehabilitation services, given their cross-sectoral nature, including agencies working in the fields of public health, social protection, employment and education;

(c) Promoting and developing a multidisciplinary and trained habilitation and rehabilitation workforce, including by requiring and providing initial and continuing training that takes a human rights-based approach to disability and promotes the availability, knowledge and use of assistive devices and technologies;

(d) Developing and ensuring adequate resources for funding mechanisms to provide equitable and adequate access to habilitation and rehabilitation services through a combination of evidenced-based solutions, such as public funding, health insurance, social insurance, public-private partnerships for service provision, and the reallocation and redistribution of existing resources;

(e) Raising the awareness of public officials and other professionals and staff working in habilitation and rehabilitation services of the rights of persons with disabilities through immediate, effective and appropriate measures, with all campaigns focusing on a human rights-based approach to disability and not framing persons with disabilities as patients or objects of charity and care;

(f) Strengthening habilitation- and rehabilitation-related research and the collection of data, disaggregated by people's habilitation and rehabilitation requirements, types and quality of habilitation and rehabilitation services provided, sex, age and disability, especially in the priority areas identified by the World Health Organization, with systematic dissemination of the results to support the development and provision of services;

6. *Urges* States to take all appropriate measures, including through awareness-raising campaigns, to eliminate all forms of discrimination against women and girls with disabilities, stereotypes and other harmful stigma based on gender and disability, and to promote gender equality in order to ensure the equal enjoyment by women and girls of their rights;

7. *Calls upon* States to engage in international cooperation efforts at all levels aimed at enhancing their national capacities to raise awareness about persons with disabilities, to provide habilitation and rehabilitation services and to encourage the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development, and invites the Office of the High Commissioner and relevant United Nations agencies, and other donor mechanisms and partnerships to consider ways to foster international cooperation activities in that regard, in close consultation with persons with disabilities and their representative organizations;

8. *Encourages* States to integrate in their reports to the high-level political forum on sustainable development the advances made with regard to the rights of persons with disabilities as reflected in laws, policies and practices developed relevant to the commitments under the 2030 Agenda for Sustainable Development, and to develop human rights indicators and collect data disaggregated by age, sex and disability to inform those indicators using the Washington Group on Disability Statistics short set of questions for disaggregation;

9. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

10. *Requests* the Office of the High Commissioner to present an oral report to the Human Rights Council on the implementation of the United Nations Disability Inclusion Strategy across its programmes and operations at its forty-seventh and fiftieth sessions, and also requests the Office to make its report to the Secretary-General on the Strategy publicly available in an easy-to-read version and in an accessible format;

11. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its forty-sixth session and will focus on participation in sport under article 30 of the Convention, and will have international sign interpretation and captioning;

12. *Also decides* that an interactive debate on the rights of persons with disabilities will be held at its forty-ninth session and will focus on article 31 of the Convention, on statistics and data collection, and will have international sign interpretation and captioning;

13. *Requests* the Office of the High Commissioner to prepare its next annual thematic study on the rights of persons with disabilities on participation in sport under article 30 of the Convention, and to prepare its subsequent study on statistics and data collection under article 31 of the Convention, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, the studies themselves and an easy-to-read-version of them be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the forty-sixth session of the Human Rights Council;

14. *Encourages* the task force on secretariat services and accessibility for persons with disabilities to report orally to the Human Rights Council on its work and on the progress made in the implementation of its accessibility plan;

15. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

16. *Encourages* representative organizations of persons with disabilities, civil society, national mechanisms as described in article 33 of the Convention, and national human rights institutions to participate actively in the debates referred to in paragraphs 11 and 12 above and in regular and special sessions of the Human Rights Council and its working groups;

17. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue to work collaboratively on the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

18. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

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

*45th meeting  
22 June 2020*

[Adopted without a vote.]

#### **43/24. Situation of human rights in the Islamic Republic of Iran**

*The Human Rights Council,*

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

*Recalling* Human Rights Council resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014, 28/21 of 27 March 2015, 31/19 of 23 March 2016, 34/23 of 24 March 2017, 37/30 of 23 March 2018 and 40/18 of 22 March 2019, General Assembly resolution 74/167 of 18 December 2019, and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests made by the Council and the Assembly in those resolutions,

*Welcoming* the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,<sup>42</sup> and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

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

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its forty-sixth session and to the General Assembly at its seventy-fifth session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*45th meeting  
22 June 2020*

[Adopted by a recorded vote of 22 to 8, with 15 abstentions. The voting was as follows:

*In favour:*

Argentina, Australia, Austria, Bahamas, Bahrain, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Marshall Islands, Mexico, Netherlands, Peru, Poland, Republic of Korea, Slovakia, Spain, Ukraine

*Against:*

Armenia, Eritrea, India, Indonesia, Libya, Pakistan, Philippines, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Bangladesh, Brazil, Burkina Faso, Cameroon, Mauritania, Namibia, Nepal, Nigeria, Qatar, Senegal, Somalia, Sudan, Togo, Uruguay]

<sup>42</sup> [A/HRC/43/61](#).

## 43/25. Situation of human rights in the Democratic People's Republic of Korea

*The Human Rights Council,*

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

*Recalling* all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 40/20 of 22 March 2019 and Assembly resolution 74/166 of 18 December 2019, and urging the implementation of those resolutions,

*Bearing in mind* paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

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

*Stressing* the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,<sup>43</sup> which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

*Deeply concerned* at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and at the impunity of perpetrators, as described in the report of the commission of inquiry,

*Recalling* the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting that the General Assembly in its resolution 74/166 recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators were prosecuted and brought to justice,

*Concerned* that the precarious humanitarian situation in the country is exacerbated by the restrictions imposed by the Government of the Democratic People's Republic of Korea on the free and unimpeded access for humanitarian agencies to all populations in need,

*Concerned also* that the humanitarian and human rights situation in the Democratic People's Republic of Korea may further deteriorate by the current threat of COVID-19, emphasizing the importance of timely assistance to the Democratic People's Republic of Korea in the event of an outbreak of COVID-19 in the country, in accordance with relevant Security Council resolutions, and underlining in this regard the importance of free and unimpeded access to all populations in need,

*Acknowledging* General Assembly resolution 74/166, in which the Assembly noted with concern the findings of the United Nations that 10.9 million people in the Democratic People's Republic of Korea were estimated to be undernourished, one third of children 6 to 23 months of age did not receive a minimum acceptable diet, 1 in 5 children suffered from stunting (chronic malnutrition), around 9 million people were estimated to have limited access to quality health services, and 39 per cent, or an estimated 9.75 million, of people did not have access to a safely managed drinking water source, including 56 per cent of people in rural areas, condemning the Democratic People's Republic of Korea for its national policies of, among others, diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people and their access to food, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions

<sup>43</sup> [A/HRC/25/63](#).

2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,

*Reaffirming* that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

*Recognizing* that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence, and taking note in this regard of the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second to fourth periodic reports of the Democratic People's Republic of Korea<sup>44</sup> and the concluding observations of the Committee on the Rights of the Child on the fifth periodic report of the Democratic People's Republic of Korea,<sup>45</sup>

*Encouraging* the Democratic People's Republic of Korea to implement all of the recommendations made by the Special Rapporteur on the rights of persons with disabilities in her report on her visit to the Democratic People's Republic of Korea, submitted to the Human Rights Council at its thirty-seventh session,<sup>46</sup> and noting with appreciation also the submission of the initial report of the Democratic People's Republic of Korea on the implementation of the Convention on the Rights of Persons with Disabilities<sup>47</sup> in December 2018,

*Acknowledging* the participation of the Democratic People's Republic of Korea in the third cycle of the universal periodic review, noting the acceptance by the Government of the Democratic People's Republic of Korea of 132 out of the 262 recommendations contained in the outcome of the review,<sup>48</sup> and its stated commitment to implement them and to look into the possibility of implementing a further 56 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

*Noting with regret* that independent civil society organizations cannot operate in the Democratic People's Republic of Korea and, as a result, no civil society organization based in the Democratic People's Republic of Korea was able to submit a stakeholder report for the universal periodic review process,

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

*Recognizing* the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

*Stressing with grave concern* the urgency and importance of the issue of international abductions and of the immediate return of all abductees, expressing grave concern at the long years of suffering experienced by abductees and their families and the lack of positive action by the Democratic People's Republic of Korea, notably since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and calling strongly upon the Democratic People's Republic of Korea to address all allegations of enforced disappearances, to provide accurate information to the families of victims on the fate and whereabouts of their missing relatives, and to resolve all issues relating to all

<sup>44</sup> CEDAW/C/PRK/CO/2-4.

<sup>45</sup> CRC/C/PRK/CO/5.

<sup>46</sup> A/HRC/37/56/Add.1.

<sup>47</sup> CRPD/C/PRK/1.

<sup>48</sup> A/HRC/42/10.

abductees at the earliest possible date, in particular the immediate return of all abductees of Japan and the Republic of Korea,

*Welcoming* diplomatic efforts, and stressing the importance of dialogue, including inter-Korean dialogue, engagements and cooperation for the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

*Noting* the urgency and importance of the issue of separated families, including affected Koreans worldwide, and in this regard encouraging the resumption of reunions of separated families across the border and in accordance with the commitments made on this issue at the inter-Korean summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families, and highlighting the importance of allowing permanent regular reunions and contact between separated families, including through meetings at an easily accessible location and regular facility, regular written correspondence, video reunions and the exchange of video messages, in accordance with relevant Security Council resolutions,

*Reaffirming* the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in and by the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(a) The denial of the right to freedom of thought, conscience and religion, including the right to adopt a religion or belief, and of the rights to freedom of opinion, expression and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape and other grave forms of sexual and gender-based violence and persecution on any grounds, including on the grounds of political opinion, religion or belief and sexual orientation and gender identity in political prison camps and ordinary prisons, and the widespread practice of collective punishment, with harsh sentences imposed on innocent individuals;

(f) Persistent violations of all rights of women and girls, who remain the most vulnerable to trafficking for the purposes of prostitution, domestic servitude or early, child and forced marriage, and of other forms of sexual and gender-based violence;

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

(h) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge its crimes and human rights violations and abuses in and outside of the country, and to take immediately all steps necessary to end all such crimes and violations through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry and General Assembly resolution 74/166, including, but not limited to, the following steps:

(a) Ensuring the right to freedom of thought, conscience and religion or belief, and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media;

(b) Ending discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and taking immediate steps to ensure gender equality and women's and girls' full enjoyment of human rights and the protection of women from sexual and gender-based violence;

(c) Ensuring the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(d) Promoting equal access to food, including through humanitarian access to all people in need and full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons, including individuals in detention;

(e) Halting immediately all human rights violations relating to prison camps, including the practice of forced labour and the use of torture and other cruel, inhuman and degrading treatment or punishment and sexual and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, and ensuring that justice sector reforms provide protections for fair trials and due process;

(f) Resolving the issue of all persons who have been abducted or otherwise forcibly disappeared and their descendants, in a transparent manner, including by ensuring their immediate return;

(g) Ensuring the reunion of separated families across the border;

(h) Abolishing immediately the practice of guilt-by-association punishment;

(i) Ensuring that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(j) Providing nationals of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with and access to consular officers, in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

3. *Recalls* General Assembly resolution 74/166, in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

4. *Also recalls* paragraph 11 of Security Council resolution 2371 (2017), paragraph 17 of Council resolution 2375 (2017) and, in particular, paragraph 8 of Council resolution 2397 (2017), in which the Council decided that Member States shall repatriate to the Democratic People's Republic of Korea all nationals of the Democratic People's Republic of Korea earning income in their jurisdictions and all Democratic People's Republic of Korea government safety oversight attachés monitoring Democratic People's Republic of Korea workers abroad immediately but no later than 24 months from 22 December 2017, unless the

particular Member State determines that the national is a national of that Member State or is prohibited from repatriation under applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations or the Convention on the Privileges and Immunities of the United Nations, and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers that have been repatriated to the Democratic People's Republic of Korea by 22 December 2019 at the latest, in accordance with paragraph 8 of Security Council resolution 2397 (2017);

5. *Further recalls* paragraph 4 of General Assembly resolution 74/166, in which the Assembly underscored its very serious concern regarding reports of torture, cruel, inhuman and degrading treatment or punishment, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

6. *Reiterates* its deep concern at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment or punishment, sexual and gender-based violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

7. *Stresses and restates* its grave concern about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership; these crimes against humanity entail extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape, forced abortions and other sexual and gender-based violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

8. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations and abuses, and encourages all States, the United Nations system, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and other stakeholders to cooperate with accountability efforts, especially the efforts made by the Office of the United Nations High Commissioner for Human Rights, and to ensure that these crimes do not remain unpunished;

9. *Welcomes* General Assembly resolution 74/166, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations, which the commission has said may constitute crimes against humanity;

10. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

11. *Welcomes* the report of the Special Rapporteur;<sup>49</sup>

12. *Recalls* the recommendations of the commission of inquiry and General Assembly resolution 74/166, and reiterates the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the High Commissioner to strengthen those activities;

13. *Welcomes* the oral update of the High Commissioner on the implementation of resolution 40/20, and commends the Office of the High Commissioner, including its field-based structure in Seoul, for the efforts it has made to date, and encourages it to take into account the experience of other relevant mechanisms, and to actively engage and cooperate with national, regional and international mechanisms as appropriate as part of its efforts to identify strategies for accountability, in accordance with international law standards;

14. *Also welcomes* the steps taken to strengthen the capacity of the Office of the High Commissioner, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process;

15. *Requests* the High Commissioner to submit a full written report on the implementation of the recommendations to the Council at its forty-sixth session;

16. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 37/28, for a period of one year;

17. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

18. *Encourages* the continuing endeavours of the field-based structure of the Office of the High Commissioner in Seoul, welcomes its regular reports to the Human Rights Council, and invites the High Commissioner to provide the Council with regular updates on the situation of human rights in the Democratic People's Republic of Korea;

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

20. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

21. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

22. *Urges* the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with all special procedure mandate holders, especially the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information

<sup>49</sup> A/HRC/43/58.

necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

23. *Invites* the Government of the Democratic People's Republic of Korea to extend an invitation to the Office of the High Commissioner to visit the country;

24. *Encourages* the Government of the Democratic People's Republic of Korea to provide comprehensive information on the implementation of the recommendations it accepted in the second and third cycles of the universal periodic review, and to further expand cooperation with other United Nations human rights mechanisms in order to address all human rights violations and abuses in the country;

25. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

26. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;

27. *Also encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders to support efforts aimed at improving dialogue on and engagements with regard to the humanitarian and human rights situation, including international abductions, in the Democratic People's Republic of Korea, including inter-Korean dialogue;

28. *Urges* the Democratic People's Republic of Korea to work with the international community, including the United Nations system, in its efforts to prevent an outbreak of COVID-19 in the Democratic People's Republic of Korea so that the international community can provide assistance based on independent needs assessments and consistent with international standards and humanitarian principles, and in accordance with relevant Security Council resolutions;

29. *Encourages* the United Nations system as a whole to continue to address the grave situation of human rights in the Democratic People's Republic of Korea in a coordinated and unified manner, including through consideration by the Security Council;

30. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations and abuses, including by closing political prison camps and undertaking profound institutional reforms;

31. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

32. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

*45th meeting  
22 June 2020*

[Adopted without a vote.]

## 43/26. Situation of human rights in Myanmar

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar, the most recent being Assembly resolution 74/246 of 27 December 2019 and Council resolutions S-27/1 of 5 December 2017, 37/32 of 9 April 2018, 39/2 of 27 September 2018, 40/29 of 22 March 2019 and 42/3 of 26 September 2019,

*Welcoming* the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, including her report submitted to the Human Rights Council at its forty-third session,<sup>50</sup> while deeply regretting the ongoing non-cooperation of the Government of Myanmar with the Special Rapporteur and the denial of access to Myanmar since December 2017,

*Welcoming also* the work of the independent international fact-finding mission on Myanmar and in particular its final report<sup>51</sup> and its detailed findings,<sup>52</sup>

*Welcoming further* the conclusions on Myanmar of the Working Group on Children and Armed Conflict of the Security Council,<sup>53</sup> and noting the concern expressed by the Working Group about the grave violations committed against children,

*Welcoming* the work of the Independent Investigative Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, in particular in 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 work of the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society, as requested by the General Assembly in its resolution 72/248 of 24 December 2017,

*Welcoming further* the report of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses the Rohingya people and other minorities in Myanmar are facing,<sup>54</sup>

*Recognizing* 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,

*Recognizing also* the complementary and mutually reinforcing work of the various United Nations mandates working on Myanmar to improve the humanitarian situation and the situation of human rights in the country,

*Noting* that the International Criminal Court has authorized a prosecutor to investigate alleged crimes within the Court's jurisdiction in the situation in Bangladesh and in Myanmar,

*Welcoming* the order of the International Court of Justice of 23 January 2020 in the case lodged by the Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide, which concluded that, prima facie, the

<sup>50</sup> A/HRC/43/59.

<sup>51</sup> A/HRC/42/50.

<sup>52</sup> See conference room paper A/HRC/42/CRP.5, available from [www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportHRC42thSession.aspx](http://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportHRC42thSession.aspx).

<sup>53</sup> S/AC.51/2019/2.

<sup>54</sup> A/HRC/43/18.

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 Genocide Convention, and that there was a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar, and which indicated provisional measures against Myanmar,

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

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

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

*Reiterating its deep concern* at the escalation of violence between the Myanmar armed forces (the Tatmadaw) and the Arakan Army in Rakhine and Chin States, the continuing forced displacement of civilians, including of ethnic minorities, abductions, arbitrary detentions and killings, and the use of facilities, functioning as schools, for military purposes, as well as reports of violations and abuses of human rights, including the use of landmines, making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons, including Rohingya,

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

*Regretting* the lack of progress in the peace process and that the Myanmar armed forces decided to end its unilateral ceasefire in northern and eastern conflict areas in September 2019, while encouraging them to announce a new ceasefire,

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

2. *Also expresses grave concern* at the ongoing conflict in Rakhine, Chin, Kachin and Shan States between the armed forces of Myanmar, the Arakan Army and other armed groups, the culture of impunity that exists in the Myanmar security forces, and at the continuing forced displacement of civilians, mass and systemic human rights violations and abuses, and killings, and the dire humanitarian situation due to the conflict, encourages the eradication of deployed landmines and the cessation of their use in all circumstances, and calls upon all parties to show restraint and cease conflict, to respect their relevant obligations under international human rights law and international humanitarian law, to ensure the safety

and protection of civilians, to hold perpetrators accountable in ensuring justice to victims and survivors and to show readiness to re-engage in dialogue;

3. *Welcomes* the order of the International Court of Justice of 23 January 2020, and urges the Government of Myanmar, in accordance with the Court's order in relation to members of the Rohingya group 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, notes the priority accorded to the International Court of Justice process by Myanmar to date, and notes the meeting of the Security Council held on 4 February 2020;

4. *Calls upon* the Government of Myanmar to ensure the protection of the human rights of all persons in Myanmar and to take all measures necessary to ensure justice and accountability, to end impunity for all violations and abuses of human rights by undertaking a full, transparent, impartial and independent investigation into all reports of violations and abuses of international human rights law and international humanitarian law, and to ensure that perpetrators are held accountable in fair and independent criminal proceedings, in courts or tribunals, in accordance with international law standards;

5. *Also calls upon* the Government of Myanmar to fully recognize and address the needs of victims and survivors and their right to effective remedy, including by prompt, effective and independent casualty recording, and guarantees of non-recurrence;

6. *Urges* the Government of Myanmar to make public in its entirety the final report of the Independent Commission of Enquiry, including the annexes thereto, without further delay, and calls upon the Government to set out its plan of action, with the full participation of all stakeholders, on how it will implement the recommendations, including by taking credible action to bring to justice those responsible for serious violations and abuses of human rights;

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

8. *Welcomes* the release of journalists Wa Lone and Kyaw Soe Oo, and reiterates its call for the immediate and unconditional release of all other journalists, media workers, human rights defenders and activists detained, charged and arrested and for the Government of Myanmar to fulfil its commitment to release unconditionally all political prisoners and to provide for the full rehabilitation of former political prisoners;

9. *Calls for* the Independent Investigative Mechanism for Myanmar established by the Human Rights Council in its resolution 39/2 to continue to discharge its mandate, making use of the information collected by the independent international fact-finding mission and other credible sources, and for close and timely cooperation between the Mechanism and any future investigations by national, regional or international courts or tribunals, including by the International Criminal Court or the International Court of Justice;

10. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the necessary support and resources in terms of staffing, location and operational freedom so that it can deliver as effectively as possible on its mandate, and urges Myanmar and Member States to cooperate with the Mechanism, to grant it access and to provide it with every assistance in the execution of its mandate and with other sources of information, and the appropriate protection of confidentiality, security and support for victims and witnesses to fully respect and comply with the principle of "do no harm";

11. *Stresses* the need to effectively address the root causes of human rights violations and abuses against ethnic minorities, including the Rohingya, in Rakhine State, and also the need to create conditions and to establish a plan conducive to the voluntary, safe,

dignified and sustainable return of all refugees and forcibly displaced persons, including Rohingya;

12. *Reiterates* the importance of the full implementation of all recommendations made by the Advisory Commission on Rakhine State,<sup>55</sup> including those on access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with all ethnic and minority groups, including the Rohingya, and persons in vulnerable situations, as well as civil society, and calls upon the Government of Myanmar to regularly report to the United Nations on the concrete steps taken to implement each of the Commission's 88 recommendations;

13. *Notes* the commitment of the Government of Myanmar to enable Muslim youth to attend classes at universities across Myanmar, making scholarships available to students from all communities living in Rakhine, and strongly encourages the Government to broaden the scope of that commitment to include all ethnic and religious minorities, including the Rohingya, and to conduct a review of its official curriculum to fully recognize the country's ethnic and religious diversity;

14. *Calls upon* the Government of Myanmar, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar in November 2017, to take concrete steps towards the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of the forcibly displaced Rohingya residing in Bangladesh, and to disseminate authentic information, in partnership with the United Nations and other relevant actors, on the conditions in Rakhine State in order to reasonably address the core concerns of the Rohingya, thereby encouraging them to return to their places of origin or their place of choosing, including through the implementation of the memorandum of understanding signed by the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees;

15. *Encourages* the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to forcibly displaced Rohingya and other minorities until their return to their places of origin or their place of choosing in Myanmar, and to assist Myanmar in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, including in Rakhine State, taking into account the vulnerable situation of women, children, older persons and persons with disabilities;

16. *Notes* the adoption of a national strategy on the resettlement of internally displaced persons and the closure of camps for internally displaced persons by the Government of Myanmar in November 2019, urges the implementation of the strategy in accordance with international standards, in full consultation with the internally displaced persons and by promoting their voluntary, safe, dignified and sustainable return to places of origin or places of choosing and the removal of any restrictions on movement as the priority in Kachin, Rakhine, Shan States and in the south-east of Myanmar, as well as in consultation with the United Nations system and relevant civil society organizations, and encourages ensuring consultation with and the representation of women at all levels of decision-making relating to the camp-closure strategy and its implementation;

17. *Calls upon* the Government of Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access for all United Nations mandates and human rights mechanisms, including the Independent Investigative Mechanism for Myanmar, the Special Rapporteur and relevant United Nations agencies and international and regional courts and human rights bodies to independently monitor the situation of human rights, and to ensure that individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack;

18. *Also calls upon* the Government of Myanmar to ensure full respect for international humanitarian law and to allow free and unhindered access to the entire country

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<sup>55</sup> See Advisory Commission on Rakhine State, "Towards a peaceful, fair and prosperous future for the people of Rakhine", August 2017.

for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance, including age-, disability- and gender-responsive assistance, and the delivery of supplies and equipment in order to allow the said personnel to perform efficiently their task of assisting affected civilian populations, including internally displaced persons;

19. *Urges* the Government of Myanmar to grant full and unhindered access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisal, intimidation or attack, and to lift the Internet shutdown in Rakhine and Chin States that has been in place in four townships since 21 June 2019 and five more townships since 3 February 2020;

20. *Welcomes* the involvement of the Association of Southeast Asian Nations in finding solutions in Rakhine State and the establishment of an ad hoc support team of the Association's secretariat, and calls for an even stronger engagement by the Association in close collaboration with relevant United Nations agencies in supporting voluntary, safe, dignified and sustainable returns in compliance with international law, including international humanitarian law, international human rights law and refugee law;

21. *Calls upon* the Government of Myanmar to safeguard those who report violations and abuses, and in this regard expresses concern at reports of the arrest of individuals exercising those rights, and also calls upon the Government to amend or repeal restrictive laws and to end remaining curbs on exercising the rights to the freedoms of religion or belief, expression, association and peaceful assembly, both online and offline, which are essential to ensure a safe and enabling environment for all, notably for civil society, journalists and media workers, human rights defenders, casualty recorders, lawyers, environmental and land rights activists and civilians;

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

23. *Expresses concern* at the continued erosion of the freedoms of expression and the press, and urges the Government of Myanmar to proceed with the reform of the Media Law and to review, repeal or reform all relevant legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, articles 66 (d), 77 and 80 (c) of the Telecommunications Act, the Law Protecting the Privacy and Security of Citizens, and articles 500, 505 (a) and 505 (b) of the Penal Code to bring them into line with international human rights law obligations;

24. *Welcomes* the steps taken within the Parliament of Myanmar towards amending the Constitution and in preparation for credible, inclusive and transparent elections to be held in 2020, ensuring equal opportunity for the representation and participation of women and minority groups as candidates and voters and that all people of Myanmar are able to cast their vote, allowing all candidates to contest fairly and the international community to monitor the elections, and ensuring that the democratic transition of Myanmar is sustained by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government;

25. *Urges* the Government of Myanmar to restore full citizenship and voting rights of all ethnic minorities in Myanmar, including the Rohingya, and to ensure free and fair participation of the Rohingya and other minorities in the elections to be held in 2020 in Myanmar;

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

27. *Encourages* the Government of Myanmar to accede to international human rights conventions, in particular the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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

29. *Calls upon* the Government of Myanmar to ratify the Minimum Age Convention, 1973 (No. 138), of the International Labour Organization, to eliminate child and forced labour, including for ethnic groups such as the Rohingya, and to amend the draft labour organization law, and further amend the Settlement of Labour Disputes Law to promote freedom of association in accordance with international labour standards;

30. *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 and the recommendations made by the independent international fact-finding mission in its conference room paper on the economic interests of the Myanmar military,<sup>56</sup> and requests the home States of businesses investing in Myanmar or with parts of their supply chains in Myanmar to advise those businesses to conduct appropriate due diligence so that their activities do not support, or risk being seen to be supporting, any human rights violations or abuses;

31. *Welcomes* the dialogue between the Government of Myanmar and the United Nations on addressing conflict-related sexual and gender-based violence in Myanmar, and encourages the Government to take action, inter alia, to hold perpetrators accountable, to ensure adequate assistance and access to justice to victims and survivors of sexual and gender-based violence and to support legal reforms, including a law on the prevention of violence against women, and to provide training and capacity-building to justice and security sector actors;

32. *Also welcomes* the Myanmar National Human Rights Commission Strategic Plan (2020–2024) and the Commission's reform efforts, and encourages the Myanmar Parliament to enable the Commission to fulfil its mandate independently and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), regrets the lack of a transparent selection process for commissioners and a clear intention to ensure that the Commission reflects the country's ethnic, religious, regional and gender diversity and includes human rights expertise, and calls upon the Government of Myanmar to ensure the independence of the Commission, including by supporting its compliance with the Paris Principles and accreditation with the Global Alliance of National Human Rights Institutions;

33. *Calls upon* the Government of Myanmar to demilitarize mining regions and to ensure the protection of human rights for workers in natural resource extraction and the enforcement of environmental safety standards, and urges the Government to work with relevant stakeholders and affected populations to develop inclusive policies for natural resource management and benefit-sharing;

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<sup>56</sup> See conference room paper [A/HRC/42/CRP.3](http://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx), available from <http://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx>.

34. *Reiterates its call upon* the Government of Myanmar to act on its commitment to open a country office of the Office of the United Nations High Commissioner for Human Rights, with a full mandate, and encourages the Government to issue a standing invitation to all special procedures of the Human Rights Council;

35. *Encourages* the Government of Myanmar to maintain and enhance its engagement with the Special Envoy of the Secretary-General on Myanmar, and allow her continued access to support the ongoing fulfilment of her mandate;

36. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the new mandate holder to present an oral progress report to the Human Rights Council at its forty-fourth and forty-fifth sessions and to submit a report to the Third Committee at the seventy-fifth session of the General Assembly and to the Council at its forty-sixth session, in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights and to measure progress in the implementation of the recommendations made by the mandate holder;

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

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

39. *Welcomes* the Secretary-General's initiative to take concrete action based on the recommendations contained in the report entitled "A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018", and invites the Secretary-General to provide an oral update to the Human Rights Council at its forty-sixth session on progress made in the implementation of follow-up action to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system;

40. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur and the Independent Investigative Mechanism for Myanmar with the assistance, resources and expertise necessary to enable them to discharge their mandates fully.

*45th meeting  
22 June 2020*

[Adopted by a recorded vote of 37 to 2, with 8 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Czechia, Denmark, Eritrea, Fiji, Germany, Italy, Libya, Marshall Islands, Mauritania, Mexico, Namibia, Netherlands, Nigeria, Pakistan, Peru, Poland, Qatar, Republic of Korea, Slovakia, Somalia, Spain, Sudan, Togo, Ukraine, Uruguay

*Against:*

Philippines, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Cameroon, Democratic Republic of the Congo, India, Indonesia, Japan, Nepal, Senegal]

## 43/27. Situation of human rights in South Sudan

*The Human Rights Council,*

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

*Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,*

*Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,*

*Recalling Human Rights Council resolutions 34/25 of 24 March 2017, 37/31 of 23 March 2018 and 40/19 of 22 March 2019, the twenty-sixth special session of the Council, including its resolution S-26/1 of 14 December 2016, and its resolution 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,*

*Noting all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union of 14 November 2019 and 27 January 2020, in which the Council, inter alia, re-emphasized its request to the Government of South Sudan and the African Union Commission to accelerate the establishment of all transitional justice mechanisms as provided for in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, including the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority,*

*Emphasizing that States have the primary responsibility for the promotion and protection of human rights, and recalling that the Government of South Sudan has the responsibility to protect all of its population in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,*

*Emphasizing also the importance of good governance and the rule of law as key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, and stressing the responsibility of the Government of South Sudan to promote and protect democratic and civic space in South Sudan, including through freedom of expression, of peaceful assembly and of association, and by preventing attacks on and harassment of journalists, media workers, civil society groups and human rights defenders, in the interest of fostering an open and inclusive political environment that supports sustainable peace,*

*Recognizing that transitional justice mechanisms are important elements in a national reconciliation process, as they, inter alia, address accountability, reparations, truth-seeking and guarantees of non-recurrence, emphasizing the importance of the agreed principles for transitional justice and the establishment of the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority, as outlined in chapter V of the Revitalized Agreement, and underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,*

1. *Welcomes* the formation of the Revitalized Transitional Government of National Unity, and recognizes that this represents a significant opportunity for peace, stability and sustainable improvement to the situation in South Sudan through, inter alia, the implementation of the commitments and obligations of South Sudan in respect of international human rights law and international humanitarian law;

2. *Also welcomes* the Rome Declaration on the Peace Process in South Sudan of 12 January 2020, in which signatories recommitted to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017, while expressing concern at the ongoing violations of the permanent ceasefire and urging all parties to the conflict to fully respect it;

3. *Stresses* that States have the primary responsibility for the promotion and protection of human rights, including to prevent recurrence of human rights violations and to provide an effective remedy for victims of such violations, and recalls that the Government of South Sudan has the responsibility to protect all of its population in the country from any violations that may amount to crimes against international law, including war crimes and crimes against humanity;

4. *Urges* the Revitalized Transitional Government of National Unity to address the previous and current findings of the Commission on Human Rights in South Sudan, which include economic crimes, such as tax evasion, money laundering and bribery; the recruitment and use of children in armed conflict; localized conflict characterized by killings, the abduction, torture and displacement of people and the looting and destruction of property; the use of starvation as a method of warfare; the denial of humanitarian access and attacks on civilian infrastructure, and violence against and intimidation of civil society, human rights defenders, humanitarian personnel and journalists; and sexual and gender-based violence, including rape, gang rape, sexual mutilation, forced marriage, abduction and sexualized torture;

5. *Stresses* that those responsible for violations and abuses of human rights and violations of international humanitarian law, including any that amount to war crimes or crimes against humanity, should be held accountable while affording fair trial protections to the accused, supporting victims and protecting potential witnesses before, during and after legal proceedings;

6. *Recognizes* the political will of the Revitalized Transitional Government of National Unity to promote and protect human rights and its desire for tangible progress and for the prevention of any recurrence of human rights violations and abuses;

7. *Welcomes* the signing on 7 February 2020 of the Comprehensive Action Plan to End and Prevent All Grave Violations against Children by the Government of South Sudan and the armed groups signatory to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, and urges all parties to the Action Plan to take immediate and effective steps towards its implementation, including by releasing all children that have been recruited and abducted;

8. *Also welcomes* the action plan on gender-based violence signed on 14 March 2019;

9. *Acknowledges* that demonstrable progress in key human rights issues of concern is critical to any future change to the mandate of the Commission on Human Rights in South Sudan;

10. *Urges* the Revitalized Transitional Government of National Unity, when finalized, to establish all transitional institutions, including the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority, in accordance with the procedures outlined in the Revitalized Agreement;

11. *Recognizes* the importance of an inclusive process for national dialogue and the implementation of the Revitalized Agreement, and urges all parties and international partners to engage constructively with the African Union Commission, the African Union High Representative for South Sudan and the institutions created pursuant to the Revitalized Agreement;

12. *Stresses* the need for the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation and to have regard to the need to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

13. *Calls upon* the Revitalized Transitional Government of National Unity to allow and facilitate, in line with United Nations guiding principles of humanitarian assistance, the full, safe, rapid and unhindered access of relief personnel, equipment and supplies free of unnecessary duties and taxes to all those in need, in particular to the 1.67 million internally displaced persons and 6.35 million people who are food insecure;

14. *Recognizes* the important role and efforts of the Intergovernmental Authority on Development in bringing parties together to work towards a peaceful resolution to the conflict, supporting the inclusion of civil society, women and youth in the negotiations and securing the Revitalized Agreement;

15. *Also recognizes* the important role of the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism in supporting the implementation of the Revitalized Agreement and its ceasefire provisions, and urges all parties and international partners to engage constructively with all the bodies created pursuant to the Revitalized Agreement;

16. *Welcomes* the report of the Secretary-General on children and armed conflict,<sup>57</sup> while expressing grave concern at the findings of the Secretary-General in his report on children and armed conflict in South Sudan<sup>58</sup> and of the Panel of Experts on South Sudan submitted pursuant to Security Council resolution 2428 (2018) of 9 April 2019;<sup>59</sup>

17. *Also welcomes* the joint reports of the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan entitled “Conflict-related violations and abuses in Central Equatoria: September 2018–April 2019” and “Conflict-related sexual violence in Northern Unity: September–December 2018”, while deeply concerned by their findings regarding the persistence of localized conflict-related sexual violence against women and men, boys and girls, and the lack of accountability for perpetrators;

18. *Takes note with appreciation* of the report of the Commission on Human Rights in South Sudan<sup>60</sup> and the recommendations contained therein;

19. *Notes with appreciation* that the Government of South Sudan has cooperated with the Office of the High Commissioner, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to cooperate fully and constructively with and to provide unhindered access to them, as well as to the United Nations Mission in South Sudan, and regional, subregional and international mechanisms on the ground;

20. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensuring that those responsible are held to account, and welcomes the recommendations made by the Commission on ending impunity and ensuring accountability;

21. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(a) To monitor and report on the situation of human rights in South Sudan, and to make recommendations to prevent deterioration of the situation with a view to its improvement;

(b) To determine and report the facts and circumstances of, to collect and preserve evidence of, and to clarify responsibility for alleged violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Revitalized Agreement, including the hybrid court for South Sudan, once established in cooperation with the African Union;

<sup>57</sup> A/73/907–S/2019/509.

<sup>58</sup> S/2018/865.

<sup>59</sup> S/2019/301.

<sup>60</sup> A/HRC/43/56.

(c) To provide guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and to make recommendations on technical assistance to the Government of South Sudan to support accountability, reconciliation and healing;

(d) To engage with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan and the African Union, including by building upon the work of the African Union Commission of Inquiry on South Sudan and African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the reconstituted Joint Monitoring and Evaluation Commission and civil society, with a view to promoting accountability for human rights violations and abuses committed by all parties;

(e) To make recommendations on technical assistance and capacity-building, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

(f) To make recommendations on technical assistance and capacity-building for implementation of chapter V of the Revitalized Agreement;

(g) To make recommendations on a follow-up process for the provision of technical assistance and capacity-building to South Sudan;

22. *Requests* the Commission on Human Rights in South Sudan to convene two workshops on transitional justice, with the participation of relevant stakeholders;

23. *Also requests* the Commission on Human Rights in South Sudan to work collaboratively with the African Commission on Human and Peoples' Rights, including with the Country Rapporteur for South Sudan;

24. *Requests* the Office of the High Commissioner to provide all the administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, including computer software to support the Commission's evidence collection function;

25. *Also requests* the Office of the High Commissioner to provide the Revitalized Transitional Government of National Unity with technical assistance in order to support the realization of the indicators contained in the present resolution;

26. *Requests* the Commission on Human Rights in South Sudan to present an oral update to the Human Rights Council at its forty-fifth session, including on progress made for provisions within the present resolution, during an enhanced interactive dialogue, with the participation of representatives of the African Union, and to present a comprehensive written report to the Council at its forty-sixth session during an interactive dialogue;

27. *Also requests* the Commission on Human Rights in South Sudan to submit its report and recommendations to the Human Rights Council and then to share them with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

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

*45th meeting  
22 June 2020*

[Adopted without a vote.]

#### **43/28. The human rights situation in the Syrian Arab Republic**

For the text of the resolution, see chapter II.

## 43/29. Prevention of genocide

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, and other relevant international instruments,

*Recalling* its resolutions 7/25 of 28 March 2008, 22/22 of 22 March 2013, 28/34 of 27 March 2015 and 37/26 of 23 March 2018 on the prevention of genocide,

*Recognizing* that at all periods of history genocide has inflicted great losses on humanity,

*Reaffirming* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, the first human rights treaty adopted by the General Assembly, on 9 December 1948, and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, as an effective international instrument for the prevention and punishment of the crime of genocide,

*Emphasizing* that the crime of genocide is recognized in the Convention as an odious scourge, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

*Deeply concerned* about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

*Taking into consideration* the fact that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

*Affirming* that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

*Condemning* impunity for genocide, war crimes and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, war crimes or other massive, serious or systematic violations of human rights and international humanitarian law in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

*Acknowledging* the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

*Recalling* General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

*Acknowledging with appreciation* that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

*Stressing* the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

*Acknowledging* the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and its positive impact on the prevention of gross violations of human rights and serious violations of international humanitarian law through a holistic approach to transitional justice,

*Acknowledging also* the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,<sup>61</sup> and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Encouraging* States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity and promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

*Recognizing* the importance of preserving historic memory, without distortion, relating to gross human rights violations, abuses and serious violations of international humanitarian law through the conservation of archives, oral histories and other forms of evidence relating to those violations,

*Recognizing also* that an important factor in the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

*Expressing deep concern that* genocide is typically preceded by widespread and systematic human rights violations and abuses of civil and political rights, as well as of economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals based on their ethnic, racial, national or religious background,

*Noting with concern* that the crime of genocide, war crimes and crimes against humanity are often preceded or accompanied by statements by political leaders and public figures that express support for the affirmation of superiority of a race or an ethnic group, dehumanize and demonize persons belonging to minorities, disseminating hostility and prejudice against ethnic, religious or racial groups, or condone or justify violence against them,

*Recognizing* that gender plays a role in the planning and commission of genocide and the distinct ways it can be planned and perpetrated against women, men, girls and boys, including through acts of sexual and gender-based violence, and the importance that gender analysis has for prevention and accountability measures,

*Strongly condemning* violence against women and girls, such as murder, rape, including systematic rape, sexual slavery, forced pregnancy and enforced sterilization, and calling for effective measures of accountability and redress where those acts amount to violations of international human rights and humanitarian law,

*Welcoming* the launching of the United Nations Strategy and Plan of Action on Hate Speech as an effective tool to fight incitement to discrimination, hostility and violence,

*Welcoming also* the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes,

*Emphasizing that* the presence of an organized, knowledgeable, strong and representative civil society and free, diverse and independent media able to operate freely would significantly reduce the risk of genocide,

*Noting with concern* that attempts to deny or to justify the crime of genocide as defined in the Convention and established as such under international law may risk undermining the fight against impunity, reconciliation and efforts to prevent genocide,

<sup>61</sup> [E/CN.4/2006/91](#), [A/HRC/5/7](#), [A/HRC/12/19](#), [A/HRC/15/33](#) and [A/HRC/17/21](#).

*Expressing deep concern* that justification, biased accounts or denial of past instances of genocide may increase the risk of reoccurrence of violence,

*Acknowledging* the necessity to protect the cultural heritage of persons belonging to minorities from intentional destruction aimed at erasing evidence of their presence as a key factor for preservation of their identity,

*Recognizing* the importance of fact-based casualty recording initiatives led by State authorities, independent civil society or internationally mandated organizations, and the contribution they can make to the effectiveness of early warning mechanisms, ensuring accountability, truth, justice, reparation, guarantees of non-recurrence and the preservation of historic memory, and combating genocide denial and other forms of hate speech,

*Reaffirming* that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

*Underlining* the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations,

*Recalling* that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

*Recognizing* the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

*Reaffirming* its full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

*Taking note* of the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

*Recalling* the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan<sup>62</sup> and the activities of the Special Adviser,<sup>63</sup> as well as the practice of convening interactive dialogues with the Special Adviser at the sessions of the Council,

*Recalling also* the fifteenth anniversary of the adoption of the 2005 World Summit Outcome,

*Acknowledging* the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union and other national, regional and international initiatives,

*Acknowledging also* the successful outcome of the regional forums on the prevention of genocide – the first, in Buenos Aires, from 10 to 12 December 2008; the second, in Arusha, from 3 to 5 March 2010; the third, in Bern, from 4 to 6 April 2011; and the fourth, in Phnom Penh, from 28 February to 1 March 2013 – and noting the first international meeting of Global Action against Mass Atrocity Crimes, held in San José from 4 to 6 March 2014, the second, held in Manila from 2 to 4 February 2016, and the third, held in Kampala from 23 to 25 May

<sup>62</sup> E/CN.4/2006/84.

<sup>63</sup> A/HRC/7/37 and A/HRC/10/30.

2018, and acknowledging the Third Global Forum against the Crime of Genocide, held in Yerevan from 9 to 11 December 2018, dedicated to the prevention of the crime of genocide through education, culture and museums, and organized with the support of the Special Adviser to the Secretary-General on the Prevention of Genocide,

*Acknowledging further* that victims of and others affected by the crime of genocide as defined in the Convention call for a form of memorialization, which plays an important role in the prevention of genocide,

*Welcoming* the report of the Secretary-General on the prevention of genocide on the implementation of provisions of its resolution 37/26, with a particular focus on activities aimed at raising awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and the realization of educational programmes and projects that contribute to the prevention of genocide,<sup>64</sup>

*Welcoming also* the summary report of the Office of the United Nations High Commissioner for Human Rights on the high-level panel discussion to commemorate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>65</sup>

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Reaffirms* that the right to life under article 6 of the International Covenant on Civil and Political Rights is a right from which no derogation is permitted under article 4 of that Covenant, even in public emergencies that threaten the life of the nation, and does not permit derogation from the obligations assumed under the Convention on the Prevention and Punishment of the Crime of Genocide;

4. *Recognizes* the contribution that the Human Rights Council can make to the prevention of genocide, including through the mandate set out by the General Assembly in paragraph 5 (f) of its resolution 60/251 of 15 March 2006;

5. *Calls upon* all States to fully cooperate to this end with United Nations human rights mechanisms, including the special procedures and the treaty bodies;

6. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

7. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

8. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to those States that have done so since the adoption by the Human Rights Council of its resolution 37/26, namely Dominica, Mauritius and Turkmenistan;

9. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

10. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and regional organizations, aimed at fostering the principles enshrined in the Convention;

<sup>64</sup> A/HRC/41/24.

<sup>65</sup> A/HRC/40/33.

11. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

12. *Recognizes* the important role of the Secretary-General in contributing to the prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

13. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

14. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

15. *Reiterates* the importance of its universal periodic review mechanism, which is an important instrument for advancing human rights, and invites States to include, where appropriate, information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

16. *Urges* all States to implement accepted universal periodic review recommendations relating to the prevention of genocide, war crimes and crimes against humanity;

17. *Encourages* the engagement of civil society in the prevention of genocide through concrete means such as advocacy, monitoring, reporting, education, conflict prevention, and resolution and reconciliation initiatives;

18. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention, and to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

19. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan and the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

20. *Recognizes* that early warning signs of genocide may also include an increase in serious acts of violence against women and children or the creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror, and calls upon States to take the legislative and other measures necessary to protect women and children from all forms of violence;

21. *Encourages* States to ensure the full enjoyment of cultural rights, to take the measures necessary to prevent the destruction of historic monuments, memorial sites, including in places where crimes or atrocities have been committed, works of art or places of worship that constitute the cultural or spiritual heritage of peoples in the context of genocide prevention;

22. *Urges* States to preserve archives, oral histories and other forms of evidence concerning genocide and serious violations of international human rights and humanitarian law to facilitate the sharing and dissemination of knowledge and the investigation of such violations, and to provide victims with access to an effective remedy, in accordance with international law;

23. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

24. *Invites* Member States and regional and subregional organizations to look at examples of best practices for the prevention of genocide developed in other regions, where appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

25. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

26. *Emphasizes* the important role that education, including human rights education and training, can play in genocide prevention, and encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

27. *Notes* the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, and other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

28. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, that will ensure that such horrendous crimes are never forgotten and will provide an opportunity for everyone to learn lessons from the past and to create a safer future;

29. *Urges* States to continue efforts aimed at the memorialization and remembrance of past genocides as a way to prevent them by educating society;

30. *Invites* States to contribute to the implementation of Sustainable Development Goal target 4.7 through teaching and learning about, inter alia, past instances and the consequences of genocide;

31. *Recalls* the adoption by consensus of General Assembly resolution 69/323 on 11 September 2015, in which the Assembly proclaimed 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime;

32. *Invites* Member States and regional and subregional organizations to observe the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime with public events that can memorialize and educate, and thereby contribute to preventing the recurrence of genocide and other mass atrocities;

33. *Welcomes* the role that Member States and international organizations, particularly the United Nations Organization, have played in commemorating past instances of genocide by establishing and observing official days of remembrance;

34. *Requests* the Secretary-General, in collaboration with the Office on Genocide Prevention and the Responsibility to Protect and with relevant entities of the United Nations system, Governments and other stakeholders, to help to ensure the success of the observance by the United Nations of the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of This Crime and to assist Member States, upon request and in compliance with the provisions of resolution 69/323 relating to funding, in organizing activities for the observance of the International Day;

35. *Invites* the Special Adviser on the Prevention of Genocide to continue to execute the activities under his mandate, including in the follow-up to the present resolution, by providing States with guidance, assistance and follow-up, upon their request;

36. *Requests* the Secretary-General to draw up a roster of focal points and networks on the prevention of genocide with updated information from Member States;

37. *Requests* the United Nations High Commissioner for Human Rights to convene, before the forty-sixth session of the Human Rights Council, a one-day intersessional meeting with a dialogue on cooperation in strengthening capacities for the prevention of genocide, which will provide a space for States, relevant United Nations and regional human rights mechanisms, United Nations agencies, funds and programmes, national human rights institutions and other stakeholders, including academic experts and civil society organizations, to share good practices, achievements, challenges and lessons learned on the three main areas for genocide prevention: the strengthening of national capacities; the promotion of States' participation in regional and subregional initiatives; and the strengthening of early warning and prevention mechanisms within the United Nations system;

38. *Also requests* the High Commissioner to prepare a summary report on the intersessional meeting and to submit it to the Human Rights Council at its forty-seventh session;

39. *Invites* the Special Adviser to the Secretary-General on the Prevention of Genocide to an interactive dialogue with the Human Rights Council at its forty-seventh session on the progress made in discharging his or her duties;

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

*46th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/30. Human rights in the occupied Syrian Golan**

*The Human Rights Council,*

*Deeply concerned* at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Recalling also* all relevant General Assembly resolutions, the most recent being resolutions 74/14 of 3 December 2019 and 74/90 of 13 December 2019, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

*Recalling further* General Assembly resolutions 73/98 of 7 December 2018 and 74/88 of 13 December 2019,

*Reaffirming once more* the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

*Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,<sup>66</sup> and in this connection deploring the Israeli settlements in the occupied Arab territories, and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

*Guided* by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

*Reaffirming* the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

*Reaffirming also* the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolutions 37/33 of 23 March 2018 and 40/21 of 22 March 2019,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Deplores* the plan announced in April 2019 by the Israeli occupation authorities to expand existing settlement by building 30,000 units and the transfer of 250,000 Israeli settlers, and calls upon Israel, the occupying Power, to stop its settlement activities and associated infrastructure plans in the occupied Syrian Golan;

3. *Calls upon* Israel, the occupying Power, to cease changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

4. *Also calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

5. *Further calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention) and the International Covenant on Civil and Political Rights;

<sup>66</sup> A/74/356.

6. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Fourth Geneva Convention, and have no legal effect;

7. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

8. *Deplores* the practices of the Israeli occupation authorities affecting the human rights of the Syrian citizens in the occupied Syrian Golan, including the confiscation of private properties of Syrians by imposing so-called "Israeli documents" on them, expresses grave concern at the continued illegal exploitation of natural resources,<sup>67</sup> the unlawful mine-laying practices of the Israeli occupation forces in the occupied Syrian Golan, and also expresses deep concern at the non-cooperation of Israel with the Office of the United Nations High Commissioner for Human Rights;

9. *Deplores* the decision of the Israeli occupation authorities to construct wind turbines on the private agricultural property of the Syrian population in the occupied Syrian Golan, which constitutes another violation of international humanitarian law and of relevant Security Council resolutions, in particular Council resolution 497 (1981), and expresses concern at their physical and environmental repercussions on the health of the Syrian population;<sup>68</sup>

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its forty-sixth session;

11. *Decides* to continue its consideration of the human rights violations in the occupied Syrian Golan at its forty-sixth session.

*46th meeting  
22 June 2020*

[Adopted by a recorded vote of 26 to 17, with 4 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Burkina Faso, Chile, Eritrea, India, Indonesia, Libya, Mauritania, Mexico, Namibia, Nepal, Nigeria, Pakistan, Peru, Qatar, Senegal, Somalia, Sudan, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Austria, Brazil, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Slovakia, Spain, Togo, Ukraine

*Abstaining:*

Cameroon, Democratic Republic of the Congo, Fiji, Philippines]

### **43/31. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

*The Human Rights Council,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

<sup>67</sup> See [A/HRC/43/67](#) and [A/HRC/43/69](#).

<sup>68</sup> *Ibid.*

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Recalling* relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

*Recalling also* Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

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

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Recalling* the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, and reaffirming that States should not recognize as lawful a situation arising from breaches of peremptory norms of international law,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Deeply concerned* that the wall's route has been traced in such a way to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Noting* that the International Court of Justice concluded, inter alia, that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

*Taking note* of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, and the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>69</sup>

*Expressing its grave concern* at any action taken by any body, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

*Noting* that Israel has been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including

<sup>69</sup> [A/HRC/22/63](#).

East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the destruction of property, including humanitarian relief items, homes, community infrastructure and projects funded by the international community, the forcible displacement of Palestinian civilians or threat thereof, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, disruption to the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Affirming* that the Israeli settlement policies and practices in the Occupied Palestinian Territory, including East Jerusalem, seriously endanger the viability of the two-State solution, undermining the physical possibility of its realization and entrenching a one-State reality of unequal rights,

*Noting* in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination, and deeply concerned that the magnitude, persistence and character of the settlement enterprise suggest that the occupation has been established with the intention of making it permanent, in violation of the prohibition of acquisition of territory resulting from the use of force,

*Noting also* that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

*Deploring in particular* the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the West Bank, including East Jerusalem, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Expressing grave concern* at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining its viability, creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and making the two-State solution physically impossible to implement,

*Gravely concerned* at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

*Expressing concern* at the ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

*Aware* of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

*Noting* that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

*Aware* that numerous Israeli policies and practices related to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, amount to blatant discrimination, including through the creation of a system privileging Israeli settlements and settlers, against the Palestinian people and in violation of their human rights,

*Recalling* Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

*Noting* that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

*Emphasizing* the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

*Concerned* that economic activities facilitate the expansion and entrenchment of settlements, aware that the conditions of harvesting and production of products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard, including the obligation to ensure respect for the Fourth Geneva Convention,

*Aware* that products wholly or partially produced in settlements have been labelled as originating from Israel, and concerned about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

*Aware also* of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

*Noting* that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

*Expressing its concern* at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and to cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and in this regard calls for the full implementation of all relevant Security Council resolutions, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 497 (1981) of 17 December 1981, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice, including to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, and to make reparation for the damage caused to all natural or legal persons affected by the construction of the wall;

5. *Condemns* the continuing settlement and related activities by Israel, including the construction and expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, including humanitarian relief consignments, the forcible transfer of Palestinians, including entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, constitute a violation of international humanitarian law, in particular article 49 of the Fourth Geneva Convention, and of international human rights law, and undermine the viability of the two-State solution;

6. *Also condemns* the declarations made by Israeli officials calling for the annexation of Palestinian land, and reaffirms the prohibition of acquisition of territory resulting from the use of force;

7. *Expresses its grave concern* at and calls for the cessation of:

(a) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and “relocation” plans, the obstruction and destruction of humanitarian assistance and the creation of a coercive environment and unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of “State lands”, closed “military zones”, “national parks” and “archaeological” sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel’s obligations under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing the full participation of Palestinians in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(a) To end without delay its occupation of the territories occupied since 1967, which may be contrary to international law, to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its so-called E-1 plan;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(c) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of institutionalized discrimination;

(d) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called State land, and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all practices and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including the confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

10. *Urges* all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and to continue to actively pursue policies that ensure respect for their obligations under international law with regard to these and all other illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention;

12. *Calls upon* all States:

(a) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories with regard to, inter alia, the issue of trade with settlements, consistent with their obligations under international law;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the inmitigable nature of the adverse impact of their activities on human rights;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(d) To increase monitoring of settler violence with a view to promoting accountability;

13. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights, and to avoid contributing to the establishment, maintenance, development or consolidation of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the consequences of the intensification of settlement activity and other steps taken towards formal annexation in the Occupied Palestinian Territory, particularly in and around East Jerusalem and the so-called E-1 area, for the contiguity of the Palestinian Territory and their implications for the civil, political, economic, social and cultural rights of the Palestinian people, and to present the report to the Human Rights Council at its forty-sixth session;

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

*46th meeting  
22 June 2020*

[Adopted by a recorded vote of 36 to 2, with 9 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Burkina Faso, Chile, Denmark, Eritrea, Fiji, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Senegal, Somalia, Spain, Sudan, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Marshall Islands

*Abstaining:*

Austria, Brazil, Bulgaria, Cameroon, Czechia, Democratic Republic of the Congo, Slovakia, Togo, Ukraine]

### **43/32. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

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

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,<sup>70</sup> and other relevant recent reports of the Human Rights Council,

*Stressing* the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine, on the basis of international law,

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

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>70</sup> A/74/507.

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

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

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties and to ensure respect for international humanitarian law,

*Stressing* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* at the continuing violations of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid, contributing to a coercive environment that leads to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory, including when carried out as an act of collective punishment in violation of international humanitarian law; incidents of harassment of and attacks on schoolchildren and attacks on educational facilities by Israeli settlers and as a result of Israeli military action; and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* all conflicts in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and all violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of previous Israeli military operations, and about the firing of rockets into Israel,

*Expressing deep concern* at the detrimental impact of continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

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

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

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

*Convinced* that the Israeli occupation has gravely impeded the efforts made to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

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

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

*Recalling also* the prohibition under international humanitarian law of transfers and deportations of civilians from or to occupied territories,

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

*Stressing* the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attack, harassment, arbitrary detention or criminal prosecution,

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

contribution of the Temporary International Presence in Hebron, and regretting the unilateral decision by Israel not to renew its mandate, thereby dispensing with one of the few established mechanisms for conflict resolution between Israelis and Palestinians, which may therefore have a negative impact on the situation,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

6. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and calls for full cooperation by Israel with the Human Rights Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospect of a peaceful settlement;

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

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

10. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including the construction of settlements in various areas; the demolition of residential structures, the forced eviction of Palestinian inhabitants and the application of the policy of punitive home demolitions; the ongoing policy of revoking the residency permits of Palestinians living in

East Jerusalem through various discriminatory laws; the excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

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

12. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

13. *Expresses concern* about the so-called “Basic Law: Israel as the Nation-State of the Jewish People”, adopted by the Knesset, currently under judicial review, which has raised further concerns regarding compliance with international law, including the law of occupation, insofar as it applies to the Occupied Palestinian Territory, including East Jerusalem;

14. *Also expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

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

16. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

17. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where the bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, United Nations facilities, and agricultural lands, the large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of protests in the West Bank and in the Gaza Strip;

18. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury, while encouraging an end to all actions contrary to international law;

19. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of

medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

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

21. *Calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

22. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody, and calls upon Israel to immediately release all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

23. *Calls for* urgent attention to be paid to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

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

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

26. *Emphasizes* the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

27. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

28. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem, and to recommend measures to ensure the implementation of equitable access to safe drinking water in the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law, and to present the report to the Human Rights Council at its forty-eighth session;

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

46th meeting  
22 June 2020

[Adopted by a recorded vote of 42 to 2, with 3 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Czechia, Denmark, Eritrea, Fiji, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Senegal, Slovakia, Somalia, Spain, Sudan, Ukraine, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Marshall Islands

*Abstaining:*

Cameroon, Democratic Republic of the Congo, Togo]

### **43/33. Right of the Palestinian people to self-determination**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Recalling further* General Assembly resolution 67/19 of 29 November 2012,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

*Deploing* the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and expressing deep regret about the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the diaspora,

*Affirming* the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

*Recalling* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

*Considering* that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Noting* that the failure to bring the occupation to an end after 50 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine remains unresolved 70 years since the resolution on partition,

*Reaffirming* that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Also reaffirms* the need to achieve a just, comprehensive and lasting peaceful solution to the Israeli-Palestinian conflict, in conformity with international law and other internationally agreed parameters, including all relevant United Nations resolutions;

3. *Calls upon* Israel, the occupying Power, to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and further reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

4. *Expresses grave concern* at any action taken in contravention of the General Assembly and Security Council resolutions relevant to Jerusalem;

5. *Also expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

6. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

7. *Calls upon* all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel, in particular of the prohibition of the acquisition of territory by force, in order to ensure the exercise of the right to self-determination, and also calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of Israel's illegal policies and practices;

8. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United

Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

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

*46th meeting  
22 June 2020*

[Adopted by a recorded vote of 43 to 2, with 2 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Czechia, Denmark, Eritrea, Fiji, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Senegal, Slovakia, Somalia, Spain, Sudan, Togo, Ukraine, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Marshall Islands

*Abstaining:*

Cameroon, Democratic Republic of the Congo]

**43/34. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief**

*The Human Rights Council,*

*Reaffirming* the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

*Reaffirming also* Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014, 28/29 of 27 March 2015, 31/26 of 24 March 2016, 34/32 of 24 March 2017, 37/38 of 23 March 2018 and 40/25 of 22 March 2019, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014, 70/157 of 17 December 2015, 71/195 of 19 December 2016, 72/196 of 19 December 2017, 73/164 of 17 December 2018 and 74/163 of 18 December 2019,

*Reaffirming further* the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

*Reaffirming* that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

*Reaffirming also* the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

*Expressing deep concern* at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

*Reaffirming* that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Reaffirming also* that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

*Reaffirming further* the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

*Reaffirming* the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

*Deeply concerned* about incidents of intolerance, discrimination and violence against persons on the basis of their religion or belief in all regions of the world,

*Deploring* any advocacy of discrimination or violence based on religion or belief,

*Strongly deploring* all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

*Concerned* about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

*Noting with deep concern* the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

*Expressing concern* at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

*Recognizing* the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

*Recognizing also* that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

*Recalling* General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

*Welcoming* in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and recalling the initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons on the basis of their religion or

belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence and of negative stereotyping of individuals on the basis of religion or belief continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of expert meetings held in Washington, D.C., London, Geneva, Doha, Jeddah, Singapore and The Hague, in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that open, public debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and is convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws upon his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence on the basis of religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of their ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 40/25, summarizing the contributions received from States,<sup>71</sup> and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its forty-sixth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief.

*46th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/35. Mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

*The Human Rights Council,*

*Recalling* General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

*Recalling also* Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

*Recalling further* Human Rights Council resolutions 1/5 of 30 June 2006, 11/12 of 18 June 2009, 22/30 of 22 March 2013 and 34/34 of 23 March 2017, in which the Council

<sup>71</sup> [A/HRC/43/72](#).

renewed and extended the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

*Welcoming* General Assembly resolution 74/137 of 18 December 2019,

*Encouraging* the Working Group to enhance its efforts towards the effective realization of its mandate, and to report regularly in this regard to the Human Rights Council and the General Assembly,

1. *Decides* to renew the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for a further period of three years;

2. *Requests* the Chair of the Working Group to submit an annual report on its sessions to the Human Rights Council;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the human resources, technical and financial assistance necessary for the effective implementation of its mandate;

4. *Requests* the Chair of the Working Group to orally update and engage in an interactive dialogue with the General Assembly under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” annually;

5. *Decides* to remain seized of this priority matter.

*46th meeting  
22 June 2020*

[Adopted without a vote.]

#### **43/36. Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Recalling* its resolution 7/34 of 28 March 2008 and all its resolutions on the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and also those of the Commission on Human Rights,

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

*Recalling further* the importance of the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 10, and the Durban Declaration and Programme of Action, to advancing racial equality, ensuring equal opportunities for all, guaranteeing equality before the law and promoting social, economic and political inclusion without distinction based on race, age, sex, disability, descent, national or ethnic origin, religion or economic or other status,

1. *Decides* to renew the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34;

2. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly on all activities relating to the mandate with a view to maximizing the benefits of the reporting process;

3. *Also requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, and to undertake thematic research with a view to advise States and relevant State institutions on the elimination of all forms of racism, racial discrimination,

xenophobia and related intolerance in the implementation of the 2030 Agenda, including with reference to Sustainable Development Goal targets 10.2 and 10.3;

4. *Further requests* the Special Rapporteur to contribute to the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, including by participating in relevant meetings;

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

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

*46th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/37. Cooperation with Georgia**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights and other relevant international human rights instruments,

*Bearing in mind* relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

*Recalling* its resolutions 34/37 of 24 March 2017, 37/40 of 23 March 2018 and 40/28 of 22 March 2019,

*Expressing serious concern* that the provisions of the above resolutions with regard to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, have not been implemented,

*Reaffirming* its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

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

*Recognizing* the importance of the Geneva International Discussions established on the basis of the ceasefire agreement of 12 August 2008 as an instrument for addressing security, stability, human rights and humanitarian issues on the ground,

*Underlining* the role of the Incident Prevention and Response Mechanisms in Gali and Ergneti in finding durable solutions for the safety and humanitarian needs of conflict-affected persons on the ground,

*Welcoming* the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights and its office in Tbilisi, and with other relevant international and regional human rights mechanisms and actors,

*Welcoming also* the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

*Recognizing* the significance of the reports of the High Commissioner,<sup>72</sup>

*Stressing* the findings of the High Commissioner in the reports, in which the High Commissioner underscored the responsibility of the authorities in control in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to uphold the fundamental freedoms and human rights of all people living therein and expressed regret at the refusal of those in control of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to

<sup>72</sup> [A/HRC/36/65](#), [A/HRC/39/44](#) and [A/HRC/42/34](#).

grant unimpeded access to staff members of the Office of the High Commissioner and to the United Nations human rights mechanisms to both regions,

*Expressing serious concern* at the continuous process of installation and advancement of barbed wire fences and different artificial barriers along the administrative boundary line in Abkhazia, Georgia, and Tskhinvali region/South Ossetia, Georgia, and adjacent areas,

*Expressing serious concern also* at various forms of reported discrimination against ethnic Georgians, violations of the right to life, deprivation of liberty, arbitrary detentions and kidnappings, infringements of the right to property, violations of the right to health, restrictions on education in one's native language in both Georgian regions, and the continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia,

*Expressing serious concern further* at the lack of accountability for incidents of ethnically targeted violations of the right to life of Georgians committed in the period from 2016 to 2019, which continues to contribute to impunity in both Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia,

*Noting with concern* that the situation of human rights has deteriorated in both regions, particularly due to growing restrictions on freedom of movement,

*Bearing in mind* the negative consequences of the closure of the crossing points by the authorities in control in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, and their severe impact on the affected population in and around both regions, which aggravates its socioeconomic situation and isolation,

*Expressing concern* that internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, in a safe and dignified manner,

*Recognizing with appreciation* the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights, and in this context welcoming the cooperation of the Government with United Nations and regional human rights mechanisms,

*Expressing serious concern* at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of those regions,

*Recognizing* in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Tbilisi;

2. *Strongly calls* for immediate and unimpeded access to be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its forty-fourth session, and to present a written report on developments relating to and the implementation of the present resolution at its forty-fifth session.

*46th meeting  
22 June 2020*

[Adopted by a recorded vote of 20 to 2, with 24 abstentions. The voting was as follows:

*In favour:*

Australia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, Germany, Italy, Japan, Libya, Marshall Islands, Mexico, Netherlands, Peru, Poland, Slovakia, Somalia, Spain, Ukraine

*Against:*

Cameroon, Venezuela (Bolivarian Republic of)

*Abstaining:*

Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, Democratic Republic of the Congo, Eritrea, India, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Senegal, Sudan, Togo, Uruguay]

### **43/38. Technical assistance and capacity-building for Mali in the field of human rights**

*The Human Rights Council,*

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

*Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,*

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

*Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,*

*Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, 25/36 of 28 March 2014, 31/28 of 24 March 2016, 34/39 of 24 March 2017, 37/39 of 23 March 2018 and 40/26 of 22 March 2019, by which it extended the mandate of the Independent Expert,*

*Reaffirming the primary responsibility of all States to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,*

*Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,*

*Taking note with satisfaction of the report of the Independent Expert on the situation of human rights in Mali,<sup>73</sup>*

*Deeply concerned about the ongoing deterioration of the security situation in Mali, mainly in the north and centre of the country, in particular the expansion of terrorist activities, the intensification of violent extremism and communal violence, the proliferation of small arms, the smuggling of drugs and migrants, trafficking in persons and other forms of transnational organized crime,*

*Deeply concerned also about continued human rights violations and breaches, including abuses, conflict-related sexual violence, violence against children and other vulnerable groups and violations of international humanitarian law, the slow progress in the implementation of some of the relevant provisions of the Agreement on Peace and Reconciliation in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,*

*Remaining concerned about the food and humanitarian crisis experienced by the population groups affected by the conflict, including internally displaced persons, and about the insecurity that continues to hamper humanitarian access, stressing that the deteriorating humanitarian situation has a disproportionate impact on women and girls and condemning attacks on humanitarian personnel,*

*Recalling in this regard that all the perpetrators of such acts must be held accountable and that on 16 January 2013, at the request of the Malian transitional authorities, the*

<sup>73</sup> [A/HRC/43/76](#).

Prosecutor of the International Criminal Court opened an investigation into the alleged crimes committed in Mali since January 2012,

*Recalling also* that the Government of Mali has established a three-year emergency plan for the period 2018–2020 for the restoration of basic social services in two regions of the centre of the country, and calling upon the Government to implement the plan,

*Noting* the renewed commitment of the Government of Mali and the signatory groups to swiftly implement their obligations under the Agreement on Peace and Reconciliation in Mali, including the measures provided for in Security Council resolution 2480 (2019) of 28 June 2019, expressing concern about the delays in the peace process and encouraging all parties to continue the dialogue within the framework of the Agreement Monitoring Committee,

*Recalling* in this regard the signing, on 15 October 2018, between the Government of Mali and the United Nations, of the Pact for Peace in Mali, which commits the Malian parties to pursuing and accelerating the peace process in a more inclusive manner, and welcoming the organization of the inclusive national dialogue that led to four key resolutions – namely, commitments to organize legislative elections, hold a constitutional referendum, redeploy the reconstituted defence and security forces and restore administrative services in all areas of the country – as well as the review of some of the provisions of the Agreement on Peace and Reconciliation in Mali, in accordance with the mechanisms provided for in article 65 of the Agreement,

*Welcoming* the progress made in the disarmament, demobilization and reintegration process and the effective integration of 1,330 former members of armed groups into the Malian defence and security forces, as well as the ongoing redeployment of the country's reconstituted armed forces, in particular in Kidal, Ménaka, Gao and Timbuktu,

*Welcoming also* Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against, in particular, those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, not least women and children, and noting the adoption by the Security Council of two series of sanctions in December 2018 and July 2019, respectively,

*Noting* the commitment made by the Government of Mali at a number of sessions of the Human Rights Council to give priority to dialogue and national reconciliation in resolving the crisis,

*Noting also* the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

*Welcoming* the cooperation of the Malian authorities with international human rights mechanisms, notably the participation of Mali in the third cycle of the universal periodic review in 2018, and the invitations issued to special procedure mandate holders of the Human Rights Council,

*Taking note* of the latest report of the Secretary-General on the situation in Mali,<sup>74</sup> in which he expresses concern about the continued delays in the implementation of the Agreement on Peace and Reconciliation in Mali and growing insecurity across the country, in particular in its northern and central regions, emphasizes the importance of combating impunity to stem violence in the country and calls upon the Malian authorities to take all measures in that regard,

*Noting* the consideration given by the Joint Force of the Group of Five for the Sahel to the human rights due diligence policy on United Nations support to non-United Nations security forces and noting the establishment of the framework for ensuring that the operations of the Joint Force are in compliance with human rights and international humanitarian law,

<sup>74</sup> S/2019/983.

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, including those involving violations and abuses of women's rights, notably sexual and gender-based violence, violations and abuses of children's rights, in particular the recruitment and use of children in violation of international law, and extrajudicial and summary executions, arbitrary arrests and detention, mistreatment of prisoners, killing and maiming, and attacks on schools and hospitals;

2. *Calls upon* all parties to respect the civilian character of schools in accordance with international humanitarian law and to cease detaining children for violations of national security in breach of applicable international law, urges all parties to put an end to such violations and abuses and abide by their obligations under applicable international law, including international human rights and humanitarian law, welcomes in this regard the endorsement by the Malian authorities of the Safe Schools Declaration in February 2019 and encourages them to follow up on it, including by drawing up a list of the schools closed as a result of direct threats or insecurity;

3. *Recalls* in this regard that all perpetrators of such acts must be held accountable before the competent courts, at both the national and the international level;

4. *Strongly condemns* the attacks, including terrorist attacks, on civilians, representatives of local, regional and central institutions, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces deployed in the framework of Operation Barkhane, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

5. *Also strongly condemns* the escalation of communal violence in the centre of the country in the past year and calls upon the Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the international community, to continue its efforts to achieve national reconciliation and to prevent violence in identified hotspots;

6. *Underscores* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance, development and reconciliation, as well as respect for, and protection and promotion of, human rights;

7. *Welcomes* the measures taken by the Government of Mali in support of the implementation of the Integrated Security Plan for the Central Regions of Mali, a comprehensive plan to re-establish the presence of the State in central Mali, as well as the establishment of a permanent secretariat for the policy framework for the management of the crisis in central Mali and the appointment of a high representative of the President of the Republic for the central regions, and stresses the need to continue making such efforts;

8. *Reiterates* its call for an immediate halt to all human rights violations and abuses and violations of international humanitarian law and for the strict observance of all human rights and fundamental freedoms;

9. *Requests* all parties to ensure the safe and unhindered delivery of humanitarian aid, in accordance with humanitarian principles, to facilitate the safe and unrestricted passage of such aid, so that it may be rapidly distributed to all those who need it in any part of Mali, and to ensure the safety and protection of the civilians receiving it and of the humanitarian and health personnel working in Mali;

10. *Calls upon* the Government of Mali to continue and to step up its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, ensuring that the transitional justice mechanism continues its work and effectively redeploying government services throughout the country, and welcomes in this regard the adoption by the National Assembly of the Policy and Planning Act for the Justice Sector on 20 December 2019;

11. *Encourages* the Government of Mali to continue implementing the recommendations accepted during the third cycle of the universal periodic review of Mali

and calls, in particular, for the acceleration of efforts to adopt the law on combating gender-based violence;

12. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former fighters, the redeployment of Malian armed forces throughout the territory, decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes the involvement of the Carter Centre as an independent observer of the Peace Agreement;

13. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the recruitment and use of children in violation of international law, and to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account;

14. *Notes* that the Prosecutor of the International Criminal Court, in January 2013, initiated an investigation into crimes committed on the territory of Mali since January 2012, that, on 27 September 2016, the Court found an individual guilty of war crimes for having intentionally directed attacks against buildings of a religious and historical character in Timbuktu and that all Malian stakeholders decided to lend the Court their support and cooperation;

15. *Supports* in this regard the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before impartial and independent courts, urges the Government to intensify its efforts to combat impunity and notes its commitment to continue cooperating with the International Criminal Court;

16. *Welcomes* the investigations initiated by the Government of Mali into allegations of human rights violations committed against civilians and urges the Government to bring the proceedings to a conclusion to ensure that the perpetrators face justice for such acts;

17. *Strongly condemns* the summary execution of civilians and encourages the Malian authorities to see through to completion the judicial investigations that have been opened and those that are forthcoming with a view to bringing to justice the persons responsible for these serious human rights violations;

18. *Encourages* the Government of Mali to ensure that measures taken to promote national harmony are developed in an inclusive manner and meet the expectations of civil society by making sure that the most serious crimes are prosecuted and that the victims are provided with adequate compensation;

19. *Welcomes* the start of work by the International Commission of Inquiry provided for in the Agreement on Peace and Reconciliation in Mali, a body established by the Secretary-General to investigate the grave violations and abuses of international human rights and humanitarian law, including the allegations of gender-based violence during the conflict, that were committed on Malian territory from 1 January 2012 to 19 January 2018, and encourages the Commission to work in concert with the Malian justice system and the justice and reconciliation mechanisms established by the Agreement with a view to helping them ensure accountability and bring to justice those responsible for these violations;

20. *Also welcomes* the commitment of the Government of Mali to ensuring that women participate more fully in the national reconciliation process and in all decision-making bodies of the peace process, including through the appointment in September 2019 of a Government ensuring greater involvement of women, in accordance with the relevant Security Council resolutions, and to improving the political empowerment of women at all levels, as well as the organization by the United Nations Multidimensional Integrated Stabilization Mission in Mali, on 22 and 23 January 2020, of a national workshop for reflection on the participation of women in the implementation of the Agreement on Peace and Reconciliation in Mali;

21. *Welcomes in addition* the progress in the work of the Truth, Justice and Reconciliation Commission, which has made it possible to collect more than 15,000

testimonies from victims in several regions of Mali, as well as the start of public hearings of victims on 8 December 2019, also welcomes the extension of the Commission's mandate until December 2021 and encourages the Malian authorities to guarantee the independence and the means of the Commission, so that it can fulfil its mandate to support the victims of the crises in Mali;

22. *Encourages* the Malian authorities and all regional and international actors to continue making efforts to consolidate the progress made towards attaining peace and security in Mali;

23. *Commends* the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali for the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life the Mission is experiencing;

24. *Emphasizes* that the efforts of the Joint Force of the Group of Five for the Sahel to counter the cross-border activities of terrorist groups and other organized criminal groups will help to create a more secure environment and establish the conditions required to improve the human rights situation in Mali, also emphasizes the need to ensure that the human rights protection and accountability mechanisms are operational and commends the efforts that have been made to develop and put in place the human rights compliance framework of the Joint Force;

25. *Calls upon* the Joint Force of the Group of Five for the Sahel to continue its work, including by ensuring the effectiveness of its own accountability mechanisms, which are essential to making certain that each incident involving civilian victims or alleged human rights violations or abuses or violations of international humanitarian law is subject to a prompt, impartial, independent and thorough investigation, and that immediate steps are taken against the units and individuals alleged to be responsible;

26. *Requests* all parties to respect human rights and to ensure strict compliance with international human rights law and international humanitarian law, and welcomes in this regard the establishment of criminal investigation units composed of gendarmes, all military criminal investigation officers, within the military forces involved in counter-terrorism operations;

27. *Reiterates its appreciation* for the humanitarian assistance already provided to civilians and urges the Government of Mali, with the continued support of the international community and in consultation with the neighbouring countries concerned, to take all appropriate measures to manage the humanitarian crisis, including severe food insecurity, with a view to providing appropriate humanitarian assistance, in conditions of security, to refugees and displaced persons, particularly in the centre and north of Mali, thereby facilitating access by the population to basic social services and establishing conditions conducive to the gradual recovery of the country;

28. *Welcomes* the adoption in June 2019 of a law creating a development zone for the northern regions of Mali, as well as the inclusion in the 2020 Budget Act of a set-aside of US\$ 67 million for the sustainable development fund, and urges the Government of Mali to speed up the re-establishment of public administration and basic services in the centre and north of the country and work to restore an acceptable level of security;

29. *Requests* friendly countries and partner organizations that have made pledges at successive conferences on the development of Mali to honour those pledges in order to assist the Malian Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

30. *Calls for* a fair, free, transparent and inclusive electoral process in view of the legislative elections and constitutional referendum scheduled for 2020;

31. *Acknowledges with satisfaction* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the discharge of the mandate entrusted to him, and notes with satisfaction the Government's commitment to take into consideration the recommendations made by the Independent Expert after his visits to Mali;

32. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

33. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to help him carry out his mandate;

34. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, the Group of Five for the Sahel and its States members, neighbouring States and all other international organizations concerned, as well as with Malian civil society;

35. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its forty-sixth session;

36. *Decides* to hold a dialogue at its forty-sixth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the changes in the situation of human rights in the country, with a particular focus on the re-establishment of the administration of justice and, more broadly, the fight against impunity;

37. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

38. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, commends the Malian authorities for having brought the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and provided it with the necessary means to carry out its work independently and qualify for A status, and welcomes the submission by the Commission of its first report on human rights, discussed in the National Assembly in December 2019, pursuant to the law under which the Commission was created;

39. *Urges* the international community to continue to provide Mali with the assistance needed to ensure its stability with a view to promoting respect for all human rights and making a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

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

*46th meeting  
22 June 2020*

[Adopted without a vote.]

### **43/39. Technical assistance and capacity-building to improve human rights in Libya**

*The Human Rights Council,*

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

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

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

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

*Looking forward* to a future for Libya based on justice, national reconciliation, respect for human rights and the rule of law,

*Reaffirming* its previous resolutions on Libya,

*Recognizing* the importance of the Libyan Political Agreement of Skhirat of 2015, which set out the principles for ensuring the rights of the Libyan people for a peaceful transition to a democratic political future,

*Recognizing also* the central role and shared responsibility of the United Nations in facilitating an inclusive intra-Libyan political and reconciliation process based on its core, the Libyan Political Agreement of Skhirat, which includes credible and sequenced steps towards the dismantling of arms and armed groups by all parties operating outside the legitimate and civilian executive authority of Libya, in accordance with article 34 of the Agreement and Security Council resolutions 2420 (2018) of 11 June 2018 and 2486 (2019) of 12 September 2019, leading to a comprehensive and lasting cessation of all hostilities,

*Expressing full support* for the conclusions of the Berlin Conference on Libya, held on 19 January 2020,<sup>75</sup> as the action plan for the United Nations Support Mission in Libya and for the political road map presented on 20 September 2017 by the Special Representative of the Secretary-General for Libya and recalibrated on 8 November 2018 to support a Libyan dialogue that will achieve a sustainable, stable, unified, representative and effective governance structure under the framework of the Libyan Political Agreement of Skhirat,

*Anticipating* the inclusive political process set out in the United Nations-led three-track action plan, and reiterating the importance of the full participation of youth and women in the political process, including in the national conference dialogue,

*Appreciating* the efforts made by Libya to combat terrorism and its negative effect on human rights in Libya, while reaffirming the need for the Libyan authorities to combat terrorism in Libya, in accordance with the Charter and international law,

*Welcoming* the efforts of the African Union, particularly its Peace and Security Council and its Commission on Human and Peoples' Rights, in working towards a peaceful and consensual solution to the Libyan crisis,

*Expressing deep concern* at the impact of the security, economic and humanitarian situation in Libya on its people, the continued mass displacement and the violations and abuses of international human rights law and international humanitarian law committed in Libya, in particular their impact on the most vulnerable, including women and children,

*Underlining* the importance of restoring the rule of law throughout Libya, accompanied by the full restoration of State control, including through a holistic security strategy built on professional, accountable and unified security institutions,

*Expressing concern* at the human rights violations and abuses committed against irregular migrants in Libya, including in detention centres, and sharing the concern of the Government of National Accord at the accounts of abuses by criminal enterprises,

*Commending* the establishment of an emergency transit mechanism for evacuating migrants from Libya to the Niger and Rwanda with the support of the African Union and the Office of the United Nations High Commissioner for Refugees, in a shared effort to alleviate the challenges confronting migrants in Libya,

*Reaffirming* that those responsible for violations and abuses of human rights law and violations of international humanitarian law should be held accountable through effective judicial processes and access to justice,

*Underlining* the acute need for the coordination of national, regional and international efforts to tackle the root causes of irregular migration through the sharing of responsibility to prevent the exploitation of irregular migrants by smugglers, human traffickers and terrorist groups, and to facilitate the voluntary, safe and dignified return or repatriation of the said migrants to a third country, in accordance with national and international law,

1. *Welcomes* the continued cooperation of the Government of National Accord with the Human Rights Council, its committees and its mechanism, including in the context

<sup>75</sup> See [S/2020/63](#), annex I.

of the universal periodic review, and emphasizes the pressing need for the implementation of the recommendations accepted by Libya at its review during the second cycle;

2. *Deplores* the sequence of events that led to the outbreak of the latest round of armed conflict in the declared war on the capital on 4 April 2019, which led to the cancellation of the much-anticipated United Nations-led Libyan National Conference, scheduled to be held in Ghedames on 14 April 2019;

3. *Urges* States to do make every effort, in accordance with their obligations under international law, to prevent any political, material or financial support for terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment, and to prevent violations and abuses committed by terrorist groups within States' borders;

4. *Takes note* of the report of the Secretary-General on the United Nations Support Mission in Libya,<sup>76</sup> and calls upon all parties to respect international humanitarian law and international human rights law;

5. *Welcomes* the reports presented by the United Nations High Commissioner for Human Rights to the Human Rights Council on the situation of human rights in Libya,<sup>77</sup> including the assessments of the effectiveness of the technical assistance and capacity-building measures received by Libya;

6. *Also welcomes* the three-step plan announced by the Special Representative of the Secretary-General for Libya, by which armed conflict and the proxy war will come to an end, helping to achieve stability in order to properly address the situation of human rights in Libya;

7. *Highly appreciates* the determined efforts made to stabilize the Libyan economy at the talks commenced in Tunis, and to advance the military and political situation in Libya at the talks being held in Geneva, within the framework of the three-step plan, and the initiative to unify the Libyan military at the talks held in Cairo;

8. *Welcomes*, on behalf of the United Nations country team, the commitment of the Special Representative of the Secretary-General for Libya and the humanitarian work conducted by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the World Health Organization and others to intensify the work on the ground of the United Nations to assist the Government of National Accord in improving the living conditions of all civilians, including irregular migrants and internally displaced persons;

9. *Looks forward* to strengthening the technical and humanitarian assistance programmes of the United Nations in Libya, to planning for a new round of voluntary funding for 2020 for the Libya Humanitarian Response Plan and the Stabilization Facility for Libya, and the strengthening of the strategic coordination of the United Nations Support Mission in Libya and other United Nations agencies, funds and programmes in Libya;

10. *Recalls* the visit by the Special Rapporteur on the human rights of internally displaced persons to Libya from 25 to 31 January 2018, and calls upon the Government of National Accord to continue to implement the recommendations made by the Special Rapporteur in her report<sup>78</sup> to prioritize the creation of a national road map to establish a common strategy, and to help guide and ensure a coordinated action plan for an appropriate and effective response to the situation of displaced persons;

11. *Welcomes* the decision of the Government of National Accord to approve the request of the Working Group on Arbitrary Detention to visit Libya, and encourages the Working Group to conduct its visit as soon as feasibly possible;

12. *Also welcomes* the renewal of the invitation extended by the Government of National Accord to the United Nations High Commissioner for Human Rights to visit Libya,

<sup>76</sup> S/2020/41.

<sup>77</sup> A/HRC/40/46 and A/HRC/43/75.

<sup>78</sup> A/HRC/38/39/Add.2.

and to continue the existing cooperation between the authorities of Libya and the Office of the High Commissioner;

13. *Further welcomes* the constructive cooperation between the Government of National Accord and the International Organization for Migration, including the invitation extended by the Government to the Director General of the Organization to address the situation of irregular migrants held in detention centres in Libya, giving priority to children and women, and the positive results achieved in coordination with the Government and with the support of Member States, including neighbouring States, and regional organizations;

14. *Takes note* of the report on the meeting of the African Union High-level Committee on Libya, held in Addis Ababa on 10 February 2019, and the hosting by the Congo of the eighth meeting of the African Union High-level Committee in Brazzaville on 30 January 2020;

15. *Requests* the Government of National Accord and relevant United Nations and African Union bodies to take the measures necessary for the planning of free, transparent and fair legislative and presidential national elections as soon as the national security situation has stabilized, in support of the United Nations-led process;

16. *Recognizes* the need for greater efforts by States to trace, freeze and preserve hidden and stolen Libyan assets, and the importance of effective cooperation between the international community and the Government of National Accord for their recovery, taking into account the important contribution of these assets to improving security and development and the promotion and protection of human rights in Libya;

17. *Welcomes* the decision of the Presidency Council of the Government of National Accord to reconstitute a national committee on international humanitarian law, headed by the Ministry of Justice and with the membership of relevant ministries, to raise awareness of human rights in security and military circles;

18. *Highlights* the efforts of the Presidency Council of the Government of National Accord to establish a joint committee to monitor the situation of human rights and to improve conditions in detention centres, prisons and all related institutions, and in this regard calls upon States to provide the assistance and capacity-building required;

19. *Commends* the decision of the Presidency Council of the Government of National Accord on 19 April 2018 to establish a high-level committee to follow up on the affairs of Libyans displaced in and outside of the country;

20. *Also commends* all international and regional efforts made to reach a comprehensive solution, through dialogue, that paves the way to restoring stability in Libya, and the important role of the African Union and its High-level Committee on Libya, the League of Arab States, the European Union and the Algiers meeting of ministers for foreign affairs of neighbouring States;

21. *Welcomes* the conclusions of the international conference on Libya held on 19 January 2020 in Berlin, and urges those States that are unilaterally intervening in the internal affairs of Libya that may be held responsible to refrain from such interference in accordance with relevant Security Council resolutions, including the arms embargo;

22. *Also welcomes* in that regard Security Council resolution 2510 (2020) of 12 February 2020, in which the Council endorsed the Berlin conference conclusions,<sup>79</sup> and calls upon all States concerned to comply with its provisions, especially with regard to the consolidation of the ceasefire and the arms embargo, which will have a direct positive impact on the situation of human rights in Libya;

23. *Calls upon* the international community to fully support the plan for Libya on “silencing the guns by 2020”, and the working group established to oversee its implementation, announced by President Al-Sarraj on the sidelines of the forty-third session of the Human Rights Council, aligned with the African Union campaign, Silencing the Guns

<sup>79</sup> See [S/2020/63](#), annex I.

in Africa by 2020, and Sustainable Development Goal 16 with regard to reducing the inflow of arms and illicit trafficking;

24. *Welcomes* the decision of the Presidency Council of the Government of National Accord to establish a committee responsible for security arrangements to secure the capital and its outskirts, and all Libyan territory, also welcomes the initiative of the Ministry of the Interior of Libya of establishing a joint security room, coordinated by the Government and the international community, and calls upon the United Nations and the international community to provide the technical support and capacity-building required for such a cooperative mechanism to achieve peace in Libya;

25. *Reaffirms* the condemnation by the United Nations of the airstrikes conducted throughout Libya, particularly those that targeted civilians, schools, medical facilities and civilian airports in a manner incompatible with international humanitarian law, and migrant detention centres and other facilities located in highly populated areas, killing and injuring civilians, including the most vulnerable, namely women, children and migrants, and causing massive displacement and exacerbating the security, economic and humanitarian situation in the country;

26. *Underscores* the importance of technical assistance and capacity-building measures by States members of international and regional organizations to assist Libya to secure its borders, to prevent cross-border criminal enterprises from using Libyan territory as a safe haven, and to investigate and prosecute acts of smuggling of irregular migrants and trafficking in persons through its territory, in accordance with national and international human rights law, and relevant international conventions to which Libya is a State party, and calls upon Member States and regional organizations to expand their partnership with the Government of National Accord and in support of the United Nations country team;

27. *Strongly condemns* the terrorist attacks that targeted the Ministry of Foreign Affairs, the National Oil Corporation and the High National Elections Commission, and other institutions throughout Libya committed by terrorist groups, and any other entities associated with them in Libya listed by the Security Council as criminal or terrorist groups;

28. *Recognizes* the ongoing human rights challenges in Libya, and strongly encourages States and international organizations to support Libya and to increase their efforts to protect and promote human rights and to prevent any violations or abuses, and in that regard encourages the Government of National Accord to continue its engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

29. *Strongly condemns* all acts of violence in Libya, particularly those that constitute violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against civilians, including women and children, as well as reported violations and abuses, including but not limited to unlawful detentions, abductions, enforced disappearances, torture and unlawful killings, including alleged extrajudicial killings and alleged attacks, intimidation or harassment of and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

30. *Notes with concern* the humanitarian situation in Libya while welcoming the efforts of the Government of National Accord to improve it, and calls for rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and upon the request of Libyan authorities, in order to ensure that humanitarian assistance reaches people in need freely by the most direct routes;

31. *Expresses concern* at the number of detainees, including conflict-related detainees, encourages the Government of National Accord to address allegations of violations of human rights, and also expresses its concern at reports of torture, sexual and gender-based violence and harsh conditions in prisons and detention centres, and requests the Government to establish full and effective control over all prisons and detention centres in order to ensure that detainees are treated in accordance with its international human rights

obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

32. *Recognizes* the efforts of the Government of National Accord to address the plight of internally displaced persons, and encourages the Government to continue its efforts to improve that situation, including by implementing the agreement brokered by the Presidency Council, calls for the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with international human rights standards, and urges States and international organizations to increase their efforts to resolve the situation of internally displaced persons;

33. *Repeats* its call upon all parties in Libya to comply immediately with their applicable obligations under international human rights law and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all leaders to declare that violations and abuses of human rights or violations of international humanitarian law by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty and will be held accountable;

34. *Urges* all Libyans to oppose polarization and hate speech in official and public discourse, which threaten democratic values, social stability and peace, weakens the social fabric and undermines stability, peace and security;

35. *Requests* the Government of National Accord, the international community, the United Nations and all parties to the conflict in Libya to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, and encourages the Presidency Council to ensure that the women's support and empowerment unit, established in November 2018, is fully operational;

36. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

37. *Calls upon* the Government of National Accord to increase its efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable, and notes the cooperation between the Government and international criminal and accountability mechanisms and organizations in that regard;

38. *Calls upon* the Libyan legislative institution to carry out its responsibilities and support efforts made to consolidate the rule of law and to enact new legislation to protect human rights further in Libya, in accordance with international humanitarian law and international human rights law;

39. *Requests* the Office of the United Nations High Commissioner for Human Rights, while continuing its engagement with the United Nations Support Mission in Libya, to continue to monitor and report on human rights violations and abuses across Libya and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

40. *Renews* its request to the Office of the High Commissioner to provide technical assistance and capacity-building to Libya to promote and protect human rights to prevent violations and abuses of human rights, and to ensure accountability for such violations and abuses;

41. *Encourages* the special procedures of the Human Rights Council to visit Libya and to report to the Council, also through public statements;

42. *Invites* the Office of the High Commissioner to work closely with the Government of National Accord, relevant United Nations bodies, the African Union and all other relevant regional and international organizations;

43. *Requests* the High Commissioner to immediately establish and dispatch a fact-finding mission to Libya, and to designate experts to implement, in an independent and impartial manner, for a period of one year, the following mandate:

(a) To establish the facts and circumstances of the situation of human rights throughout Libya, and to collect and review relevant information, to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016, including any gendered dimensions of such violations and abuses, and to preserve evidence with a view to ensuring that perpetrators of violations or abuses of international human rights law and international humanitarian law are held accountable;

(b) To work in cooperation with the Libyan authorities, the League of Arab States, the African Union and the United Nations Support Mission in Libya;

44. *Urges* the Libyan authorities to grant the fact-finding mission and its members unhindered access to all Libyan territory without delay and to allow them to visit sites, and to meet and speak freely and privately, when they so request, with whomever they wish to meet or speak;

45. *Requests* the fact-finding mission to present an oral update on its work and findings to the Human Rights Council at its forty-fifth session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present to the Council, during an interactive dialogue at its forty-sixth session, a comprehensive written report on the situation of human rights in Libya, including on efforts to prevent and ensure accountability for violations and abuses of human rights and recommendations for follow-up;

46. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

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

*46th meeting  
22 June 2020*

[Adopted without a vote.]

## B. Decisions

### 43/101. Outcome of the universal periodic review: Italy

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Italy on 4 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Italy, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>80</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>81</sup>

*30th meeting  
12 March 2020*

[Adopted without a vote.]

### 43/102. Outcome of the universal periodic review: El Salvador

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of El Salvador on 4 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of El Salvador, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>82</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>83</sup>

*30th meeting  
12 March 2020*

[Adopted without a vote.]

### 43/103. Outcome of the universal periodic review: Gambia

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

<sup>80</sup> [A/HRC/43/4](#).

<sup>81</sup> [A/HRC/43/4/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>82</sup> [A/HRC/43/5](#).

<sup>83</sup> [A/HRC/43/5/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

*Having conducted* the review of the Gambia on 5 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of the Gambia, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>84</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>85</sup>

*30th meeting  
12 March 2020*

[Adopted without a vote.]

#### **43/104. Outcome of the universal periodic review: Plurinational State of Bolivia**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of the Plurinational State of Bolivia on 5 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of the Plurinational State of Bolivia, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>86</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>87</sup>

*30th meeting  
12 March 2020*

[Adopted without a vote.]

#### **43/105. Outcome of the universal periodic review: Fiji**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Fiji on 6 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Fiji, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>88</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

<sup>84</sup> [A/HRC/43/6](#).

<sup>85</sup> [A/HRC/43/2](#), chap. VI.

<sup>86</sup> [A/HRC/43/7](#).

<sup>87</sup> [A/HRC/43/7/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>88</sup> [A/HRC/43/8](#).

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>89</sup>

*31st meeting  
12 March 2020*

[Adopted without a vote.]

#### **43/106. Outcome of the universal periodic review: San Marino**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of San Marino on 6 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of San Marino, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>90</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>91</sup>

*31st meeting  
12 March 2020*

[Adopted without a vote.]

#### **43/107. Outcome of the universal periodic review: Islamic Republic of Iran**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of the Islamic Republic of Iran on 8 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of the Islamic Republic of Iran, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>92</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>93</sup>

*31st meeting  
12 March 2020*

[Adopted without a vote.]

<sup>89</sup> [A/HRC/43/8/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>90</sup> [A/HRC/43/9](#).

<sup>91</sup> [A/HRC/43/9/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>92</sup> [A/HRC/43/12](#).

<sup>93</sup> [A/HRC/43/12/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

**43/108. Outcome of the universal periodic review: Angola**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Angola on 7 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Angola, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>94</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>95</sup>

*31st meeting  
12 March 2020*

[Adopted without a vote.]

**43/109. Outcome of the universal periodic review: Kazakhstan**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Kazakhstan on 7 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Kazakhstan, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>96</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>97</sup>

*31st meeting  
12 March 2020*

[Adopted without a vote.]

**43/110. Outcome of the universal periodic review: Madagascar**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Madagascar on 11 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

<sup>94</sup> [A/HRC/43/11](#).

<sup>95</sup> [A/HRC/43/11/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>96</sup> [A/HRC/43/10](#).

<sup>97</sup> [A/HRC/43/10/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

*Adopts* the outcome of the review of Madagascar, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>98</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>99</sup>

*32nd meeting  
12 March 2020*

[Adopted without a vote.]

### **43/111. Outcome of the universal periodic review: Iraq**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Iraq on 11 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Iraq, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>100</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>101</sup>

*32nd meeting  
12 March 2020*

[Adopted without a vote.]

### **43/112. Outcome of the universal periodic review: Slovenia**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Slovenia on 12 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Slovenia, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>102</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>103</sup>

*32nd meeting  
12 March 2020*

[Adopted without a vote.]

<sup>98</sup> [A/HRC/43/13](#).

<sup>99</sup> [A/HRC/43/13/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>100</sup> [A/HRC/43/14](#).

<sup>101</sup> [A/HRC/43/14/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>102</sup> [A/HRC/43/15](#).

<sup>103</sup> [A/HRC/43/15/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

### 43/113. Outcome of the universal periodic review: Egypt

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Egypt on 13 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Egypt, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>104</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>105</sup>

*32nd meeting  
12 March 2020*

[Adopted without a vote.]

### 43/114. Outcome of the universal periodic review: Bosnia and Herzegovina

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Bosnia and Herzegovina on 13 November 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Bosnia and Herzegovina, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>106</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>107</sup>

*33rd meeting  
13 March 2020*

[Adopted without a vote.]

### 43/115. Extension of mandates and mandated activities

At its 34th meeting, on 13 March 2020, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

*Noting* the measures taken by the host country, Switzerland, to prevent the spread of COVID-19, and the assessments made by the World Health Organization, the United Nations Office at Geneva and the secretariat of the Human Rights Council,

<sup>104</sup> [A/HRC/43/16](#).

<sup>105</sup> [A/HRC/43/16/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

<sup>106</sup> [A/HRC/43/17](#).

<sup>107</sup> [A/HRC/43/17/Add.1](#); see also [A/HRC/43/2](#), chap. VI.

*Recalling* that, on 12 March 2020, the Human Rights Council decided to suspend its forty-third session on 13 March until further notice,

*Recalling also* that all resolutions and decisions that were tabled prior to 1 p.m. on 13 March 2020 will be acted upon by the Human Rights Council when it resumes its forty-third session,

*Decides* to extend all mandates and mandated activities, as described in the supplementary information relating to the three-year programme of work for 2020-2022 and that would otherwise expire, until the date on which they can be considered by the Human Rights Council when it resumes its forty-third session.”

[Adopted without a vote.]

#### **43/116. Decision adopted by the Human Rights Council on 29 May 2020**

On 29 May 2020, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

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

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council,

*Noting with concern* the unprecedented situation due to the COVID-19 pandemic, which is preventing the Human Rights Council from holding plenary meetings within the United Nations premises as long as the precautionary measures aimed at containing the spread of COVID-19 are in place,

1. *Authorizes* the President of the Human Rights Council to circulate, after consultation with the Bureau, the present draft decision as well as the draft President’s statement on COVID-19 to all Members of the Council under a silence procedure of 72 hours;

2. *Decides* that, unless the silence is broken, both the present draft decision and the draft President’s statement on COVID-19 shall be considered adopted as part of the forty-third session of the Council, which shall be deemed resumed at the moment the silence procedure expires for the sole purpose of adopting these two documents, and suspended again immediately thereafter;

3. *Also decides* that the procedure for the adoption of the draft President’s statement on COVID-19 shall apply solely to the current exceptional circumstances during which plenary meetings of the Human Rights Council are not possible due to the COVID-19 pandemic, and that it shall not serve as a precedent.”

#### **43/117. Methods of work of the Consultative Group of the Human Rights Council**

At its 46th meeting, on 22 June 2020, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

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

*Reaffirming* Human Rights Council resolutions 5/1 of 18 June 2007, on institution-building of the Council, and 16/21 of 25 March 2011, on the review of the work and functioning of the Council,

*Taking note with appreciation* of the work of the Consultative Group of the Human Rights Council in selecting candidates for mandate holder positions of the Council,

*Recalling* the important role of Member States in raising awareness and promoting Human Rights Council mechanisms and the special procedures, and in sharing information regarding vacancies for mandate holder positions of the Council,

*Reaffirming* that all candidates for mandate holders shall meet the general criteria of (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity; and particular requirements as defined by the Human Rights Council in paragraphs 39, 40 and 41 of the annex to its resolution 5/1 and section II, subsection C of its decision 6/102 of 27 September 2007,

*Reaffirming also* that due consideration should be given to gender balance, equitable geographic representation and appropriate representation of different legal systems among mandate holders, and noting with concern the current lack of gender balance, equitable geographic representation and appropriate representation of different legal systems among mandate holders,

*Stressing* the importance of clearly defining the methods of work of the Consultative Group in order to ensure the transparent, objective and independent selection of candidates for mandate holder positions of the Human Rights Council,

1. *Requests* the President of the Human Rights Council to conduct before the end of 2020 no fewer than two and no more than five rounds of open consultations of a maximum of five days with States and relevant stakeholders, aiming to formulate draft methods of work of the Consultative Group of the Human Rights Council, in full compliance with Council resolutions 5/1 and 16/21;

2. *Invites* the President of the Human Rights Council to broadly consult with all relevant stakeholders before the last round of open consultations;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all necessary resources and assistance to the President of the Human Rights Council in conducting the consultations;

4. *Requests* the President of the Human Rights Council to update the Council on progress at its forty-fifth session, and to submit the draft methods of work of the Consultative Group to the Council for its consideration before the end of 2020.”

[Adopted by a recorded vote of 31 to 12, with 4 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, Democratic Republic of the Congo, Eritrea, Fiji, India, Indonesia, Libya, Mauritania, Mexico, Namibia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Senegal, Somalia, Sudan, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Slovakia, Ukraine

*Abstaining:*

Austria, Republic of Korea, Spain, Togo]

## C. President's statement

### PRST 43/1. Human rights implications of the COVID-19 pandemic

On 29 May 2020, the President of the Human Rights Council made the following statement:

*“The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action,

*Deeply concerned* about the loss of life and livelihoods and the disruption to economies and societies by the COVID-19 pandemic, and its negative impact on the enjoyment of human rights around the world,

*Emphasizing* the importance of human rights in shaping the response to the pandemic, both for the public health emergency and the broader impact on people's lives and livelihoods,

*Stressing* that States bear the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms,

*Reaffirming* the right of everyone, without distinction of any kind, to the enjoyment of the highest attainable standard of physical and mental health, while emphasizing that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

*Recognizing* the efforts made by Governments, as well as by health-care workers, the majority of whom are women, and other essential workers around the world, to deal with the pandemic through measures to protect the health, safety and well-being of their people, and emphasizing the importance of providing health-care and other essential workers with the necessary protection and support,

*Deeply concerned* that the COVID-19 pandemic perpetuates and exacerbates existing inequalities, and that those most at risk are persons in vulnerable and marginalized situations, including older persons, migrants, refugees, internally displaced persons, persons with disabilities, persons belonging to minorities, indigenous peoples, persons deprived of their liberty, homeless persons and persons living in poverty, and recognizing the need to ensure non-discrimination and equality while stressing the importance of age- and gender-responsive and disability-sensitive measures in this regard,

*Expressing deep concern* at the stigmatization, xenophobia, racism and discrimination, including racial discrimination, surfacing in the COVID-19 pandemic in many parts of the world, and stressing the need to combat it,

*Emphasizing* that COVID-19 has become a global pandemic that can only be countered effectively through international cooperation, unity, solidarity and collective action, based on a multilateral approach and strong international institutions,

*Recognizing with deep concern* the impact of high debt levels on countries' ability to withstand the impact of the COVID-19 shock,

*Reaffirming* the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in supporting Member States, and in this regard acknowledging the crucial leading role played by the World Health Organization,

*Emphasizing* the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health products and technologies necessary to ensure an

adequate and effective response to the pandemic, including for the most vulnerable people affected by armed conflicts, extreme poverty, natural disasters or climate change, and of the urgent removal of unjustified obstacles thereto,

*Reaffirming* that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law,

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

1. *Notes with appreciation* the guidance of the United Nations High Commissioner for Human Rights on human rights-compliant responses to the COVID-19 pandemic<sup>108</sup> and the Secretary-General's policy brief on COVID-19 and human rights entitled "We are all in this together";<sup>109</sup>

2. *Recognizes* the active role of the mechanisms of the Human Rights Council, including the special procedures, as well as the human rights treaty bodies in highlighting the human rights implications of the COVID-19 pandemic and offering guidance to States in ensuring a human rights-compliant response to the pandemic;

3. *Calls upon* States to ensure that all human rights are respected, protected and fulfilled while combating the pandemic, and that their responses to the COVID-19 pandemic are in full compliance with their human rights obligations and commitments;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices and areas of concern, and to present the report to the Human Rights Council at its forty-sixth session;

5. *Invites* the High Commissioner to give an oral update on the human rights impact of the COVID-19 pandemic to the Human Rights Council at its forty-fourth session following the presentation of her annual report, and an oral update at its forty-fifth session to be followed by an enhanced interactive dialogue;

6. *Decides* to remain seized of the matter."

<sup>108</sup> [www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx).

<sup>109</sup> [www.un.org/sites/un2.un.org/files/un\\_policy\\_brief\\_on\\_human\\_rights\\_and\\_covid\\_23\\_april\\_2020.pdf](http://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf).

## V. Forty-fourth session

### A. Resolutions

#### 44/1. Situation of human rights in Eritrea

*The Human Rights Council,*

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

*Recalling* General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2, both of 18 June 2007, resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights and all previous Council resolutions on the situation of human rights in Eritrea,

*Recalling also* the important regional developments in recent years and the potential they bear for the development of human rights in Eritrea,

*Welcoming* the commitment of the Government of Eritrea to the Sustainable Development Goals, and its participation in the third cycle of the universal periodic review on 28 January 2019<sup>110</sup> and in the human rights dialogue with the Committee on the Elimination of Discrimination against Women on 14 February 2020,<sup>111</sup>

*Welcoming also* the report of the Special Rapporteur on the situation of human rights in Eritrea<sup>112</sup> and her conclusions,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to present an oral update to the Human Rights Council at its forty-sixth session on progress made in the cooperation between Eritrea and the Office of the High Commissioner, and its impact on the situation of human rights in Eritrea;

2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a further period of one year, and to continue to assess and report on the situation of human rights in follow-up to the report of the Special Rapporteur, and requests the Special Rapporteur to present an oral update to the Human Rights Council at its forty-sixth session during an interactive dialogue, and to present during an interactive dialogue a report on the implementation of the mandate to the Council at its forty-seventh session and to the General Assembly at its seventy-fifth session;

3. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting the mandate holder access to the country and committing to making progress on the proposed benchmarks;<sup>113</sup>

4. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil the mandate;

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

*27th meeting  
16 July 2020*

[Adopted by a recorded vote of 24 to 10, with 13 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Argentina, Armenia, Australia, Austria, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Marshall Islands, Mexico,

<sup>110</sup> A/HRC/41/14.

<sup>111</sup> See CEDAW/C/ERI/CO/6.

<sup>112</sup> A/HRC/44/23.

<sup>113</sup> A/HRC/41/53, paras. 75–81.

Netherlands, Peru, Poland, Republic of Korea, Slovakia, Spain, Ukraine and Uruguay

*Against:*

Bahrain, Cameroon, Eritrea, India, Libya, Pakistan, Philippines, Somalia, Sudan and Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Bahamas, Bangladesh, Burkina Faso, Democratic Republic of the Congo, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Qatar, Senegal and Togo]

**44/2. The central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof in advancing sustainable development and the realization of all human rights**

*The Human Rights Council,*

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

*Recalling* that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction of any kind,

*Guided by the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,*

*Recalling* all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* General Assembly resolution 74/270 of 2 April 2020, on global solidarity to fight the coronavirus disease 2019 (COVID-19), and 74/274 of 20 April 2020, on international cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19, and President's statement PRST 43/1 of 29 May 2020 on the human rights implications of the COVID-19 pandemic,

*Expressing its solidarity* to all countries affected by the pandemic, as well as its condolences and sympathy to all families of the victims of COVID-19,

*Reaffirming* that each State should take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights by all appropriate means, including in particular the adoption of legislative measures,

*Recalling* the Vienna Declaration and Programme of Action, which affirms that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

*Reaffirming* the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which requires States to take the necessary steps to prevent, treat and control epidemic, endemic, occupational and other diseases, and to create the conditions that would assure medical service and medical attention to all in the event of sickness,

*Recalling* that States emphasized in the Vienna Declaration and Programme of Action and the 2005 World Summit Outcome that they bear the responsibility, in conformity with

the Charter, to develop and encourage respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, disability, religion, political or other opinion, national or social origin, property, birth or other status,

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

*Deeply concerned* at the morbidity and mortality caused by the COVID-19 pandemic, the negative impact on the enjoyment of all human rights, including physical and mental health and social well-being, the negative impact on the economy and society and the consequent exacerbation of inequalities within and between countries,

*Recognizing* that the poor and the most vulnerable people are the most affected, and that the impact of the pandemic will have repercussions on development gains, hampering progress in the achievement of the Sustainable Development Goals,

*Recalling* the Declaration on the Right to Development, which recognizes that States have the right and the duty to formulate appropriate national development policies that are aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom,

*Reaffirming* the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in supporting Member States, and in this regard acknowledging the crucial leading role played by the World Health Organization,

*Emphasizing* the importance of human rights in shaping the response to the pandemic, both for the public health emergency and the broader impact on people's lives and livelihoods,

*Expressing deep concern* at the stigmatization, xenophobia, racism and discrimination, including racial discrimination, surfacing in the COVID-19 pandemic in many parts of the world, and stressing the need to combat it,

*Recognizing* the importance of international cooperation and effective multilateralism in helping to ensure that all States, in particular developing States, have in place effective national protective measures, and access to and flow of vital medical supplies, medicines and vaccines, in order to minimize negative effects in all affected States and to avoid relapses of the pandemic,

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

*Recognizing* that the 2030 Agenda has been accepted by all States and is applicable to all, taking into account different national realities, capacities and levels of development and respecting national policies and priorities, and that the Sustainable Development Goals and their targets are universal and involve the entire world, developed and developing States alike,

1. *Underscores* the central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof in advancing sustainable development and the realization of all human rights;

2. *Reaffirms* the importance of international cooperation, in particular during times of health emergencies and pandemics, on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, with full respect for the sovereignty of States while taking into account national priorities;

3. *Also reaffirms* that emergency measures taken by States in response to the COVID-19 pandemic must be in accordance with States' obligations under applicable international human rights law;

4. *Stresses* the need for States to collaborate with all relevant stakeholders, to take collective action in response to pandemics and health emergencies, and the socioeconomic consequences thereof, in advancing sustainable development and the realization of all human rights;

5. *Calls for* universal, timely and equitable access to and fair distribution of all quality, safe, efficacious and affordable essential health technologies and products, including their components and precursors required in the response to the COVID-19 pandemic as a global priority, and the urgent removal of unjustified obstacles thereto, in accordance with the provisions of relevant international treaties, including the provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and its flexibilities, as confirmed by the Doha Declaration on the TRIPS Agreement and Public Health;

6. *Emphasizes* the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics, and other health products and technologies necessary to ensure an adequate and effective response to the pandemic, including for the most vulnerable people affected by armed conflict, extreme poverty, natural disasters or climate change, and of the urgent removal of unjustified obstacles thereto;

7. *Recognizes* the role of extensive immunization against COVID-19 as a global public good for health for preventing, containing and stopping transmission in order to bring the pandemic to an end once safe, quality, efficacious, effective, accessible and affordable vaccines are available;

8. *Reiterates* the critical importance of the means of implementation of the 2030 Agenda for Sustainable Development, while being mindful of the impact of high debt levels on States' ability to withstand the impact of the pandemic and other health emergencies, and the socioeconomic consequences thereof, in advancing sustainable development and the realization of all human rights;

9. *Requests* the United Nations High Commissioner for Human Rights, working within existing efforts across the United Nations system, and in consultation with States, to conduct a needs assessment, in particular for developing countries, to support their efforts to promote and protect human rights and fundamental freedoms in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, in advancing sustainable development and the realization of all human rights, and to submit a report thereon to the Human Rights Council at its forty-seventh session during an interactive dialogue, and to provide an oral update to the Council at its fiftieth session, also during an interactive dialogue;

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

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/3. The right to education**

*The Human Rights Council,*

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

*Reaffirming* the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the

Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

*Reaffirming also* General Assembly resolution 70/1 of 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and welcoming the Sustainable Development Goals, particularly, inter alia, Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, and its specific and interlinked targets, and other education-related Goals and targets,

*Reaffirming further* Human Rights Council resolution 8/4 of 18 June 2008 and all other Council resolutions on the right to education, the most recent of which is resolution 41/16 of 11 July 2019, and the resolutions adopted by the Commission on Human Rights on the subject,

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

*Recognizing* the impact of the coronavirus disease (COVID-19) pandemic on the right to education,

1. *Welcomes* the work of the Special Rapporteur on the right to education;
2. *Takes note* of the reports of the Special Rapporteur submitted to the Human Rights Council at its thirty-eighth, forty-first and forty-fourth sessions<sup>114</sup> and to the General Assembly at its seventy-second, seventy-third and seventy-fourth sessions;<sup>115</sup>
3. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a further period of three years;
4. *Encourages* the Special Rapporteur, in fulfilling the mandate, to continue to take into account and support the implementation of the education-related Sustainable Development Goals and targets, the provisions of Human Rights Council resolutions on the right to education, and a gender perspective;
5. *Requests* all States to cooperate fully with the Special Rapporteur with a view to facilitating the performance of her or his tasks, to give due consideration to the recommendations made by the mandate holder, and to respond favourably to her or his requests for information and visits;
6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;
7. *Encourages* all other relevant stakeholders, including United Nations bodies and specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to cooperate fully with the Special Rapporteur to enable her or him to fulfil the mandate;
8. *Requests* the Special Rapporteur to continue to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate with a view to maximizing the benefits of the reporting process;
9. *Decides* to remain seized of the matter.

*27th meeting  
16 July 2020*

[Adopted without a vote.]

<sup>114</sup> [A/HRC/38/32](#) and [Add.1](#), [A/HRC/41/37](#) and [A/HRC/44/39](#) and [Add.1–2](#).

<sup>115</sup> [A/72/496](#), [A/73/262](#) and [A/74/243](#).

**44/4. Trafficking in persons, especially women and children: strengthening human rights through enhanced protection, support and empowerment of victims of trafficking, especially women and children**

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,*

*Reiterating its strong condemnation of trafficking in persons, especially women and children, which constitutes an offence and a serious threat to human dignity and physical integrity, human rights and sustainable development,*

*Recalling all relevant United Nations resolutions, in particular those of the General Assembly and Human Rights Council, relating to trafficking in persons, especially women and children,*

*Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,*

*Reaffirming also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which has its twentieth anniversary in 2020,*

*Reaffirming further the Forced Labour Convention, 1930 (No. 29), and the Protocol of 2014 thereto, the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour, 2014 (No. 203), of the International Labour Organization,*

*Recalling the Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201), of the International Labour Organization,*

*Recalling also the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, and in particular Sustainable Development Goal targets 5.2, 8.7 and 16.2, which aim at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and trafficking in persons and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking and all forms of violence against and torture of children,*

*Noting that supporting rural development and addressing social, economic, political and other factors that make people vulnerable to trafficking can contribute to minimizing the risk of trafficking for labour exploitation,*

*Recalling the decision of the General Assembly, in its resolution 68/192 of 18 December 2013, to declare 30 July World Day against Trafficking in Persons, and recalling that 2020 is the International Year for the Elimination of Child Labour,*

*Recalling also the Recommended Principles and Guidelines on Human Rights and Human Trafficking<sup>116</sup> and the commentary thereon, developed by the Office of the United Nations High Commissioner for Human Rights,*

<sup>116</sup> E/2002/68/Add.1.

*Reaffirming* that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

*Recognizing* that victims of trafficking in persons are often subject to multiple and intersecting forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

*Recognizing also* that gender inequality, poverty, forced displacement, unemployment, lack of socioeconomic opportunities, lack of access to education, gender-based violence, discrimination and marginalization are some, but not all, of the contributing factors that make persons, especially women and children, vulnerable to trafficking,

*Noting* that the availability of regular migration opportunities can be one way to reduce the risk of persons being trafficked,

*Noting with concern* that some of the demand fostering sexual exploitation, labour exploitation and the illegal removal of organs is met by trafficking in persons, and recognizing that trafficking in persons is fuelled by high profits for traffickers and demand that fosters all forms of exploitation,

*Welcoming in particular* the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations, as well as of regional and subregional initiatives, to address the problem of trafficking in persons, especially women and children, including the Working Group on trafficking in persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Global Plan of Action to Combat Trafficking in Persons, which has its tenth anniversary in 2020, and the Inter-Agency Coordination Group against Trafficking in Persons,

*Recalling* the Guiding Principles on Business and Human Rights, and the duties of States and the responsibilities of businesses stipulated therein,

*Bearing in mind* that businesses have a responsibility to respect human rights and to act with due diligence to prevent trafficking, to establish effective procedures to identify cases of trafficking and forced and child labour in their operations, including their supply chains, to ensure that cases are referred to the proper services, and to provide redress to workers in exploitative situations,

*Bearing also in mind* that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to support and empower victims and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Welcoming* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse,

*Convinced* of the need to protect and assist all victims of trafficking, with full respect for the human rights and dignity of the victims,

*Concerned* by the impact of the coronavirus disease (COVID-19) pandemic, and that victims of trafficking and groups vulnerable to the risks of trafficking, especially women and children, are in a particularly vulnerable situation with regard to health crises, as shown by the pandemic, owing to, inter alia, a heightened risk of lack of access to health care and services, food security, water and sanitation services and information, and a greater risk of economic insecurity, unemployment, often difficult adequate housing and living conditions, of increasing violence and abuses, including domestic violence, and of an environment conducive to child sexual abuse, including online,

*Recognizing* the importance of the work of the Special Rapporteur on trafficking in persons, especially women and children, in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking,

1. *Urges* States to respect, protect and promote the human rights of victims of trafficking through enhanced protection and empowerment of and support and assistance for victims of trafficking in persons, especially women and children, by:

(a) Providing protection and effective and adequate gender-responsive and multi-disciplinary assistance to victims of trafficking and considering also their direct dependants, on the basis of the specific needs of those persons, including child-appropriate measures, which must not be made conditional on their cooperation with law enforcement authorities;

(b) Considering enhancing early identification of potential victims of trafficking upon the identification of vulnerabilities, for example by establishing procedures in places of first arrival of migrants, refugees and asylum seekers for the identification of indicators of migrants' vulnerability, including to trafficking and exploitation, and providing early support and assistance also to persons at risk of being trafficked;

(c) Fully recognizing victims' rights and implementing the non-punishment principle, in accordance with respective national legal systems, by taking all appropriate measures, including through policies and legislation, to ensure that victims of trafficking are protected from prosecution or punishment for acts that they have been compelled to commit as a direct consequence of having been trafficked, and that victims do not suffer from revictimization as a result of actions taken by government authorities;

(d) Considering developing, in cooperation with civil society, businesses and relevant stakeholders, long-term inclusion strategies based on innovative skill-acquisition schemes to empower victims of trafficking and facilitate their access to the labour market, in line with domestic legal frameworks;

(e) Combating racism, xenophobia and all forms of discrimination based on race, colour, descent or national or ethnic origin, which increases the vulnerability of persons affected by trafficking;

(f) Promoting gender-responsive measures to combat and eliminate all forms of trafficking in women and children, including for sexual and economic exploitation, and taking into account the specific needs of women and girls and their participation in and contribution to all phases of preventing and responding to trafficking, especially in addressing sexual exploitation;

(g) Adopting appropriate measures to address, especially in the field of education and awareness-raising, discriminatory approaches and social norms that increase women's and girls' vulnerabilities to trafficking, including by addressing sexual and domestic violence and other forms of violence, and discrimination in access to resources, education and job opportunities;

(h) Promoting greater synergy between anti-trafficking efforts and those made under the women, peace and security agenda, especially by addressing the issue of trafficking in persons and its link with conflict-related sexual violence, and by stressing the key role of women's agency and participation;

(i) Taking into consideration the fact that the risk of trafficking is heightened in humanitarian crisis situations, including in armed conflict, and in post-conflict environments, natural disasters and other emergency environments, and calling upon States and the United Nations to take measures to end the recruitment and use of child soldiers;

(j) Addressing the specific needs and vulnerability to trafficking of children by considering the best interests of the child in all measures and decisions affecting children and by promoting education and preventing and combating child labour and trafficking in children;

(k) Fully recognizing that, while technology is frequently misused to facilitate trafficking in persons, its use can also help to fight trafficking and in providing services to

victims, particularly relevant in the COVID-19 context as the pandemic has increased the use of digital technologies;

(l) Ensuring victims' right to privacy;

(m) Further developing ways to protect victims of trafficking in persons for the purpose of organ removal and to address their vulnerability, including by providing medical and psychosocial care and services to victims and by adopting the measures necessary to protect the rights and interests of victims in all phases of criminal prosecution and judicial proceedings, and to ensure accountability;

(n) Addressing the root causes of forced displacement, including human rights violations and discriminatory practices, and thus reducing vulnerability to trafficking in persons;

2. *Urges* States to prevent and to fight trafficking in persons, especially women and children, for the purpose of all forms of exploitation, and to address labour exploitation, including by:

(a) Promoting consistent, whole-of-society action involving civil society, the private sector, trade unions and other relevant stakeholders in the field of economic and social development, as well as the labour market;

(b) Considering obligations for companies to ensure that they practice ethical recruitment and identify, analyse and prevent or mitigate the risks of trafficking resulting from business activities and from the activities of subcontractors and suppliers, and to incentivize human rights due diligence;

(c) Considering adopting procedures or models regarding good practices in transparency in supply chains with a view to disrupt and dismantle criminal business models;

(d) Taking concrete measures to fully understand, comprehensively address and fight against all types of trafficking;

3. *Calls upon* States to further prevent and to fight trafficking in persons, to address the root causes of trafficking and to promote the social inclusion of victims of trafficking by ensuring their right to an effective remedy, by, inter alia:

(a) Ensuring access to effective remedies, including in the context of business activities and supply chains, and coordination between operational grievance mechanisms and State-based grievance and assistance mechanisms and remedies;

(b) Promoting and making available adequate, effective and appropriate remedies, including reparation, for victims of trafficking, as provided for under international law;

(c) Promoting the protection of victims and witnesses of trafficking in persons and the establishment of mechanisms to facilitate, where appropriate, the participation of victims in judicial proceedings;

(d) Ensuring for victims and their family members access to justice and safe reporting, and providing trafficked persons with appropriate, relevant and understandable information on their rights, including the right to a remedy, the mechanisms and procedures available to exercise these rights, and on how and where to obtain legal and other necessary assistance;

4. *Also calls upon* States to intensify their efforts to address, with a view to eliminating, the demand that fosters trafficking in women and children for all forms of exploitation, and in this regard to take or to enhance preventive measures, including legislative and punitive measures, to deter exploiters of trafficked persons, and to ensure their accountability;

5. *Further calls upon* States to adopt measures aimed to prevent trafficking in persons and to protect victims of trafficking, especially women and children, in their responses to the COVID-19 pandemic, with a view to ensuring, inter alia, access to health care and services, adequate water and sanitation services, adequate and safe accommodation and access to information, and to ensuring the continuity and extension of existing support programmes for victims of trafficking;

6. *Strongly encourages* States to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking as a useful tool in integrating a human rights-based approach into their responses to fight trafficking in persons;

7. *Urges* States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air in order to encourage Governments to adopt an integrated strategy to better address the complex and very often interrelated components of these modalities of organized crime, namely trafficking in persons and migrant smuggling, taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

8. *Urges* States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to implement fully and effectively the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons and to carry out the activities outlined therein;

9. *Encourages* States to enhance bilateral, multilateral and/or regional forms of cooperation between States of origin, transit and reception that are effective in preventing and fighting trafficking in persons, and to devise regional communication strategies against trafficking in persons by building on existing cooperation mechanisms through which information and good practices in matters of prevention are shared;

10. *Also encourages* States to carry out information and awareness-raising campaigns to alert potential victims, both national and foreign, to the risks of falling into the hands of human trafficking criminal organizations and to inform potential or actual victims of trafficking of existing support programmes;

11. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

12. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children, in the promotion of the global fight against trafficking in persons;

13. *Takes note with appreciation* of the thematic reports of the Special Rapporteur;

14. *Decides* to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a period of three years;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries, to provide her with all necessary information related to the mandate and to react promptly to her communications and urgent appeals in order to enable her to fulfil the mandate effectively;

16. *Underlines* the importance that the Special Rapporteur continue to participate in relevant international and regional forums and events, including on migration, with a view to combating trafficking and to upholding the human rights of victims of trafficking in persons, especially women and children;

17. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable the mandate holder to discharge the mandate fully;

18. *Decides* to continue its consideration of the issue of trafficking in persons, especially women and children.

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/5. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

*Having regard* to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

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

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

*Mindful* of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18 June 2008, 17/5 of 16 June 2011, 26/12 of 26 June 2014 and 35/15 of 22 June 2017, and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010, 67/168 of 20 December 2012, 69/182 of 18 December 2014, 71/198 of 19 December 2016 and 73/172 of 17 December 2018,

*Acknowledging* that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

*Convinced* of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

*Dismayed* that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and notes the thematic reports presented to the Human Rights Council during the mandate on armed non-State actors and the protection of the right to life,<sup>117</sup> on investigation of, accountability for and prevention of intentional State killings of human rights defenders, journalists and prominent dissidents,<sup>118</sup> and on extrajudicial, summary or arbitrary executions,<sup>119</sup> and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out the mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further his or her dialogue with Governments, and to follow up on recommendations made in reports after visits to particular countries;

(e) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, and the Second Optional Protocol thereto;

(f) To apply a gender perspective in his or her work;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

<sup>117</sup> [A/HRC/38/44](#).

<sup>118</sup> [A/HRC/41/36](#).

<sup>119</sup> [A/HRC/44/38](#).

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/6. Elimination of discrimination against persons affected by leprosy and their family members**

*The Human Rights Council,*

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

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

*Welcoming* the work and taking note of the reports of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members submitted to the Human Rights Council,<sup>120</sup> and the recommendations made therein,

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

*Recalling also* its resolutions 8/13 of 18 June 2008, 12/7 of 1 October 2009, 15/10 of 30 September 2010, 29/5 of 2 July 2015 and 35/9 of 22 June 2017, and General Assembly resolution 65/215 of 21 December 2010,

*Recalling further* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

*Recalling* the Global Leprosy Strategy 2016–2020 of the World Health Organization, and sharing the common aspiration to accelerate towards a leprosy-free world,

*Recalling also* that leprosy is curable and that the human rights of persons with leprosy could be better protected by treatment provided in the early stages, which can prevent disability,

<sup>120</sup> [A/HRC/38/42](#), [A/HRC/41/47](#) and [A/HRC/44/46](#) and [Add.1–2](#).

*Deeply concerned* that, in various parts of the world, persons affected by leprosy and their family members have faced and continue to face barriers to their participation as equal members of society, including isolation, discrimination and violations and abuses of their human rights, which put them in a situation of vulnerability, and conscious that greater attention is needed to address these challenges,

*Reaffirming* that persons affected by leprosy and their family members, including women and children, should be treated with dignity and are entitled to the enjoyment of all human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws,

*Recognizing* that persons affected by leprosy and their family members still face multiple forms of prejudice and discrimination stemming from misinformation about and misunderstanding of the disease throughout the world,

*Recognizing also* that specific attention is needed to address all forms of discrimination against persons affected by leprosy and their family members,

*Bearing in mind* the need to intensify efforts to eliminate all forms of prejudice and discrimination against persons affected by leprosy and their family members and to promote policies facilitating their inclusion throughout the world,

*Stressing* the importance of implementing the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, submitted by the Advisory Committee in 2010,<sup>121</sup> to which Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions were encouraged to give due consideration in Council resolution 15/10 and General Assembly resolution 65/215,

*Recalling* the final report of the Advisory Committee, submitted pursuant to Human Rights Council resolution 29/5, and the recommendations contained therein,<sup>122</sup>

1. *Welcomes* the work of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members;

2. *Decides* to extend the mandate of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members for a period of three years, with the following mandate:

(a) To follow up and report on progress made and measures taken by States for the effective implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members<sup>121</sup> for the realization of the enjoyment of human rights by persons affected by leprosy and their family members in all regions of the world, and to make recommendations to the Human Rights Council in this regard;

(b) To engage in dialogue and consult with States and other relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, in particular the World Health Organization, other intergovernmental organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations to identify, exchange and promote good practices relating to the realization of the rights of persons affected by leprosy and their family members, and to their participation as equal members of society with a view to achieving a leprosy-free world;

(c) To raise awareness of the rights of persons affected by leprosy and their family members and to combat stigmas, prejudices, discrimination and harmful traditional practices and beliefs that hinder their enjoyment of human rights and fundamental freedoms and their participation in society on an equal basis with others;

(d) To continue to report annually to the Human Rights Council, and to report also to the General Assembly, starting from its seventy-sixth session;

<sup>121</sup> A/HRC/15/30, annex.

<sup>122</sup> A/HRC/35/38.

3. *Calls upon* all States to cooperate with the Special Rapporteur in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and to consider implementing the recommendations made in the reports of the mandate holder;

4. *Encourages* all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

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

6. *Encourages* the High Commissioner and the Special Rapporteur, in collaboration with States and with relevant international organizations, such as the World Health Organization, as well as concerned non-governmental organizations, to continue consultations with different stakeholders aimed at eliminating leprosy-related discrimination, including by widely disseminating the principles and guidelines and deepening the understanding of them among States and all other concerned stakeholders, with the meaningful participation of persons affected by leprosy and their family members;

7. *Encourages* States, all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, such as the World Health Organization, the special procedures, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to participate in the consultations;

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

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/7. Human rights and climate change**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Vienna Declaration and Programme of Action,

*Recalling* the 2030 Agenda for Sustainable Development and its commitment to leave no one behind, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impacts,

*Reaffirming* the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

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

*Recalling* all previous Human Rights Council resolutions on human rights and climate change,

*Reaffirming* the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect, promote and consider their respective obligations on human rights,

*Recalling* that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change<sup>123</sup> acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

*Reaffirming* the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention, including in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

*Stressing* the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impact of climate change,

*Acknowledging* that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

*Noting* the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports and special reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and local communities' knowledge,

*Acknowledging* that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

*Recognizing* that poverty in all its forms and dimensions, including extreme poverty, is one of the greatest global challenges, and that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of older persons who are disproportionately affected by the negative impact of climate change,

*Recalling* the commemoration of the International Day of Older Persons in October 2019, with the theme "The journey to age equality", which emphasized the importance of reducing inequality in line with Sustainable Development Goal 10,

*Recalling also* the First and Second World Assemblies on Ageing, as well as the Madrid International Plan of Action on Ageing and the Political Declaration,

*Commemorating* the twenty-fifth anniversary of the Beijing Declaration and Platform for Action on the rights of women, and stressing the importance of the participation of women, including older women, and girls in climate action,

*Stressing* that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, thereby promoting policy coherence, legitimacy and sustainable outcomes,

<sup>123</sup> See [FCCC/CP/2015/10/Add.1](#), decision 1/CP.21, annex.

*Emphasizing* that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

*Recognizing* that climate change poses an existential threat for some countries and recognizing also that it has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

*Expressing concern* that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status where applicable, national or social origin, birth or other status and disability,

*Recognizing* that climate change, and biodiversity loss and other types of environmental degradation, put added pressure on the environment that may in turn exacerbate disease emergence and increase the impact of pandemics, including the spread of diseases, thereby increasing the risk of exposure of the most vulnerable segments of society, inter alia, older persons, especially older persons with disabilities or chronic illnesses, to the combined negative effects and consequences of these phenomena, and put added strain on health systems, particularly those of developing economies,

*Acknowledging* the efforts of States to determine the best way to strengthen the protection of the human rights of older persons, while taking note of the various proposals that have been made within the Open-ended Working Group on Ageing,<sup>124</sup>

*Welcoming* the work of the Independent Expert on the enjoyment of all human rights by older persons,

*Stressing* the particular vulnerabilities of older persons, including older women and older persons with disabilities, exposed by the implications of climate change, including their increased susceptibility to diseases, heat stress, reduced mobility, social exclusion and reduced physical, emotional and financial resilience, as well as the need for measures to address their specific needs and to ensure their participation in disaster response planning for emergency situations and evacuations, humanitarian emergency response, and health-care services, as appropriate,

*Expressing concern* at the adverse impact of climate change on individuals with multiple vulnerability factors, including older persons, particularly women and those with disabilities and/or pre-existing conditions, and recognizing that older persons are among the most adversely affected in an emergency, as has been seen during the coronavirus disease (COVID-19) pandemic, sustaining disproportionately higher rates of morbidity and mortality, while at the same time being among those least able to have access to emergency support and health services,

*Recalling* the call for solidarity by the Secretary-General in the face of the COVID-19 pandemic,<sup>125</sup> and welcoming his release of a policy brief on the impact of COVID-19 on older persons,<sup>126</sup> that recommends, among other actions, ensuring the meaningful participation of older persons in decision-making processes that affect their lives,

*Emphasizing* that sudden-onset natural disasters and slow-onset events seriously affect the access of vulnerable segments of society, including older persons, to food and nutrition, safe drinking water and sanitation, health-care services and medicines, social

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<sup>124</sup> A/AC.278/2019/2.

<sup>125</sup> UN News, "UN chief calls for 'solidarity, unity and hope' in battling COVID-19 pandemic", 30 April 2020.

<sup>126</sup> United Nations, "Policy brief: the impact of COVID-19 on older persons", May 2020.

protection, education and training, adequate housing, transportation and access to decent work,

*Reaffirming* the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights, as well as to older persons as key stakeholders in disaster risk reduction,

*Recognizing* the need for ensuring meaningful participation, inclusion and leadership of older persons and their representative organizations within disaster risk management, emergency relief efforts and climate-related decision-making and in the design of policies, plans and mechanisms at the community, local, national, regional and global levels,

*Expressing concern* that developing countries, particularly least developed countries and small island developing States, lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies, may suffer from higher exposure to extreme weather events in both rural and urban areas,

*Taking into account* the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

*Emphasizing* the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision and mobilization of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

*Urging* States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

*Welcoming* the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change held in Madrid in December 2019 under the presidency of Chile, and taking note of the Katowice climate package agreed at the twenty-fourth session of the Conference of the Parties, held in Katowice, Poland, in December 2018 in connection with the Paris Agreement,

*Noting* the announcements and commitments made by Governments and by private sector leaders at the Climate Action Summit held on 23 September 2019 in New York, including the call to action for resilience and adaptation, and recognizing that the global nature of climate change calls for the widest possible international cooperation to address the adverse impact of climate change, to which vulnerable segments, including older persons, are particularly at risk,

*Noting also* the importance of some elements of the concept of “climate justice” when taking action to address climate change,

*Noting with appreciation* the continued efforts of the United Nations High Commissioner for Human Rights in highlighting the need to respond to the global challenge of climate change, including by reaffirming the commitments to ensure effective climate action while advocating for the promotion and protection of human rights for all, including older persons,

*Welcoming* the convening of a panel discussion on persons with disabilities, and looking forward to the summary report on the discussion to be prepared by the Office of the United Nations High Commissioner for Human Rights,

*Noting* the analytical study on the rights of persons with disabilities in the context of climate change prepared by the Office of the High Commissioner pursuant to Human Rights Council resolution 41/21 of 12 July 2019,

*Noting also* that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate,

human rights, including those of older persons, when taking action to address the adverse effects of climate change,

*Taking note with appreciation* of the reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, focusing on climate change and human rights<sup>127</sup> and on air pollution and human rights,<sup>128</sup> the report of the Special Rapporteur on extreme poverty and human rights, relating to climate change and poverty,<sup>129</sup> the report of the Special Rapporteur on the right to food, focusing on the right to food in the context of natural disasters,<sup>130</sup> and the report of the Independent Expert on the enjoyment of all human rights by older persons, on the human rights of older persons in emergency situations,<sup>131</sup>

*Welcoming* the work of the Climate Vulnerable Forum, which asserts that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

*Noting* the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

*Noting also* the establishment and work of regional, subregional and other initiatives, such as the SIDS Accelerated Modalities of Action (SAMOA) Pathway<sup>132</sup> on addressing the adverse impact of climate change,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these adversely affect the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and for the people whose situation is most vulnerable to climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive, integrated, gender-responsive, age-inclusive and disability-inclusive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and human rights challenges that climate change presents, for the full and effective enjoyment of human rights for all, and particularly to support the resilience and adaptive capacities of older persons, both in rural and urban areas, to respond to the adverse impact of climate change;

5. *Calls upon* States to continue and enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change;

6. *Also calls upon* States to better promote human rights in general and the access of older persons in particular to livelihoods, food and nutrition, safe drinking water and sanitation, social protection, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology, and ensure services can be adapted to emergency and humanitarian contexts;

7. *Further calls upon* States to develop, strengthen and implement policies for the protection of the right of older persons in response to climate change, as appropriate, by,

<sup>127</sup> A/HRC/43/53 and A/74/161.

<sup>128</sup> A/HRC/40/55.

<sup>129</sup> A/HRC/41/39.

<sup>130</sup> A/HRC/37/61.

<sup>131</sup> A/HRC/42/43.

<sup>132</sup> General Assembly resolution 69/15, annex.

among other actions, the inclusion of their rights, specific risks, needs and capabilities in climate action plans and other relevant policies or legislation, the mainstreaming of climate change action into resilient and adaptive social and health care, and the provision of information on climate change and disaster preparedness response and planning through all accessible means of communication;

8. *Urges* States to strengthen and implement policies aimed at promoting the participation of older persons in the design of policies, plans and mechanisms in climate-related decision-making and disaster risk reduction and management at the community, local, national, regional and international levels, including for preparedness, contingency planning, early warning, evacuation planning, emergency relief, humanitarian response and assistance arrangements;

9. *Decides* to incorporate into its programme of work for the forty-seventh session, on the basis of the different elements contained in the present resolution, a panel discussion focusing on the adverse impact of climate change on the full and effective enjoyment of human rights by older persons and best practices and lessons learned in the promotion and protection of the rights of older persons, and also decides that the panel discussion will have international sign interpretation and captioning;

10. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts, and civil society organizations, including older persons and their associations, to contribute actively to the panel discussion;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report on the panel discussion to the Human Rights Council at its forty-ninth session, and to make the report available in accessible formats, including Plain Language and Easy-to-Read;

12. *Also requests* the Office of the High Commissioner, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, including the Independent Expert on the enjoyment of all human rights by older persons, the Open-ended Working Group on Ageing, the World Health Organization, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, from within existing resources, a study on the promotion and protection of the rights of older persons in the context of climate change, including their particular vulnerabilities, such as physical and mental health risks, and their contributions to efforts to address the adverse impact of climate change, to be circulated to States and other stakeholders, including older persons and their associations, and to be submitted to the Council prior to its forty-seventh session, and further requests the Office to make the study available in accessible formats, including Plain Language and Easy-to-Read;

13. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly the rights of older persons, within their respective mandates;

14. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

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

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/8. Mandate of the Special Rapporteur on the independence of judges and lawyers**

*The Human Rights Council,*

*Recalling* all its previous resolutions and decisions, as well as those of the Commission on Human Rights and the General Assembly, on the independence of the judiciary and on the integrity of the judicial system,

*Convinced* that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly, and the integrity of the judicial system are essential prerequisites for the protection of human rights and fundamental freedoms and the application of the rule of law and for ensuring fair trials without any discrimination,

*Condemning* the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

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

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of the mandate;

2. *Decides* to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a period of three years, on the same terms as provided by the Human Rights Council in its resolution 35/11 of 22 June 2017;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond to communications transmitted to them by the Special Rapporteur without undue delay, to consider responding favourably to his or her requests for visits and to consider implementing his or her recommendations;

4. *Encourages* the United Nations, including its specialized agencies, as well as regional organizations, national human rights institutions, independent experts, bar associations, professional associations of judges and prosecutors, non-governmental organizations and other relevant stakeholders, to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of his or her mandate;

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

*27th meeting  
16 July 2020*

[Adopted without a vote.]

#### **44/9. Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, and by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

*Recalling* the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Bangalore Principles of Judicial Conduct and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

*Recalling also* all previous resolutions and decisions of the Human Rights Council, the Commission on Human Rights and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

*Taking note* of the reports of the Special Rapporteur on the independence of judges and lawyers submitted to the Human Rights Council at its thirty-eighth<sup>133</sup> and forty-first<sup>134</sup> sessions, and to the General Assembly at its seventy-fourth session,<sup>135</sup>

*Convinced* that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and the administration of justice without any discrimination,

*Recalling* that prosecutors should, in accordance with the law, perform their functions fairly, consistently and expeditiously, respect and protect human dignity, and uphold human rights, thus contributing to due process and the smooth functioning of the criminal justice system, and that they should avoid and combat all forms of prejudice, discrimination and stigmatization based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Emphasizing* that the independence and impartiality of the judiciary and the independence of lawyers and the legal profession are necessary elements in the realization of Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development, in which Member States committed, inter alia, to provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

*Condemning* the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

*Recalling* that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession consistent with applicable standards contained in relevant international instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

*Recalling also* that it is essential to ensure that judges, prosecutors, lawyers and court officials possess the professional qualifications required for the performance of their functions through improved methods of recruitment, as well as legal and professional training, and through the provision of all necessary means for the proper performance of their role in ensuring the rule of law,

*Noting* the importance of tailored and interdisciplinary human rights training for all judges, lawyers, prosecutors and other professionals concerned in the administration of justice, as a measure for avoiding discrimination in the administration of justice,

*Stressing* the importance of ensuring accountability, transparency and integrity in the judiciary as an essential element of judicial independence and as a concept inherent to the rule of law when it is implemented in accordance with the Basic Principles on the Independence of the Judiciary and other relevant norms, principles and standards,

<sup>133</sup> A/HRC/38/38 and Add.1.

<sup>134</sup> A/HRC/41/48.

<sup>135</sup> A/74/176.

*Emphasizing* that judges, prosecutors and lawyers play a critical role in upholding human rights, including the absolute and non-derogable right to freedom from torture and other cruel, inhuman or degrading treatment or punishment,

*Emphasizing also* that an independent and impartial judiciary, objective and impartial prosecution services and an independent legal profession, which foster a balanced representation of men and women and the establishment of gender-sensitive procedures, are essential for the effective protection of women's rights, including protection from violence and revictimization through court systems, to ensuring that the administration of justice is free from gender-based discrimination and stereotypes, and to a recognition that both men and women benefit when women are treated equally by the justice sector,

*Acknowledging* the vital role of professional associations of lawyers in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements and providing legal services to all in need of them,

*Recognizing* the importance of independent and self-governing bar associations and professional associations of judges and prosecutors, and of non-governmental organizations working in defence of the principle of the independence of judges and lawyers,

*Noting* the endorsement by bar associations, law societies and national and international lawyers' organizations worldwide of a call for action in support of the Basic Principles on the Role of Lawyers, and recognizing the vital role that lawyers and the legal profession can play in upholding the rule of law and in promoting and protecting human rights on the occasion of the thirtieth anniversary of the adoption of the Basic Principles,

*Expressing its concern* about situations where the entry into or continued practice within the legal profession is controlled or arbitrarily interfered with by the executive branch, with particular regard to abuse of systems for the licensing of lawyers,

*Stressing* the role that independent and effective national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) can and should play in strengthening the rule of law and in supporting the independence and integrity of the judicial system,

*Recognizing* that accessible and effective legal aid is an essential element of a fair, humane and efficient system of administration of justice that is based on the rule of law,

*Noting* the rights and specific needs of women, children and persons belonging to minorities, particularly those in situations of vulnerability who are in contact with justice systems, who may require particular attention, protection and skills from the professionals interacting with them, especially from lawyers, prosecutors and judges,

*Acknowledging* the importance of a privileged lawyer-client relationship based on the principle of confidentiality,

*Deeply concerned* about the loss of life and livelihoods and the disruption to economies and societies caused by the coronavirus disease (COVID-19) pandemic and about its negative impact on the enjoyment of human rights around the world, and noting the threats and challenges posed by such extraordinary situations to justice systems, including with regard to access to justice,

*Reaffirming* that emergency measures, including those that relate to the administration of justice, taken by States in response to extraordinary situations, including the COVID-19 pandemic and other crisis situations, must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law,

*Reaffirming also* the Human Rights Council resolutions in which the Council extended the mandate of the Special Rapporteur on the independence of judges and lawyers for a period of three years, and acknowledging the importance of the mandate holder's ability to cooperate closely, within the framework of the mandate, with the Office of the United Nations High Commissioner for Human Rights, including in the fields of advisory services and technical cooperation, in the effort to guarantee the independence of judges and lawyers,

1. *Calls upon* all States to guarantee the independence of judges and lawyers and the objectivity and impartiality of prosecutors, and their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind;
2. *Encourages* States to promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective and by actively promoting the balanced representation of women and men from various segments of society at all levels, and of persons belonging to minorities and other disadvantaged groups, and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory, public and transparent, and based on objective criteria, and guarantee the appointment of individuals of integrity and ability with appropriate training and qualifications in law, based on individual merit and under equal working conditions;
3. *Stresses* that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and age of retirement should be adequately secured by law, that the security of tenure of judges is an essential guarantee of the independence of the judiciary and that grounds for their removal must be explicit, with well-defined circumstances provided by law, involving reasons of incapacity or behaviour that renders them unfit to discharge their functions, and that procedures upon which the discipline, suspension or removal of a judge are based should comply with due process;
4. *Encourages* States to develop, as appropriate, policies, procedures and programmes in the area of restorative justice as part of a comprehensive justice system;
5. *Also encourages* States to consider, in collaboration with relevant national entities such as bar associations, associations of judges and prosecutors, and educational institutions assisting the judiciary developing guidance on issues such as gender, children, persons with disabilities, indigenous peoples and migrants, among others, to inform the action of judges, lawyers, prosecutors and other actors in the judicial system;
6. *Underscores* that lawyers must not be identified with their clients or their clients' causes as a result of discharging their function;
7. *Emphasizes* that lawyers should be enabled to discharge their functions freely, independently and without any fear of reprisal;
8. *Calls upon* States to ensure that prosecutors can perform their functional activities in an independent, objective and impartial manner;
9. *Condemns* all acts of violence, intimidation or reprisal, from any quarter and for any reason, against judges, prosecutors and lawyers, and reminds States of their duty to uphold the integrity of judges, prosecutors and lawyers and to protect them, and their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment, whether from State authorities or non-State actors, resulting from the discharging of their functions, and to condemn such acts and to bring the perpetrators to justice;
10. *Expresses its deep concern* at the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession, and calls upon States to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable;
11. *Calls upon* States, in collaboration with relevant national entities such as bar associations, associations of judges and prosecutors, and educational institutions, to provide adequate training, including human rights training, for judges, prosecutors and lawyers, both on initial appointment and periodically throughout their careers, taking into account regional and international human rights law and, where applicable and relevant, the concluding observations and decisions of human rights mechanisms, such as the treaty bodies and regional human rights courts;
12. *Encourages* States to take measures to combat discrimination in the administration of justice by, inter alia, providing for tailored and interdisciplinary human

rights training, including anti-racist, multicultural, gender-sensitive and child rights training, to all judges, lawyers and prosecutors;

13. *Underscores* the importance for States of developing and implementing an effective and sustainable legal aid system that is consistent with their international human rights obligations and takes into account relevant commitments and good practices so that legal aid is available and accessible at all stages of legal proceedings, subject to appropriate eligibility criteria;

14. *Urges* all Governments to cooperate with and to assist the Special Rapporteur on the independence of judges and lawyers in the performance of his or her tasks, to provide all information requested and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

15. *Invites* States to take measures, including by adopting domestic legislation, to provide for independent and self-governing professional associations of lawyers and to recognize the vital role played by lawyers in upholding the rule of law and promoting and protecting human rights;

16. *Calls upon* States to ensure that legal provisions that are to be or have been adopted in relation to counter-terrorism or national security are consistent with the international obligations of the State concerning the right to a fair trial, the right to liberty and the right to an effective remedy for violations of human rights and other provisions of international law relevant to the role of judges, prosecutors and lawyers;

17. *Urges* States to ensure that judiciaries have the necessary resources and capacity to help to maintain functionality, accountability, transparency and integrity, and to ensure due process and the continuity of judicial activities, including efficient access to justice consistent with the right to a fair trial and other fundamental rights and freedoms, during extraordinary situations, including the COVID-19 pandemic and other crisis situations;

18. *Encourages* States to make available to judiciaries current information and communications technology and innovative online solutions, enabling digital connectivity, to help to ensure access to justice and respect for the right to a fair trial and other procedural rights, including in extraordinary situations, such as the COVID-19 pandemic and other crisis situations, and to ensure that judicial and any other relevant national authorities are able to elaborate the necessary procedural framework and technical solutions to this end;

19. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to the mandate;

20. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their country, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations to enable him or her to fulfil the mandate even more effectively;

21. *Encourages* the Special Rapporteur to facilitate the provision of technical assistance and capacity-building and the dissemination of guidelines and best practices, including through engagement with relevant stakeholders and in consultation with the Office of the United Nations High Commissioner for Human Rights, when requested by the State concerned, with a view to establishing and strengthening the rule of law, paying particular attention to the administration of justice and the role of an independent and competent judiciary and legal profession;

22. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance, by inviting the mandate holder to visit their country;

23. *Encourages* Governments to give due consideration to recommendations made by United Nations human rights mechanisms, and to implement recommendations supported under the universal periodic review process, addressing the independence and effectiveness

of the judiciary and their effective implementation, and invites the international community, regional organizations and the United Nations system to support any implementation efforts;

24. *Invites* United Nations agencies, funds and programmes to continue their activities in the areas of the administration of justice and the rule of law, including at the country level at the request of the State, encourages States to reflect such activities in their national capacity-building plans, and emphasizes that institutions concerned with the administration of justice should be properly funded;

25. *Encourages* States to ensure that their legal frameworks, implementing regulations and judicial manuals are fully in line with their international obligations and take into account relevant commitments in the areas of the administration of justice and the rule of law;

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

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/10. Special Rapporteur on the rights of persons with disabilities**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, and guided also by the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

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

*Recalling also* the 2030 Agenda for Sustainable Development and the commitment therein to leave no one behind,

*Deeply concerned* that, in all parts of the world, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights, and conscious that greater attention and commitment is needed to address these challenges,

*Recalling* Security Council resolution 2475 (2019) of 20 June 2019, in which the Council addressed the disproportionate impact of armed conflict and related humanitarian crises on persons with disabilities,

*Recalling also* that the Sendai Framework for Disaster Risk Reduction 2015–2030 promotes disability-inclusive and accessible disaster risk reduction practices,

*Recalling further* all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons with disabilities,

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

*Recalling also* its resolutions 26/20 of 27 June 2014 and 35/6 of 22 June 2017,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against persons with disabilities and to promote, protect and respect their human rights;

2. *Welcomes* the work of the Special Rapporteur on the rights of persons with disabilities;

3. *Decides* to extend the mandate of the Special Rapporteur on the rights of persons with disabilities for a further period of three years, with the following mandate:

(a) To develop a regular dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks designated under article 33 (2) of the Convention on the Rights of Persons with Disabilities, persons with disabilities and their representative organizations, and other civil society organizations, to identify, exchange and promote good practices relating to the realization of the rights of persons with disabilities and their participation as equal members of society, including in humanitarian situations;

(b) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including persons with disabilities and their representative organizations and other civil society organizations, on violations of the rights of persons with disabilities;

(c) To make concrete recommendations on how to better promote and protect the human rights of persons with disabilities, including on eliminating discrimination, violence and social exclusion, how to contribute to the realization of the internationally agreed development goals for persons with disabilities in the Sustainable Development Goals, and related data-collection efforts, how to promote development that is inclusive of and accessible to persons with disabilities, and how to promote their role as both agents for and beneficiaries of development;

(d) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of persons with disabilities;

(e) To raise awareness of the rights of persons with disabilities, to combat stigma, stereotypes, prejudices, segregation and all harmful practices that hinder their opportunity to fully enjoy their human rights to participate in society on an equal basis with others, to promote awareness of their positive contributions and to inform persons with disabilities about their rights;

(f) To contribute closely in the implementation of the United Nations Disability Inclusion Strategy and other efforts for ensuring that the United Nations system is fit for purpose in relation to disability inclusion;

(g) To work closely with the special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies, in particular the Committee on the Rights of Persons with Disabilities, and other relevant United Nations agencies, funds and programmes, including the United Nations Partnership to Promote the Rights of Persons with Disabilities, and the Special Envoy of the Secretary-General on Disability and Accessibility with a view to avoiding unnecessary duplication, including in relation to communications;

(h) To cooperate closely with the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Commission for Social Development, including by participating in their annual sessions upon request;

(i) To integrate a gender perspective throughout the work of the mandate and to address the multiple, intersecting and aggravated forms of discrimination faced by persons with disabilities;

(j) To continue to report annually to the Human Rights Council and to the General Assembly, in accessible formats, including Braille and easy-to-read reports, and international sign language interpretation and closed captioning during the presentation of the reports, and in accordance with their respective programmes of work;

4. *Calls upon* all States to cooperate with the Special Rapporteur in the performance of his or her mandate, including by providing all necessary information

requested, to give serious consideration to responding favourably to his or her requests to visit their countries, and to consider the conclusions and appropriate follow-up and implementing the recommendations made by the mandate holder in his or her reports;

5. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks, the private sector, donors and development agencies, to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil his or her mandate;

6. *Calls upon* those States that have not yet done so to consider ratifying or acceding to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

7. *Requests* the Secretary-General to bring the reports of the Special Rapporteur to the attention of the Committee on the Rights of Persons with Disabilities, the Conference of States Parties and the Commission for Social Development for their information and to avoid unnecessary duplication;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of his or her mandate.

27th meeting  
16 July 2020

[Adopted without a vote.]

#### **44/11. Mandate of the Independent Expert on human rights and international solidarity**

*The Human Rights Council,*

*Reaffirming* all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity,

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

*Underlining* the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

*Recalling* that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

*Reaffirming* the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

*Recognizing* that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,

*Expressing its concern* at the lack of sufficient solidarity with developing countries in responding to the coronavirus disease (COVID-19) pandemic and in addressing its dramatic economic and social impact,

*Emphasizing* the importance of international solidarity and cooperation for effectively addressing the challenges of the current global crisis owing to the COVID-19 pandemic,

*Reaffirming* the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, making it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

*Affirming* the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

*Asserting* the necessity of establishing new, equitable and global links of partnership and intragenerational solidarity for the perpetuation of humankind,

*Resolved* to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Urges* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to step up and strengthen solidarity and collaboration at this enormously challenging time;

9. *Takes note* of the report of the Independent Expert on human rights and international solidarity;<sup>136</sup>

10. *Decides* to extend the mandate of the Independent Expert on human rights and international solidarity for a period of three years;

11. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his mandate, and to supply all necessary information requested by him, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate effectively;

12. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the realization of the 2030 Agenda for Sustainable Development, especially those Sustainable Development Goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these forums and events;

13. *Also requests* the Independent Expert to continue to examine in his reports ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity, including the challenges of international cooperation, and to seek the views and contributions of Governments, United Nations agencies and other relevant international organizations in this regard;

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

15. *Reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields, and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

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

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

*27th meeting  
16 July 2020*

[Adopted by a recorded vote of 31 to 15, with 1 abstention. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, Democratic Republic of the Congo, Eritrea, Fiji, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Senegal, Somalia, Sudan, Togo, Uruguay and Venezuela (Bolivarian Republic of)

*Against:*

Australia, Austria, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Slovakia, Spain, and Ukraine

*Abstaining:*

Mexico]

<sup>136</sup> A/HRC/44/44 and Add.1.

## 44/12. Freedom of opinion and expression

*The Human Rights Council,*

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

*Recalling* all resolutions of the Commission on Human Rights and the Human Rights Council relevant to the right to freedom of opinion and expression, in particular Council resolutions 7/36 of 28 March 2008, 12/16 of 12 October 2009, 16/4 of 24 March 2011, 23/2 of 13 June 2013, 25/2 of 27 March 2014, 34/18 of 24 March 2017, 38/7 of 5 July 2018, 39/6 of 27 September 2018 and 43/4 of 19 June 2020,

*Welcoming* the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and taking note of his reports,<sup>137</sup>

*Reaffirming* that the right to freedom of opinion and expression, both online and offline, is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, that it constitutes one of the essential foundations of democratic societies and development, and that it is critical to combating corruption,

*Recognizing* that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, and bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

*Acknowledging* the important role of business enterprises in the exercise of the right to freedom of opinion and expression and in enabling access to information, and recalling that all business enterprises have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

*Underlining* that digital contexts provide opportunities for exercising the right to freedom of opinion and expression, regardless of frontiers, for improving access to information and for seeking, receiving and imparting information and ideas of all kinds, and emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, including the right to freedom of opinion and expression,

*Expressing concern* that many forms of digital divide remain between and within countries and regions, and recognizing the need to close them, including through international cooperation, and recognizing also that the gender digital divide, which includes significant gender disparities in terms of access to and use of information and communications technology, undermines women’s and girls’ full enjoyment of human rights, including the right to freedom of opinion and expression,

*Acknowledging* the important role of, inter alia, journalists and other media workers, and human rights defenders, in the promotion and protection of the right to freedom of opinion and expression, and in this context expressing deep concern that violations and abuses of the right to freedom of opinion and expression continue to occur in the exercise, in particular by women journalists and other media workers and women human rights defenders, of this right,

*Reaffirming* the fundamental role of the right to freedom of opinion and expression in the possibility of women to interact with society at large on equal terms, particularly in the realms of economic and political participation, and reaffirming also that the full and meaningful participation of women and girls is essential to achieving gender equality, sustainable development, peace and democracy,

<sup>137</sup> [A/HRC/44/49](#) and [Add.1–2](#).

*Stressing* the need to ensure that measures for the protection of national security, public order and public health are in full compliance with international human rights obligations, including the principles of lawfulness, legitimacy, necessity and proportionality, and stressing also the need to protect human rights, including the freedom of opinion and expression and privacy, and personal data in the response to health or other emergencies,

*Expressing concern* at the spread of disinformation and misinformation, which can be designed and implemented so as to mislead, to violate and to abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, and to incite all forms of violence, hatred, discrimination and hostility, inter alia, racism, xenophobia, negative stereotyping and stigmatization,

*Stressing* that responses to the spread of disinformation and misinformation must be grounded in international human rights law, including the principles of lawfulness, legitimacy, necessity and proportionality, and underlining the importance of free, independent, plural and diverse media and of providing and promoting access to independent, fact-based and science-based information to counter disinformation and misinformation,

*Stressing also* the importance of ensuring transparency and accountability in algorithmic, human and technical decision-making, given the risks of undue restriction on access to information and freedom of opinion and expression,

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing, and that, in accordance with target 16.10 of the Sustainable Development Goals, all States are to ensure public access to information and to protect human rights and fundamental freedoms, in accordance with national legislation and international agreements,

*Recognizing* that the freedom to seek, receive and impart information and ideas of all kinds, both online and offline, through any media and regardless of frontiers is one of the central components of the right to freedom of opinion and expression, as reflected in article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that obstacles to access to information can undermine the enjoyment of civil and political rights, as well as economic, social and cultural rights,

*Recalling* that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

*Stressing* the importance of the full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information, and for democratic participation, transparency and accountability, and of combating corruption,

*Welcoming* the adoption by the General Assembly of its resolution 74/5 on 15 October 2019, in which the Assembly proclaimed 28 September as the International Day for Universal Access to Information,

*Underscoring* the importance of access to information held by public authorities, including on alleged violations and abuses of human rights, for the full and effective participation of individuals, groups and organs of society, including human rights defenders, in consultations, decision-making processes and, where relevant, implementation efforts related to legislation, policies, programmes and projects, with a view to mainstreaming, promoting and protecting human rights,

*Recognizing* that public authorities should strive to make information available, whether the information is proactively published electronically or provided upon request, and also that access to information, both online and offline, is necessary for, inter alia, journalists and other media workers, civil society organizations, human rights defenders and trade union activists, to conduct their work effectively and meaningfully, and that any restriction on the freedom to seek, receive and impart information must comply with relevant international law,

*Strongly condemning* the use of Internet shutdowns to intentionally and arbitrarily prevent or disrupt access to or dissemination of information online,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights, in particular the right to freedom of opinion and expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of one's choice, and the intrinsically linked rights to freedom of thought, conscience and religion or belief, peaceful assembly and association and the right to vote and take part in the conduct of public affairs;

2. *Also reaffirms* that the same rights that people have offline must also be protected online, in particular the right to freedom of opinion and expression;

3. *Reiterates its continuing concern* that violations of the rights referred to in paragraph 1 above continue to occur, often with impunity, and are facilitated and aggravated by the abuse of states of emergency;

4. *Strongly condemns* the threats, reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including journalists and other media workers, and human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights, which have increased and are not adequately punished, in particular where public authorities are involved in committing such acts;

5. *Recognizes* that the free flow of information is an important component of access to information, which is essential for advancing the promotion and protection of human rights, including of women's and girls' full enjoyment of human rights and to achieving gender equality;

6. *Underlines* that the right to freedom of opinion and expression and access to information are critical for the implementation and achievement of the 2030 Agenda for Sustainable Development;

7. *Stresses* that a democratic society depends on respect for human rights, including freedom of opinion and expression, and that undue restrictions on the freedom to seek, receive and impart information undermine democracy and the rule of law by preventing efforts aimed at holding public authorities accountable and exposing corruption;

8. *Calls upon* all States:

(a) To promote, protect, respect and ensure the full enjoyment of the right to freedom of opinion and expression, both online and offline, and to take all measures necessary to put an end to and to prevent violations and abuses of the rights referred to in paragraph 1 above, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(b) To ensure that victims of violations and abuses have effective remedy, that threats and acts of violence are investigated effectively, and that those responsible are brought to justice in order to combat impunity;

(c) To promote, protect, respect and ensure women's and girls' full enjoyment of the right to freedom of opinion and expression, both online and offline, without distinction of any kind;

(d) To enable everyone, including journalists and other media workers, and human rights defenders, to exercise their right to freedom of opinion and expression, including by taking effective measures to ensure their safety, and to protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive, democratic and peaceful society;

(e) To respect the right to freedom of opinion and expression in the media, in particular editorial independence, and to promote a pluralistic approach to information and multiple points of view, inter alia by encouraging a diversity of ownership of media and of sources of information, including mass media, and to refrain from the use of imprisonment

or the imposition of fines for offences relating to the media that are disproportionate to the gravity of the offence;

(f) To ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order, or of public health, including by ensuring that all measures taken to counter threats related to terrorism, violent extremism and public health are in full compliance with international human rights obligations, including the principles of lawfulness, legitimacy, necessity and proportionality;

(g) To refrain from imposing restrictions that are inconsistent with article 19 of the International Covenant on Civil and Political Rights, including on the free flow of information and ideas, including through practices such as the use of Internet shutdowns to intentionally and arbitrarily prevent or disrupt access to or the dissemination of information online, the banning or closing of publications or other media and the abuse of administrative measures and censorship, and on access to or use of information and communications technology, inter alia radio, television and the Internet;

(h) To adopt and implement laws and policies that ensure the freedom to seek, receive and impart information, including by:

(i) Undertaking all necessary efforts to ensure easy, prompt, effective and practical access to government information of public interest, including online, and encouraging the proactive disclosure of information held by public entities in the broadest possible terms, including on grave violations and abuses of human rights, and ensuring that grounds for refusing the disclosure of information held by public bodies are narrowly defined;

(ii) Enacting the necessary procedures to allow equal participation in access to information and to facilitate access to and use of information;

(iii) Facilitating and promoting access to and use of communications and digital technologies;

9. *Encourages* all business enterprises to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework and in other applicable standards, including by actively contributing to initiatives aimed at fostering a culture of respect for freedom of opinion and expression and by ensuring the greatest possible transparency in their policies, standards and actions that have an impact on the freedom of opinion and expression;

10. *Reaffirms* that any advocacy of national, racial or religious hatred, both online and offline, that constitutes incitement to discrimination, hatred, hostility or violence, shall be prohibited by law, consistent with the right to freedom of expression;

11. *Stresses* the importance of combating, in accordance with States’ obligations under international human rights law, all acts of incitement to discrimination, hatred, hostility or violence, including by promoting tolerance, education and dialogue;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on good practices for establishing national normative frameworks that foster access to information held by public entities, and also requests the Office of the High Commissioner, in the preparation of the report, to seek the views of States, non-governmental organizations, national human rights institutions and other relevant stakeholders, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and to submit the report to the Human Rights Council at its forty-seventh session;

13. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

27th meeting  
16 July 2020

[Adopted without a vote.]

## 44/13. Extreme poverty and human rights

*The Human Rights Council,*

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

*Recalling that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of a world in which all human beings can enjoy freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, and reaffirming in this regard the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,*

*Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly, including resolutions 71/186 of 19 December 2016 and 73/163 of 17 December 2018, and by the Commission on Human Rights, as well as Human Rights Council resolutions, including Council resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008, 12/19 of 2 October 2009, 15/19 of 30 September 2010, 17/13 of 17 June 2011, 21/11 of 27 September 2012, 26/3 of 26 June 2014, and 35/19 of 22 June 2017, and noting the Declaration on the Right to Development,*

*Recalling further that, in its resolution 74/234 of 19 December 2019, the General Assembly proclaimed the Third United Nations Decade for the Eradication of Poverty (2018–2027) in order to maintain the momentum generated by the first and second Decades and to support, in an efficient and coordinated manner, the 2030 Agenda for Sustainable Development and its Sustainable Development Goals, and the commitment therein to ending poverty in all its forms, including by eradicating extreme poverty by 2030, and the objective of leaving no one behind and reaching the furthest behind first,*

*Recalling that, in its resolution 67/164 of 20 December 2012, the General Assembly took note with appreciation of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11, as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate,*

*Reaffirming in this regard the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit, and at the 2005 World Summit,*

*Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,*

*Deeply concerned also about the loss of life and livelihoods and the disruption to economies and societies caused by the coronavirus disease (COVID-19) pandemic and its negative impact on the enjoyment of human rights around the world,*

*Recognizing that the poorest and most vulnerable are the hardest hit by the pandemic, and that the impact of the crisis will reverse hard-won development gains and hamper progress towards achieving the Sustainable Development Goals,*

*Reaffirming that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual eradication must remain a high priority for the international community, and that the efforts towards the achievement of this goal should be strengthened,*

*Stressing that respect for all human rights – civil, political, economic, social and cultural rights – which are universal, indivisible and interdependent and interrelated, is of crucial importance for all policies and programmes to effectively fight extreme poverty at the local and national levels,*

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

18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on extreme poverty and human rights, including his thematic reports and country visits;<sup>138</sup>

2. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on extreme poverty and human rights, as set out in Human Rights Council resolution 8/11;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to the issue of extreme poverty and human rights, to pursue further work in this area in full cooperation with the Special Rapporteur in the various activities, and to continue to provide the Special Rapporteur with all the human and budgetary assistance necessary for the effective fulfilment of his mandate;

4. *Requests* the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programmes of work;

5. *Also requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, and to undertake thematic research with a view to advising States and relevant State institutions on the eradication of extreme poverty in the implementation of the 2030 Agenda, including with reference to targets 1.1, 1.3, 1.4 and 1.5 of the Sustainable Development Goals and other goals and targets related to extreme poverty;

6. *Invites* the Special Rapporteur to dedicate his next annual report to the impact of the COVID-19 pandemic on the enjoyment of all human rights by persons in extreme poverty, identifying challenges and including recommendations and good practices to ensure that no one is left behind in the adoption and implementation of crisis management and post-crisis recovery plans;

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

8. *Invites* relevant United Nations agencies, funds and programmes, the treaty bodies, other relevant mandate holders, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

9. *Decides* to continue its consideration of the issue of extreme poverty and human rights in accordance with its programme of work.

*27th meeting  
16 July 2020*

[Adopted without a vote.]

**44/14. Fifteenth anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the 2005 World Summit Outcome**

*The Human Rights Council,*

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

<sup>138</sup> A/HRC/44/40 and Add.1–2.

*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

*Recalling* the 2005 World Summit Outcome on its fifteenth anniversary, especially paragraphs 138 and 139 thereof on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,

*Stressing* that States have the primary responsibility for the promotion and protection of and respect for human rights and fundamental freedoms for all, without distinction of any kind, and reiterating the responsibility of each individual State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, which entails the prevention of such crimes, including their incitement, through appropriate and necessary means, and that the international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability,

*Noting* the annual reports of the Secretary-General on the responsibility to protect and the relevant recommendations contained therein,

*Recalling* General Assembly resolution 63/308 of 14 September 2009,

*Recalling also* the mandate of the Human Rights Council, as established by the General Assembly in its resolution 60/251 of 15 March 2006,

*Recognizing* the important contribution of the United Nations human rights system to efforts towards addressing situations in which genocide, war crimes, ethnic cleansing and crimes against humanity could be committed,

*Emphasizing* that this anniversary offers a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges, at the national, regional and international levels, with regard to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including the prevention thereof,

1. *Decides* to convene, before its forty-seventh session, an intersessional panel discussion to mark the fifteenth anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the 2005 World Summit Outcome, on the exchange of best practices on strengthening national policies and strategies to implement the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity through national mechanisms and other stakeholders;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, the Special Adviser to the Secretary-General on the Prevention of Genocide, the Special Adviser to the Secretary-General on the Responsibility to Protect, the treaty bodies, the special procedures of the Human Rights Council and regional human rights mechanisms, and the Global Network of the Responsibility to Protect Focal Points, as well as with civil society, including non-governmental organizations, and national human rights institutions with a view to ensuring their participation in the panel discussion, and to make the panel discussion fully accessible for persons with disabilities;

3. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its forty-eighth session and to the General Assembly.

*28th meeting  
17 July 2020*

[Adopted by a recorded vote of 32 to 1, with 14 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Libya, Marshall Islands, Mexico, Netherlands, Nigeria, Peru, Poland, Qatar, Republic of Korea, Senegal, Slovakia, Somalia, Spain, Togo, Ukraine and Uruguay

*Against:*

Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Bahrain, Burkina Faso, Cameroon, Democratic Republic of the Congo, Eritrea, India, Indonesia, Mauritania, Namibia, Nepal, Pakistan, Philippines and Sudan]

**44/15. Business and human rights: the Working Group on the issue of human rights and transnational corporations and other business enterprises, and improving accountability and access to remedy**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

*Recalling* relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action, and recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

*Taking note with appreciation* of the adoption by the Governing Body of the International Labour Office in March 2017 of the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which takes into account, inter alia, the Guiding Principles on Business and Human Rights, as well as other instruments relevant to the promotion of the agenda of business and human rights,

*Recalling* General Assembly resolution 74/146 of 18 December 2019 on implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection,

*Recalling also* Human Rights Council resolutions 8/7 of 18 June 2008, 17/4 of 16 June 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014, 32/10 of 30 June 2016, 35/7 of 22 June 2017 and 38/13 of 6 July 2018, and Commission on Human Rights resolution 2005/69 of 20 April 2005, and noting Council resolution 26/9 of 26 June 2014, all concerning the issue of human rights and transnational corporations and other business enterprises,

*Recalling further* the reports of the Secretary-General on challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including its programmes, funds and agencies, and the recommendations made therein, underscoring the need to embed the business and human rights agenda and the Guiding Principles on Business and Human Rights throughout the United Nations system,

*Recalling* the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development, in particular paragraph 67 thereof,

*Recalling also* the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which contains a commitment to foster a dynamic and well-functioning business sector in accordance with relevant international standards and agreements, including the Guiding Principles on Business and Human Rights,

*Recalling in particular* that the endorsement of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impacts from business activities, based on the three pillars of the United Nations “Protect, Respect and Remedy” framework,

*Stressing* that the obligation and the primary responsibility to promote, protect and fulfil human rights and fundamental freedoms lie with the State,

*Emphasizing* that transnational corporations and other business enterprises have the responsibility to respect all human rights,

*Recognizing* the progress made and the continuing efforts to implement the Guiding Principles on Business and Human Rights by some States, business enterprises, international organizations, civil society and other relevant stakeholders, and the role of the United Nations Global Compact in, inter alia, promoting the Guiding Principles,

*Noting* that 2021 marks the tenth anniversary of the Guiding Principles on Business and Human Rights, which have contributed to greater understanding by States and business enterprises of their respective obligations and responsibilities to prevent and address business-related human rights abuses,

*Taking stock* of the progress made to date by States and businesses in the implementation of the Guiding Principles on Business and Human Rights, while acknowledging the remaining challenges they face in fulfilling their respective obligations and responsibilities to prevent and address business-related human rights abuses, and recognizing therefore the necessity of pursuing efforts for the implementation of the Guiding Principles,

*Recognizing* the relevance of the Guiding Principles on Business and Human Rights in the context of global crises, such as the coronavirus disease (COVID-19) pandemic, and the need for States to ensure responsible business conduct during the crisis and a resilient recovery,

*Welcoming* efforts by States to implement the Guiding Principles on Business and Human Rights and to encourage all business enterprises to carry out human rights due diligence, including with regard to human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment and by conducting meaningful and inclusive consultations with potentially affected groups and other relevant stakeholders,

*Recognizing* the need to further enhance equality between women and men in the area of business, in particular with regard to multiple forms of discrimination and barriers in seeking access to effective remedies addressing the adverse impacts of business activities on women and strengthen efforts to enhance women's equal opportunity and leadership,

*Recognizing also* the valuable role played by civil society, including non-governmental organizations, and national human rights institutions in promoting the implementation of the Guiding Principles on Business and Human Rights and accountability for business-related human rights abuses and in raising awareness of the human rights impact and risks of business enterprises and activities,

*Expressing concern* at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuse, and emphasizing the need to ensure their safety,

*Recognizing* that the implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encouraging States to take appropriate steps to improve and encourage corporate accountability and access to remedy for victims of business-related human rights abuse,

*Reaffirming* that independent and effective judicial mechanisms are at the core of ensuring access to remedy, and calling upon States to provide effective and appropriate judicial and non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuses and to play a helpful role in raising awareness of or facilitating access to non-State-based grievance mechanisms, in line with the Guiding Principles on Business and Human Rights, as part of comprehensive efforts to provide remedy for business-related human rights abuses,

*Recognizing* that non-State-based grievance mechanisms administered by business enterprises, alone or with stakeholders, by industry associations or other multi-stakeholder

initiatives may offer, in particular when aligned with the Guiding Principles on Business and Human Rights, such benefits as speed of access and remediation and reduced costs,

*Noting* the role that national action plans and other such frameworks on business and human rights can play as tools for promoting the comprehensive, coherent and effective implementation of the Guiding Principles on Business and Human Rights,

*Recognizing* the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

*Recalling* the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting the effective implementation of the Guiding Principles on Business and Human Rights and exploring options for enhancing access to effective remedies,

*Welcoming* the convening by the Working Group of a global consultation on the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, pursuant to Human Rights Council resolution 38/13,

*Recognizing* that the annual Forum on Business and Human Rights has become one of the world's most important multi-stakeholder gatherings to promote dialogue and cooperation on business and human rights, including with respect to challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as in identifying trends, challenges, good practices and lessons learned,

*Recognizing also* the importance of building the capacity of Governments, business enterprises, civil society and other stakeholders to better prevent business-related human rights abuses, provide effective remedy and manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in this regard,

*Recalling* the views and recommendations of the United Nations human rights treaty bodies, including the general comments bearing on the issue of human rights and transnational corporations and other business enterprises, such as general comment No. 16 (2013) of the Committee on the Rights of the Child and general comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights,

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

1. *Welcomes* the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises in the fulfilment of its mandate as established in Human Rights Council resolution 17/4, including with regard to promoting the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights;

2. *Encourages* all States to enhance efforts to implement the Guiding Principles on Business and Human Rights, including through appropriate policy frameworks, regulations and the development of national action plans on business and human rights;

3. *Encourages* States and invites business enterprises to report on progress made, challenges, and lessons learned in the implementation of the Guiding Principles on Business and Human Rights during the annual Forum on Business and Human Rights, on a voluntary basis;

4. *Encourages* all business enterprises to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, for the protection of human rights, by participating in good faith in domestic judicial and non-judicial processes, and by

establishing effective operational-level mechanisms to enable the early resolution of grievances;

5. *Welcomes* the work of the Working Group and takes note of its reports on connecting the business and human rights and the anti-corruption agendas,<sup>139</sup> and on the gender dimensions of the Guiding Principles on Business and Human Rights;<sup>140</sup>

6. *Also welcomes* the role of the Working Group in regional forums and consultations to discuss challenges and lessons learned from the implementation of the Guiding Principles on Business and Human Rights with States and other stakeholders in a regional context, and in this regard requests the Working Group to further develop its active engagement in relevant regional forums from within existing resources;

7. *Decides*, in the context of the tenth anniversary of the Guiding Principles on Business and Human Rights in 2021, to hold a panel discussion during the forty-seventh session of the Human Rights Council with the participation of the Working Group and with the objective of taking stock of progress made over the first 10 years since the endorsement of the Guiding Principles and discussing possible further steps to improve their future implementation by all stakeholders;

8. *Welcomes* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and notes with appreciation her report on improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms;<sup>141</sup>

9. *Invites* States to consider using all relevant reports of the High Commissioner, including the recommendations therein, when seeking to enhance the ability and effectiveness of State-based grievance mechanisms and to facilitate non-State-based grievance mechanisms;

10. *Invites* all business enterprises to consider the reports of the High Commissioner when establishing or participating in effective non-State-based grievance mechanisms that are relevant for respect by business enterprises for human rights;

11. *Encourages* all relevant United Nations agencies and programmes, national human rights institutions and civil society, including non-governmental organizations, to take into consideration the reports of the High Commissioner and of the Working Group in their activities aimed at supporting efforts by States and business to improve accountability and access to remedy;

12. *Requests* the High Commissioner to continue her work in the area of accountability and remedy, and to convene two consultations involving representatives of States and other stakeholders to discuss challenges, good practices and lessons learned in enhancing access to remedy for victims of business-related human rights abuse, and to submit a report thereon to the Human Rights Council at its fiftieth session;

13. *Welcomes* the role of the Working Group in guiding the three-day annual Forum on Business and Human Rights;

14. *Decides* that the Working Group shall continue to guide the work of the Forum on Business and Human Rights and to prepare its annual meetings, and invites the Working Group to chair the Forum and to submit a report on the proceedings and thematic recommendations of the Forum to the Human Rights Council for its consideration;

15. *Also decides* to extend the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, as set out by the Human Rights Council in its resolution 17/4, for a period of three years;

<sup>139</sup> A/HRC/44/43.

<sup>140</sup> A/HRC/41/43.

<sup>141</sup> A/HRC/44/32 and Add.1.

16. *Requests* the Working Group, in accordance with its mandate, to continue to give due consideration to the implementation of the Guiding Principles on Business and Human Rights in the context of the 2030 Agenda for Sustainable Development;

17. *Encourages* all States, relevant United Nations agencies, funds and programmes, United Nations human rights bodies and mechanisms, and civil society actors, including non-governmental organizations, as well as public and private businesses, within their respective mandates, to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, responding to communications transmitted, as provided in paragraph 6 (b) of Human Rights Council resolution 17/4, to give due consideration to the issue of business and human rights and, in the case of States, to reply favourably to requests for visits by the Working Group;

18. *Invites* international and regional organizations to seek the views of and collaborate with the Working Group when formulating or developing relevant policies and instruments, and invites the Working Group to continue to collaborate closely with relevant United Nations bodies, including the treaty bodies and the special procedures;

19. *Encourages* the Working Group, within its mandate, to continue its work on the role of national human rights institutions in promoting business and human rights, including by assisting them on their request;

20. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the resources and assistance necessary to fulfil its mandate effectively, including its role in guiding the work of the Forum on Business and Human Rights;

21. *Also requests* the Secretary-General and the High Commissioner to provide the Forum, in a transparent manner, with all the services and facilities necessary, bearing in mind the growing participation in the Forum and paying particular attention to regional balance and ensuring participation of affected individuals and communities;

22. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

*28th meeting  
17 July 2020*

[Adopted without a vote.]

#### **44/16. Elimination of female genital mutilation**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights,

*Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant international human rights instruments,

*Reaffirming* that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of all women and girls,

*Recalling* General Assembly resolution 73/149 of 17 December 2018, on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the Assembly and the Commission on the Status of Women on measures to

eliminate traditional practices that are detrimental to women's and girls' enjoyment of human rights, as well as Human Rights Council resolution 38/6 of 5 July 2018 on the elimination of female genital mutilation and other Council resolutions on the same topic,

*Recalling also* the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

*Recalling further* the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

*Recalling* the annual commemoration of the International Day of Zero Tolerance for Female Genital Mutilation, on 6 February, with the aim to enhance awareness-raising campaigns and to take concrete action against female genital mutilation,

*Recognizing* that, like all other harmful practices, including child, early and forced marriage, female genital mutilation constitutes a human rights violation and a form of violence against women and girls that is mainly motivated and perpetuated by gender inequality and discriminatory social norms that jeopardize the recognition, enjoyment and exercise of their human rights and fundamental freedoms while posing a serious threat to their health and well-being, including physical integrity and mental, sexual and reproductive, maternal, newborn and child health,

*Recognizing also* that the practice of female genital mutilation has no documented health benefits and may, on the contrary, increase the risk of sickness and death, that it causes severe stress and shock, that it may give rise to post-partum and obstetric complications such as fistula or haemorrhage, and that it is likely to increase vulnerability to HIV and hepatitis B and C and to cause other health problems,

*Recognizing further* that all harmful practices, including female genital mutilation, when perpetrated against girl children, have particular detrimental consequences for their health and growth, and recalling in that regard the need to guarantee the right of girl children to be free from all forms of violence,

*Recognizing* that the practice of female genital mutilation continues to have an adverse effect not only on the economic, legal, health and social status of all women and girls but also on the development of society as a whole, while the empowerment of and investment in women and girls, the full enjoyment of their human rights and their full, equal, effective and meaningful participation at all levels of decision-making are key to breaking the cycle of gender inequality, discrimination, gender-based violence and poverty and are critical to, inter alia, sustainable development,

*Recognizing also* that harmful practices such as female genital mutilation are an impediment to the full realization of gender equality and the empowerment of women and girls and to the respect for, and protection and fulfilment of, all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as to the achievement of the Sustainable Development Goals, and convinced that such harmful practices seriously impede the implementation of legislative and normative frameworks that guarantee gender equality and human rights and prohibit gender-based discrimination and violence,

*Deeply concerned* that, despite increased national, regional and international efforts, the harmful practice of female genital mutilation, like many other harmful practices, persists in all parts of the world, that it is exacerbated in humanitarian situations, armed conflicts, pandemics and other crises, and that new forms, such as medicalization and cross-border practice, are emerging,

*Recognizing* that the prevention and elimination of female genital mutilation is a national development, human rights and public health priority, thereby requiring a comprehensive and multisectoral approach based on States' obligations under international human rights law and underpinned by the principles of, inter alia, accountability,

participation, transparency, empowerment, sustainability, equality and non-discrimination, and international cooperation,

*Considering* that holistic strategies to prevent and eliminate female genital mutilation must be mainstreamed and coordinated both vertically and horizontally, and that horizontal coordination requires the joint participation of organizations across sectors, including education, health, justice, social welfare, law enforcement, immigration and asylum, and communications and media, while vertical coordination brings together stakeholders at the national, subnational and local levels, including, inter alia, parliamentarians, national human rights institutions, traditional community leaders and religious authorities, women and girls, parents, legal guardians and families, health-care providers, civil society, human rights groups, youth organizations and men and boys,

*Recognizing* that the practice of female genital mutilation constitutes torture or ill-treatment and must be prohibited, in accordance with regional and international human rights standards,

*Expressing deep concern* about the lack of effective measures for prosecuting perpetrators and for providing victims and survivors of female genital mutilation with access to remedies and redress, health care and health services, mental health and psychosocial counselling, legal assistance and socioeconomic reintegration services,

*Noting* that human rights accountability means not only the establishment of protection measures ensuring criminal liability and the provision of legal remedies but also the implementation of a broad range of other measures in the design, implementation and monitoring of policies, programmes and services to ensure women's and girls' enjoyment of human rights with the full, equal active and meaningful participation of women and girls at risk of and affected by female genital mutilation,

*Noting with concern* that many countries lack accurate and reliable data on female genital mutilation to inform planning and track progress in eliminating female genital mutilation due to the absence of indicators in administrative data systems, the absence of robust monitoring and evaluation frameworks to track progress and the absence of standard guidelines on data collection,

*Bearing in mind* the most recent global and national commitments made by States, including in the 2019 Ouagadougou call to action on eliminating female genital mutilation and the 2019 Cairo call to action for the elimination of child marriage and female genital mutilation in Africa, to accelerate efforts to ensure the global elimination of the practice of female genital mutilation by 2030,

*Welcoming* the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice cannot be justified on religious or cultural grounds,

*Welcoming also* initiatives, such as the Saleema initiative launched by the African Union, to galvanize political action, increase allocation of financial resources and strengthen partnerships to end female genital mutilation,

*Deeply concerned* about studies indicating that the coronavirus disease (COVID-19) crisis could drive international, regional and national efforts away from the prevention and elimination of female genital mutilation and other harmful practices, which could result in delayed programme implementation and at least 2 million additional cases of female genital mutilation that could have been averted by 2030,

*Reaffirming* the obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of female genital mutilation, and emphasizing in this regard the specific role of the different departments of government, the legislative branch and the judiciary at the national and subnational levels,

*Bearing in mind* that States have the primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the expert group meeting on the elimination of female genital mutilation,<sup>142</sup>

2. *Urges* States to condemn all harmful practices that affect women and girls, in particular female genital mutilation, including medical acts performed within or outside of medical institutions, and to take all necessary measures to prohibit female genital mutilation and to protect women and girls from this form of violence;

3. *Also urges* States to ensure the protection of and provision of support to women and girls subjected to, or at risk of, female genital mutilation, and to address the underlying systemic and structural causes in which the harmful practice is rooted by establishing well-defined, comprehensive, rights-based, gender-responsive and multisectoral prevention and response strategies that include supportive legislation and policy, programme and budgetary measures based on integrated, coordinated and collective approaches combining political commitment, civil society engagement and accountability at the national, local and community levels;

4. *Further urges* States to ensure that national action plans and strategies on the prevention and elimination of female genital mutilation are adequately resourced and include projected timelines for goals, and incorporate clear targets and indicators for the effective monitoring, impact assessment and coordination of programmes among all relevant stakeholders and promote their participation, including the participation of affected women and girls, practising communities and non-governmental organizations, in the development, implementation, monitoring and evaluation of such plans and strategies;

5. *Encourages* States to put in place national coordination mechanisms to prevent and eliminate female genital mutilation and ensure their sustainability and effectiveness by recognizing, preferably by law, their convening authority and by providing them with adequate financial resources and capacities so that they can oversee the implementation of comprehensive and multisectoral strategies, national plans, policies and programmes, and mobilize relevant actors, including girls, women, parents, legal guardians and families, women's organizations, health-care workers, youth groups, human rights groups, religious and traditional leaders, community leaders, men and boys and other members of civil society and national stakeholders as appropriate to participate in the design, implementation and monitoring of national efforts to prevent and end female genital mutilation and provide care for women and girls who have undergone female genital mutilation;

6. *Also encourages* States to integrate the prevention of and response to female genital mutilation into national development plans and poverty reduction strategies through the active participation of all relevant ministries, parliamentarians, the judiciary, national human rights institutions, civil society organizations and other relevant stakeholders;

7. *Urges* States to identify and make available adequate and specifically designated resources to prevent and eliminate female genital mutilation across relevant sectors, including health, nutrition, protection, justice, governance and education, for the effective implementation of related policies, programmes and legislative frameworks;

8. *Also urges* States to respect, protect and promote the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable the enjoyment by them of all human rights and fundamental freedoms, including with regard to sexual and reproductive health;

9. *Calls upon* States to take comprehensive, multisectoral and rights-based measures to prevent and eliminate female genital mutilation by:

(a) Addressing the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations in which women and girls are viewed as subordinate to men and boys, which perpetuate female genital mutilation, by developing and implementing, inter alia, awareness-raising programmes that provide accurate information about the negative impact

<sup>142</sup> A/HRC/44/33.

of female genital mutilation on women and girls and society at large, including through social media, the Internet and community communication and dissemination tools;

(b) Placing special emphasis on formal and informal education, in particular for young people, including girls, and for parents, legal guardians and families, and religious, traditional and community leaders, about the harmful effects of female genital mutilation and, in particular, encourage men and boys to become agents of change within communities by being more involved in information and awareness-raising campaigns, intergenerational dialogues and peer education and training programmes, with the full, equal, effective and meaningful participation of women and girls who have been subjected to or are at risk of being subjected to the practice;

(c) Facilitating the creation of safe spaces, online and offline, where girls and women can connect with peers, mentors, teachers and community leaders and express themselves and articulate their aspirations and concerns, and where girls, in a manner consistent with their evolving capacities, and women participate meaningfully in decisions affecting their lives;

(d) Developing, supporting and promoting educational programmes on human rights, gender equality, health and life skills that challenge the negative stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(e) Training social workers, teachers, medical personnel, community and religious leaders and relevant professionals, ensuring that they provide competent and supportive services to all women and girls who are at risk of or who have undergone female genital mutilation and encouraging them to report to the appropriate authorities cases in which they believe that women or girls are at risk;

(f) Ensuring that universal health coverage integrates the prevention and treatment of the health risks and health complications associated with female genital mutilation, including through access at the primary health-care level to the mental, sexual, reproductive, maternal, newborn and child health-care services needed for women and girls affected by or at risk of female genital mutilation;

(g) Ensuring a more holistic and coordinated approach to the humanitarian-development nexus by integrating the prevention and response to female genital mutilation into humanitarian preparedness and response, including in the continuum of essential services for gender-based violence;

(h) Stopping the medicalization of female genital mutilation, which implies drawing up and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so that they are able to respond to social pressures in their interaction with local communities to perform medicalized female genital mutilation, and to provide an adequate response to the chronic mental, psychosocial and physical health problems of the millions of women and girls who have undergone female genital mutilation, as these problems hinder progress in the field of health in general and in the protection of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

(i) Protecting and supporting women and girls who have been subjected to female genital mutilation and those who are at risk, including by developing interdisciplinary, accessible, sustained and coordinated social, legal and psychological support services and appropriate remedies and ensuring health-care services, including for mental, sexual, reproductive, maternal, newborn and child health;

(j) Conducting specialized awareness-raising and training programmes for health-care providers, including those working with immigrant communities, to address the unique health-care needs of women and girls who have undergone female genital mutilation or other harmful practices, and providing specialized training also for professionals within child welfare services and services focused on the rights of women, and within the education and police and justice sectors, and for politicians and media personnel working with refugee and migrant girls and women;

10. *Urges* States to take measures to develop and strengthen accountability systems in the context of comprehensive and multisectoral strategies, policies, plans and budgets to prevent and eliminate female genital mutilation, including by:

(a) Adopting national legislation prohibiting female genital mutilation, in accordance with international human rights law, and ensuring its strict application, while working to harmonize their laws in order to effectively combat the cross-border practice of female genital mutilation, including by strengthening transnational police and judicial cooperation in the exchange of information on victims and perpetrators of female genital mutilation, in accordance with national laws and policies and international human rights law;

(b) Ensuring timely and effective remedies for women and girls at risk of or affected by female genital mutilation, including by informing women and girls about their rights, removing all barriers to access to legal assistance and remedies, providing gender- and age-responsive training for law enforcement officials and other relevant authorities, and ensuring child-friendly justice, the best interests of the child and the right to privacy at all stages of proceedings;

(c) Establishing or strengthening mechanisms to enable safe reporting of cases that are likely to occur or have occurred and to provide referrals to needed services and accurate gender-sensitive and age-appropriate information about female genital mutilation;

(d) Taking, within the general framework of integration policies and in consultation with affected communities, effective and specific targeted measures for refugee and migrant women and girls, their families and their communities in order to protect women and girls everywhere from female genital mutilation, including when the practice occurs outside the country of residence;

(e) Assisting professional associations and trade unions of health service providers in adopting internal disciplinary rules prohibiting their members from engaging in the harmful practice of female genital mutilation;

(f) Ensuring that national strategies and coordination mechanisms to prevent and eliminate female genital mutilation include transparent forms of monitoring, review and oversight of policies, programmes and budgets in order to improve the quality and responsiveness of prevention and response services;

(g) Ensuring that adequate monitoring mechanisms are in place at the national and local levels to track progress in protecting women and children from harmful practices and in realizing their rights;

(h) Developing the capacity of national human rights institutions to investigate human rights violations relating to the practice of female genital mutilation and to monitor progress in preventing and eliminating this harmful practice;

(i) Systematizing the collection of data on female genital mutilation disaggregated by, *inter alia*, age, geographical location and ethnic and migrant status, encouraging research, particularly at the university level, transparency, accountability and data-sharing by relevant stakeholders and between countries, using the results of research to strengthen public information and awareness-raising activities, and measuring the effectiveness and impact of existing policies and programmes and the progress made in eliminating female genital mutilation;

(j) Promoting, as appropriate, the free, active, informed and meaningful participation of civil society organizations and of women and girls at risk of or affected by female genital mutilation in social accountability mechanisms to monitor policies, programmes, budgets and services designed to prevent and eliminate female genital mutilation, as well as the effective implementation of public declarations of abandonment;

(k) Taking all necessary measures to enable the equal participation of affected girls and of youth-led organizations, including, but not limited to, providing youth-friendly information on participation processes, making available financial resources to girls and youth-led organizations to cover costs related to their participation, and ensuring that their participation is not instrumentalized or deemed irrelevant by dominant entities within participatory processes;

11. *Calls upon* States to take a comprehensive, rights-based, gender-responsive and multisectoral approach in the prevention and response to female genital mutilation in the context of the COVID-19 pandemic and to pay attention to the specific needs of women and girls, in particular those in vulnerable situations, in terms of, inter alia, accessibility and adequacy of information about the pandemic, the ability to maintain social distance, and access to testing and treatment as well as to essential health-care and other services, such as safe spaces, shelters and other social protection services, while ensuring that the front-line health and social workers assisting them have access to adequate means of protection from the virus;

12. *Calls upon* all States to engage in dialogue and to consult with States and other relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, to prioritize female genital mutilation as a globally relevant issue and to increase their development cooperation efforts – technical and financial assistance, and South-South and triangular cooperation – for the effective implementation of comprehensive and multisectoral strategies, policies, programmes and action plans to prevent and eliminate female genital mutilation, and encourages States and development cooperation agencies to consider increasing their financial support for the Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change of the United Nations Population Fund and the United Nations Children’s Fund, and for all of the other initiatives and activities at the local, regional and international levels;

13. *Urges* States to implement the commitments made in the context of the most recent global and regional conferences for the elimination of female genital mutilation and to report on progress in meeting these commitments in the context of existing national, regional and international human rights and sustainable development reporting and review processes;

14. *Decides* to convene a high-level panel discussion on the multisectoral prevention of and response, including the global response, to female genital mutilation at its forty-seventh session, inviting States, civil society organizations, United Nations agencies, women and girls and other relevant stakeholders to share good practices in developing comprehensive, gender-responsive, rights-based and multisectoral coordination, planning, financial and monitoring arrangements to prevent and eliminate female genital mutilation on the basis of the human rights principles of accountability, participation, transparency, empowerment and equality and non-discrimination, and ensuring the sustainability of international, regional and national efforts to end female genital mutilation in the context of global pandemics and economic shocks, and requests the United Nations High Commissioner for Human Rights to prepare a summary report on the panel discussion, to be submitted to the Human Rights Council at its fiftieth session;

15. *Also decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.

*28th meeting  
17 July 2020*

[Adopted without a vote.]

#### **44/17. Elimination of all forms of discrimination against women and girls**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and all other relevant human rights treaties and instruments,

*Recalling* that gender equality and the condemnation of discrimination and violence against women and girls have been recognized in the Vienna Declaration and Programme of

Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

*Noting* that 2020 marks the twenty-fifth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action, which have contributed greatly to the progress made towards achieving substantive gender equality and the empowerment of women and girls, and in this regard welcoming the political declaration adopted by the Commission on the Status of Women at its sixty-fourth session on the occasion of the anniversary,

*Recalling* all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, in particular Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

*Recalling also* the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and their mainstreaming into all goals and targets of the 2030 Agenda for Sustainable Development, and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

*Underscoring* the fact that international human rights law prohibits discrimination, inter alia on the basis of gender, and that national legislation, policies and practices should comply with States' international obligations,

*Expressing profound concern* at the backlash against progress made by States, international and regional organizations and civil society, including women's and girls' rights and community-based organizations, feminist groups, women and girl human rights defenders, trade unions and girl- and youth-led organizations, to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to economic crisis and inequality, racial discrimination, negative social norms and gender stereotypes, retrogressive lobbies, ideological views or misuse of culture or religion to oppose the struggle for women's and girls' equal rights,

*Recognizing* that women and girls are subject to multiple, intersecting and systemic forms of discrimination throughout their life based on, inter alia, gender, age, race, ethnicity, indigeneity, religion or belief, physical and mental health, disability, civil status, socioeconomic background and migration status, in private and public spaces, both online and offline, and that substantive equality requires the elimination of the root causes of structural discrimination against them, including deep-rooted patriarchal and gender stereotypes, negative social norms, sociopolitical and economic inequalities and systemic racism, as well as traditional understandings of gender roles that perpetuate unequal power relations, discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage,

*Acknowledging* that States should consider recognizing intersecting and systemic discrimination in law and in practice where applicable, and address its compounded impact on women and girls by adopting and implementing policies and programmes that take into consideration multiple and intersecting forms of discrimination, and recognizing the importance of men and boys fully engaging as strategic partners and allies, as well as agents and beneficiaries of change, for the achievement of gender equality and the empowerment of all women and girls,

*Reaffirming* that the full enjoyment of all human rights by all women and girls includes sexual and reproductive health and reproductive rights, free from coercion, discrimination and violence,

*Recognizing* that sexual and reproductive health information and services include, inter alia, accessible and inclusive family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care and services, such as skilled birth assistance and emergency obstetric care, including midwives for maternity services, perinatal care, safe abortion where not

against national law, post-abortion care, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers,

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

*Noting* that women make up 70 per cent of frontline workers in the health and social sector across a range of occupations, and deeply concerned that the COVID-19 pandemic has significant implications for women by virtue of their gender, including in equitable and appropriate access to health-care services, taking disproportionate responsibility for unpaid care work and domestic workloads, and that the economic impact of the COVID-19 pandemic will put women's and girls' livelihoods and economic security at significant risk,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, in accordance with the Vienna Convention on the Law of Treaties;

(c) To implement the Convention through appropriate legislation, regulation, policies and programmes, including in relation to women's and girls' access to justice, redress and effective remedies;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women, and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note* of the work undertaken by the Working Group on the issue of discrimination against women and girls,<sup>143</sup> including its recommendations to States with regard to their international obligations to support substantive equality by adopting appropriate measures, including temporary special measures, necessary to prevent, redress and eliminate patriarchal and gender stereotypes that cause or perpetuate discrimination in all spheres of life;

3. *Calls upon* States:

(a) To repeal all laws and policies that exclusively or disproportionately target or criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or misuse of culture or religion, and to create accountability mechanisms to end impunity and prevent, eliminate and remedy the discriminatory application of the law;

(b) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations, using an intersectional approach that takes into consideration, inter alia, age, gender and the historical, social, economic, cultural and political contexts of women's and girls' realities;

(c) To promote and implement legislation, regulation, policies and programmes that facilitate substantive equality, the social, political and economic empowerment of all women and girls, and prevent and eliminate all forms of discrimination and gender-based violence and harassment, including in the workplace, in digital contexts and in education;

<sup>143</sup> See [A/HRC/44/51](#) and [Add.1](#).

(d) To establish more inclusive and gender-responsive social protection systems, to facilitate the transition from informal to formal work, and to ensure universal access to nationally appropriate social protection for all, without discrimination;

4. *Urges States:*

(a) To respect, protect and fulfil all women's and girls' equal enjoyment of all human rights by preventing and eliminating all forms of discrimination by all actors, State and non-State, in particular by combating gender-based and other bias, and acknowledging that multiple and intersecting forms of discrimination perpetuate deeply damaging stereotypes;

(b) To remove political, legal, social, practical, structural, cultural, economic, institutional or religious barriers that prevent the full, equal, effective and meaningful participation of women and, as appropriate, girls in all fields, including participation of women in leadership at all levels of decision-making in public and private sectors, and to actively promote diversity in leadership and a culture of inclusive and enabling leadership;

(c) To support substantive gender equality, including within families, in particular in the promotion of measures for the equal sharing of responsibilities in relation to unpaid care work, the burden of which the COVID-19 pandemic has exacerbated for women and girls;

(d) To ensure women's representation and leadership in local, national and global policy spaces and decision-making with regard to the COVID-19 pandemic, including concerning preparedness, response and recovery, and the allocation of funding and assistance;

(e) To promote long-term awareness-raising initiatives in education, in communities in the media and online, engaging men and boys, through the incorporation of curricula on all women's and girls' rights into teacher training courses, on topics including the root causes of gender-based discrimination and the prevention of sexual and gender-based violence, including domestic violence, and by ensuring universal access to evidence-based comprehensive sexuality education;

(f) To include an understanding of multiple and intersecting forms of discrimination in any training on combating gender bias for State officials;

5. *Urges Member States* to prevent and respond to the increase in violence against women and girls amid the COVID-19 pandemic by integrating prevention, response and protection measures into COVID-19 response plans, including through strengthened law enforcement and justice for victims and survivors of violence, designating and expanding the capacity of domestic violence shelters as essential services and increasing resources for them, in collaboration with civil society and communities, and stepping up advocacy and awareness-raising campaigns to address violence against women during confinement;

6. *Calls upon States* to implement policies and actions directed:

(a) To collect, share, promote, support, implement and widely publicize evidence and good practices, including awareness-raising programmes to prevent and eliminate all forms of discrimination against women and girls and to counter gender and other stereotyping, negative portrayals of women and girls, including those who face multiple and intersecting forms of discrimination, to reduce sexual and gender-based violence and to promote and support the implementation of awareness-raising programmes to combat gender and other stereotypes and gender-based discrimination in all settings;

(b) To ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and gender-based violence, including by informing women and girls about their rights under relevant laws in an accessible way and by improving legal infrastructure, and mainstreaming age- and gender-responsive training into justice systems to ensure equality before the law and equal protection of women and girls by the law;

(c) To modify social and cultural patterns of conduct in order to prevent and eliminate racist, xenophobic, patriarchal, disability, age and gender stereotypes and any other negative social norms, attitudes or behaviours, or unequal power relations that view women and girls as subordinates or that underlie and perpetuate multiple and intersecting forms of discrimination and violence against women and girls;

7. *Urges* States to respect, protect and fulfil the right to sexual and reproductive health, free from discrimination, coercion and violence, including by addressing social and other determinants of health, the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect dignity, integrity and the right to bodily autonomy and guarantee universal access to sexual and reproductive health services and evidence-based information and education, including for family planning;

8. *Also urges* States to develop, support and protect an enabling environment for the full, effective, meaningful and equal participation of civil society, including women's and girls' rights organizations, feminist groups and women and girl human rights defenders and girl- and youth-led organizations in the creation, design, implementation and monitoring of all legislation and policies relevant to achieving substantive gender equality;

9. *Calls upon* States to take a human rights-based and gender-responsive approach in their responses to the COVID-19 pandemic, and to pay special attention to women and girls, in particular those in vulnerable situations, and their specific needs, including protection from xenophobia, social stigma, sexual and gender-based violence, and domestic violence; equal access to livelihood and socioeconomic opportunities, health-care services, including testing, treatment and vaccines, timely, adequate and accurate information about the pandemic; the ability to maintain social distancing; and access to testing and treatment, and to other necessities, including food, education, adequate housing, safe drinking water and sanitation, and essential health services, including sexual and reproductive health information and services;

10. *Urges* States to systematically gather outbreak-related data that are disaggregated by sex, age, disability and other characteristics relevant in national contexts, to examine and report on the gender-specific and intersectional health, social and economic effects of the COVID-19 pandemic on women and girls, both direct and indirect, as well as on the gender-specific human rights impact of the pandemic, and utilize these data in the formulation of responses;

11. *Calls upon* all States to continue to develop and enhance standards and methodologies using a human rights-based approach in the design and roll-out of population censuses and household surveys, as well as in the collection, analysis and dissemination of gender statistics, and sex-, age- and disability- disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance to enable developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, disability, income and other characteristics relevant in national contexts;

12. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively, invites relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

13. *Requests* the Secretary-General to ensure that the reports of the Working Group are brought to the attention of the Commission on the Status of Women and the General Assembly, and requests the Working Group to present an oral report annually to the Commission and to the Assembly;

14. *Welcomes* the annual full-day discussion on women's human rights held at its forty-fourth session, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the annual discussion to the Council at its forty-seventh session;

15. *Decides* to continue its consideration of the issue of the elimination of all forms of discrimination against women and girls as a matter of high priority, in conformity with its programme of work, at its fiftieth session.

*28th meeting*

*17 July 2020*

[Adopted without a vote.]

#### **44/18. Enhancement of international cooperation in the field of human rights**

*The Human Rights Council,*

*Reaffirming* its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3 thereof, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

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

*Recalling also* General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

*Recalling further* the United Nations Millennium Declaration, adopted on 8 September 2000, General Assembly resolution 74/153 of 18 December 2019, Human Rights Council resolution 41/3 of 11 July 2019 and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

*Recalling* General Assembly resolution 41/128 of 4 December 1986, entitled "Declaration on the Right to Development", in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

*Recalling also* General Assembly resolution 48/141 of 20 December 1993, entitled "High Commissioner for the promotion and protection of all human rights", in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

*Reaffirming* General Assembly resolution 33/134 of 19 December 1978, entitled "United Nations Conference on Technical Cooperation among Developing Countries", in which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

*Recalling* resolution 2000/22 of 18 August 2000 on the promotion of dialogue on human rights issues, adopted by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,

*Taking note with appreciation* of the final document and declaration adopted at the Eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, in which the Heads of State and Government reiterated their position, inter alia, that South-South cooperation is a collective endeavour among peoples and countries of the South based on the principles of solidarity and

on the premises, conditions and objectives that are specific to the historic and political context of developing countries and to their needs and expectations for the attainment of the Sustainable Development Goals, that South-South cooperation is a complement to and not a substitute for North-South cooperation, and also reiterated that North-South cooperation is an important element of international cooperation for the sustainable development of the countries of the South, including through the transfer of technologies, on favourable, preferential and concessional terms,

*Recalling* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

*Deeply concerned* by the unprecedented effects of the coronavirus disease (COVID-19) pandemic, including the severe disruption to societies and economies, and to global travel and commerce, and the devastating impact on physical and mental health and the livelihoods of people,

*Recalling* General Assembly resolutions 74/270 of 2 April 2020, on global solidarity to fight the coronavirus disease 2019 (COVID-19), and 74/274 of 20 April 2020, on international cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19,

*Noting* the unprecedented economic and social impact of the COVID-19 pandemic, and emphasizing the need for safe, efficacious, affordable and equitable access, and the availability and distribution of COVID-19-related diagnostics, therapeutics, medicines and vaccines to everyone in all States as global public health goods,

*Recognizing with deep concern* the impact of high debt levels on countries' ability to withstand the impact of the COVID-19 shock, and in this regard reaffirming the need for enhanced international cooperation and assistance,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Recognizing also* that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Underlining* that cooperation is not just a matter of relations of good neighbourliness, coexistence or reciprocity, but also of a willingness to look beyond mutual interests in order to advance the general interest,

*Recognizing* that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

*Stressing* the importance of international cooperation for improving the living conditions of all in every country, including in particular in least developed and developing countries,

*Recognizing* the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

*Recalling* General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

*Recognizing* that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

*Reiterating* the role played by the universal periodic review as an important mechanism contributing to the enhancement of international cooperation in the field of human rights,

*Recalling* Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

*Reaffirming* that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

*Reiterating* the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

*Emphasizing* that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

*Recognizing* that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

*Emphasizing* the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

*Underlining* the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

*Stressing* the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, and to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population of affected countries and create obstacles to the full realization of their human rights, and reaffirms the importance of international cooperation and solidarity to address the negative impact of these measures;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

12. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State or non-State actor, in strict conformity with the Charter, the Universal Declaration of Human Rights and other relevant international instruments;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Also re-emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-

building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

16. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

18. *Also emphasizes* the need for a cooperative and constructive approach on the part of all stakeholders to resolving human rights issues in international forums;

19. *Further emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

20. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;<sup>144</sup>

21. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

22. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

23. *Urges* States to continue to support the funds;

24. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

25. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

26. *Urges* States to take, upon request by affected Member States, the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as health crises, financial and economic crises, food crises, climate change and natural disasters, and refugee and internal displacement crises, on the full enjoyment of human rights;

27. *Reaffirms* its commitment to international cooperation and multilateralism, and its strong support for the central role of the United Nations system in the global response to pandemics that constitute a threat to public health;

28. *Calls for* intensified international cooperation to contain, mitigate and defeat the COVID-19 pandemic, including by exchanging information, scientific knowledge and best practices and by applying the relevant guidelines recommended by the World Health Organization;

<sup>144</sup> A/HRC/43/68.

29. *Requests* all Member States and the United Nations system to explore and foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

30. *Takes note* of the report of the High Commissioner on the implementation and enhancement of international cooperation in the field of human rights submitted to the Human Rights Council at its forty-fourth session;<sup>145</sup>

31. *Requests* the High Commissioner to prepare a new report on the work of the Office of the High Commissioner in the implementation and enhancement of international cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its forty-seventh session;

32. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

33. *Recalls* that, in its resolution 72/171 of 19 December 2017, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

34. *Also recalls* that, in its resolution 74/153, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as on obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

35. *Decides* to continue its consideration of the matter at its forty-seventh session, in accordance with its annual programme of work.

*28th meeting  
17 July 2020*

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

*In favour:*

Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, Chile, Democratic Republic of the Congo, Eritrea, Fiji, India, Indonesia, Libya, Marshall Islands, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Senegal, Somalia, Sudan, Togo, Uruguay and Venezuela (Bolivarian Republic of)

*Against:*

Armenia, Australia, Austria, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Netherlands, Poland, Republic of Korea, Slovakia, Spain and Ukraine

*Abstaining:*

Brazil and Mexico]

#### **44/19. Situation of human rights in Belarus**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

*Recalling* all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus,

<sup>145</sup> [A/HRC/44/28](#).

including Council resolution 41/22 of 12 July 2019, and regretting the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including on access of the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Council of Europe, the European Union and bilateral partners,

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

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;<sup>146</sup>

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the undue restrictions and prohibitively burdensome processes relating to the exercise of freedoms of peaceful assembly, association and expression, resulting in the harassment of civil society organizations and trade unions and the detention of human rights defenders, members of the opposition, journalists and media workers, and of other members of civil society;

3. *Expresses grave concern* at the arbitrary detention and arrest of and the fines imposed on journalists and other media workers for performing their professional activities, human rights defenders, bloggers and other members of civil society, and at the disproportionate and discriminatory restrictions on freedom of opinion and expression, such as the entry into force of legislative amendments introducing further restrictions on online media, and calls upon the Government of Belarus and all authorities to fully respect, protect and fulfil their obligations in accordance with international human rights law, in particular the freedoms of expression through any form of media, peaceful assembly and association, which are of particular importance in the context of the presidential campaign for the election scheduled to be held in 2020;

4. *Urges* the Belarusian authorities to guarantee a free, fair and transparent presidential election on 9 August 2020, and to take all reasonable measures to facilitate a peaceful process, in accordance with the State's international obligations and commitments, including, inter alia, those under article 25 (b) of the International Covenant on Civil and Political Rights;

5. *Expresses continued concern* at reported poor conditions in prisons and detention centres, and also at allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which have not been properly investigated by the authorities despite the fact that the State accepted relevant recommendations during the second cycle of the universal periodic review, and regrets that, though being a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Belarus has not implemented it;

6. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies, and also deplores the discrimination particularly affecting speakers of the Belarusian language and individuals belonging to vulnerable groups and religious minorities;

7. *Reiterates* its call upon the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

<sup>146</sup> A/HRC/44/55.

8. *Notes* the concern expressed by the Special Rapporteur with regard to children sentenced for drug-related offences, and stresses the need for the best interests of the child to be taken into account, while welcoming the application of the Act on Amnesty signed into law on 18 May 2020 also to underage citizens, pregnant women, single parents, persons with disabilities and other persons in vulnerable situations, and welcoming also the extension of its application to minors sentenced under parts 4 and 5 of article 328 of the Criminal Code;

9. *Also notes* that the first national human rights action plan for 2016–2019 was a useful framework for facilitating intergovernmental cooperation and dialogue with civil society, contributing to the State's marginally increased communication with civil society, welcomes the greater involvement of representatives of civil society in discussions and working forums related to human rights legislation and legal practice, in line with the recommendations on cooperation with civil society accepted by the State in the context of the universal periodic review, and calls upon the Government of Belarus to develop and implement without delay a new plan on human rights, building on the lessons learned from the implementation of the first plan and taking into consideration the recommendations made by the treaty bodies, human rights mechanisms and civil society;

10. *Further notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations, and welcomes the establishment in January 2020 of a working group to study the abolition of the death penalty and encourages the State to take tangible steps;

11. *Urges* the Government of Belarus to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

12. *Recalls* that the Human Rights Council welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, those civil and political rights have not been reinstated and political activists continue to be ill-treated and faced with questionable and politically motivated charges, while there has been no progress on four cases of enforced disappearance of political opponents dating back to 1999 and 2000;

13. *Strongly encourages* Belarus to implement the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur, especially in view of the presidential election scheduled for 9 August 2020;

14. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

15. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its forty-seventh session and to the General Assembly at its seventy-sixth session;

16. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by allowing her access to visit the country and to meet freely with relevant stakeholders, including civil society, in her official capacity in order to assist the Government in fulfilling its international human rights obligations and by considering the

implementation of her recommendations, and also urges the Government to extend full cooperation to the thematic special procedures;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of her mandate, and requests the latter to continue to monitor developments and to make recommendations.

28th meeting  
17 July 2020

[Adopted by a recorded vote of 22 to 5, with 20 abstentions. The voting was as follows:

*In favour:*

Argentina, Australia, Austria, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Libya, Marshall Islands, Mexico, Netherlands, Peru, Poland, Republic of Korea, Slovakia, Spain and Ukraine

*Against:*

Armenia, Eritrea, India, Philippines and Venezuela (Bolivarian Republic of)

*Abstaining:*

Afghanistan, Angola, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Qatar, Senegal, Somalia, Sudan, Togo and Uruguay]

#### **44/20. The promotion and protection of human rights in the context of peaceful protests**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

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

*Recalling* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

*Reaffirming* that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013, 25/38 of 28 March 2014, 31/37 of 24 March 2016 and 38/11 of 6 July 2018 on the promotion and protection of human rights in the context of peaceful protests, and other relevant resolutions of the Human Rights Council,

*Recalling also* its resolution 43/1 of 19 June 2020 on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,

*Recognizing* that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

*Recognizing also* that any such restrictions must be based in law, and be necessary and proportionate to further a legitimate aim, in accordance with the State's obligations under applicable international human rights instruments, and that, if imposed, administrative or judicial review that is prompt, competent, independent and impartial should be available,

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

*Recalling* that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with their international human rights obligations and commitments,

*Noting* that the proper management of assemblies involves and can have an impact on respect for human rights before, during and after an assembly, and aims to contribute to its peaceful conduct and to prevent injuries to and loss of life of those participating in and monitoring such protests, and bystanders and officials exercising law enforcement duties,

*Acknowledging* that peaceful protests may occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

*Acknowledging also* that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

*Recognizing* that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums,

*Recognizing also* that peaceful protests have historically played a constructive social and political role in the development of more just and accountable societies, and that such protests can continue to make a positive contribution to human development and to the full enjoyment of civil, political, economic, social and cultural rights,

*Reaffirming* that everyone has the right to life, liberty and security of person,

*Reaffirming also* that participation in public and peaceful protests should be entirely voluntary and uncoerced,

*Recalling* that the rights to freedom of peaceful assembly, of expression and of association include organizing, participating in, observing, monitoring and recording assemblies,

*Stressing* therefore that everyone, including persons espousing minority or dissenting views or beliefs, must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisal or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested or detained, tortured, killed or subjected to enforced disappearance, or subjected to abusive criminal or civil proceedings,

*Deeply concerned* about extrajudicial, summary or arbitrary executions, arbitrary arrests and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

*Deeply concerned also* about misinformation, disinformation, misuse of new technologies and undue restrictions preventing or impairing an individual's ability to have access to or disseminate information, inter alia, at key political moments, with an impact on the ability to organize and conduct assemblies,

*Noting* that the possibility of using communications technology securely and privately, in accordance with international human rights law, is important for the organization and conduct of assemblies,

*Noting also* that, although an assembly has generally been understood as a physical gathering of people, human rights protections, including for the rights to freedom of peaceful assembly, of expression and of association, also apply to analogous interactions taking place online,

*Acknowledging* that new technologies can be enablers for the exercise of the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs by facilitating mobilization for and the organization of assemblies, and acknowledging also that they create space for the holding of assemblies online and may facilitate and enhance the involvement and participation of those often marginalized, as well as support the proper management of assemblies and increase transparency and accountability,

*Expressing its concern* at the criminalization, in all parts of the world, of individuals and groups solely for having organized or taken part in peaceful protests or for having observed, monitored or recorded protests, and at the designation of such individuals as threats to national security, whether in legislation or policy,

*Expressing its concern also* at the unlawful or arbitrary surveillance, both in physical spaces and online, of individuals engaged in peaceful protests, including through the use of new and emerging digital tracking tools, such as facial recognition, international mobile subscriber identity-catchers (“stingrays”) and closed-circuit television,

*Emphasizing* that technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity online, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression, and to freedom of peaceful assembly and association,

*Stressing* that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

*Recalling* that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

*Bearing in mind* that the peaceful conduct of assemblies can be facilitated on the basis of communication and collaboration among organizers, protesters, local authorities and officials exercising law enforcement duties,

*Recognizing* that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

*Stressing* the need to ensure full accountability for human rights violations or abuses in the context of protests, including by investigating such violations and abuses and prosecuting the perpetrators,

*Recalling* the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and noting the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016),

*Noting* the *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement* issued by the Office of the United Nations High Commissioner for Human Rights as a supplement to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and calling upon all States to consider applying it to their law enforcement operations in relation to assemblies,

*Encouraging* all States to make appropriate use of the *Resource Book on the Use of Force and Firearms in Law Enforcement* published by the Office of the High Commissioner and the United Nations Office on Drugs and Crime, and the updated training package of the Office of the High Commissioner on human rights law and law enforcement,

*Recalling* the importance of adequate training, equipment, oversight and accountability for officials and private personnel exercising law enforcement duties assigned to the management of assemblies, and of refraining, to the extent feasible, from assigning military personnel to perform such duties, while reaffirming that the State's international obligations and commitments in relation to the use of force in the context of law enforcement also apply to the military when it is performing law enforcement duties, and that private personnel should respect internationally recognized standards,

*Recognizing* the critical role that law enforcement plays in respecting and protecting human dignity and maintaining and upholding the human rights of all persons, including in the facilitation of assemblies,

*Taking note with appreciation* of the guidance provided by the Special Rapporteur on the rights to freedom of peaceful assembly and of association in the context of the COVID-19 pandemic,<sup>147</sup>

*Underlining* that considerations such as the health risks posed by the COVID-19 pandemic should not be used to restrict human rights and fundamental freedoms, such as the rights to freedom of peaceful assembly, of expression and of association, in an unnecessary or disproportionate manner, and that any restriction of human rights guaranteed by international instruments must fulfil the strict requirements laid down in those instruments,

1. *Takes note with appreciation* of the thematic report of the United Nations High Commissioner for Human Rights on the impact of new technologies on the promotion and protection of human rights in the context of assemblies,<sup>148</sup> submitted in accordance with Human Rights Council resolution 38/11;

2. *Expresses deep concern* regarding the instances in which peaceful protests have been met with repression, including the unlawful use of force by law enforcement officials, the misuse of less-lethal weapons, arbitrary arrests and detention, torture and enforced disappearance, as well as undue restrictions, such as Internet shutdowns and assaults on protesters, bystanders, human rights defenders, journalists and other media workers;

3. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations and abuses, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings, or threats of such acts, at all times;

4. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, both online and offline, including by ensuring that domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments to clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

5. *Also calls upon* States to ensure that all human rights are respected, protected and fulfilled also during emergencies, such as the COVID-19 pandemic, and that their responses are in full compliance with their human rights obligations and commitments;

6. *Encourages* all States to give due consideration to the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned,<sup>149</sup> which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, and to promote and protect human rights in the context of assemblies, including peaceful protests;

<sup>147</sup> Clément Voule, "States responses to Covid 19 threat should not halt freedoms of assembly and association", Office of the United Nations High Commissioner for Human Rights, 14 April 2020.

<sup>148</sup> [A/HRC/44/24](#).

<sup>149</sup> [A/HRC/31/66](#).

7. *Calls upon* States to facilitate peaceful protests by providing protestors, to the extent possible, with access to public space within sight and sound of their intended target audience, and by protecting them, without discrimination, where necessary, against any form of threat or harassment, and underlines the role of local authorities in this regard;

8. *Underlines* the important role that communication between organizers, protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls upon States to establish such appropriate channels;

9. *Urges* States to pay particular attention to the safety and protection of women and girls, as well as of women human rights defenders, from acts of intimidation and harassment, and gender-based violence, including sexual assault, in the context of peaceful protests;

10. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, of expression and of association, including in the context of peaceful protests;

11. *Calls upon* all States to pay particular attention to the safety of human rights defenders, journalists and other media workers observing, monitoring and recording protests, taking into account their specific role, exposure and vulnerability;

12. *Stresses* that, in times when physical assemblies are restricted, inter alia in times of crisis or emergency, it is all the more necessary that access to and use of the Internet be ensured by refraining from undue restrictions, such as Internet shutdowns or online censorship, by taking measures to ensure that access to the Internet extends to the entirety of the global population and that it is affordable, and by fully respecting and protecting each individual's right to privacy;

13. *Calls upon* all States to refrain from and cease measures, when in violation of international human rights law, that are aimed at shutting down the Internet and telecommunications or at otherwise blocking Internet users from gaining access to or disseminating information online, or from gathering in online spaces;

14. *Urges* all States to avoid using force during peaceful protests, to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force, and also to ensure that assistance and medical aid are rendered to any injured or affected person at the earliest possible moment;

15. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular, applicable principles of law enforcement, such as necessity and proportionality, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

16. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

17. *Calls upon* States to investigate any deaths or significant injuries, including those that lead to disability, incurred during protests, including those resulting from the discharge of firearms or the use of less-lethal weapons by officials exercising law enforcement duties or by private personnel acting on behalf of the State;

18. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of the State, including in international human rights law and, where appropriate, international humanitarian law, and in this regard urges States to include in such training the application of de-escalation strategies;

19. *Encourages* States to make appropriate protective equipment and less-lethal weapons available to their officials exercising law enforcement duties in order to decrease their need to use weapons of any kind, while pursuing efforts to regulate and establish

protocols for the training and use of less-lethal weapons, bearing in mind that even less-lethal weapons can result in a risk to life or serious injury;

20. *Underlines* the importance of thorough and independent testing of less-lethal weapons prior to procurement and deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

21. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies, including peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to international human rights law and standards;

22. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent injuries, including those that lead to disability, and loss of life of protestors, those observing, monitoring and recording such assemblies, bystanders, and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

23. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and the role that can be played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders in this regard;

24. *Calls upon* States to refrain from the use of digital technology to silence, unlawfully or arbitrarily surveil, or harass individuals or groups solely for having organized, taken part in, or observed, monitored or recorded peaceful protests, or from ordering blanket Internet shutdowns and from blocking websites and platforms around protests or key political moments;

25. *Also calls upon* States to refrain from applying any undue restrictions to technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity online, given that these can be important to ensure the enjoyment of human rights, in particular the rights to privacy, in the context of assemblies;

26. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law and in conformity with their international human rights obligations and commitments, and to provide all victims with access to a remedy and redress, including in the context of peaceful protests;

27. *Decides* to convene, at its forty-eighth session, a panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges;

28. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, other relevant special procedures, relevant United Nations bodies and agencies, non-governmental organizations and other relevant stakeholders with a view to ensuring their participation in the panel discussion, to make the panel discussion fully accessible, and to prepare a report on the outcome of the panel discussion in the form of a summary, to be submitted to the Human Rights Council at its fiftieth session;

29. *Requests* the Special Rapporteur on the rights to freedom of peaceful assembly and of association to prepare a dedicated report on the protection of human rights in the context of peaceful protests during crisis situations, and in preparing the said report to seek the views of States, the Office of the High Commissioner, relevant United Nations agencies, in particular the United Nations Office on Drugs and Crime, United Nations human rights treaty bodies, regional human rights mechanisms, other relevant special procedure mandate holders, national human rights institutions, non-governmental organizations and other relevant stakeholders, such as law enforcement practitioners, through global and regional consultations, and to present the report and its recommendations to the Human Rights Council at its fiftieth session;

30. *Decides* to continue its consideration of the present topic.

*29th meeting  
17 July 2020*

[Adopted without a vote.]

#### **44/21. Situation of human rights in the Syrian Arab Republic**

*The Human Rights Council,*

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

*Reaffirming* its previous resolutions on the Syrian Arab Republic,

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

*Recognizing* that persons who are unlawfully or arbitrarily deprived of their liberty are vulnerable to extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearance, and to other human rights violations and abuses,

*Noting* that, under applicable international law, and in line with Security Council resolution 2474 (2019) of 11 June 2019, parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities, and to provide their family members with any information the parties have on their fate, and noting also that the Council in its resolution 2474 (2019) called upon parties to the conflict to take steps to prevent people going missing in armed conflict,

1. *Deplores* the human rights situation in the Syrian Arab Republic and the fact that the ongoing conflict continues to have a devastating impact on the civilian population, including consistent patterns of gross violations and abuses of international human rights law and international humanitarian law;

2. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, demands in this respect that all parties to the conflict immediately comply with their respective obligations, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account, reaffirms the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for such crimes, and reparations and effective remedies for victims, and welcomes the significant endeavours of the International Independent Commission of Inquiry on the Syrian Arab Republic and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, while noting the important role that the International Criminal Court can play in this regard, and also the prerequisite role that accountability can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

3. *Welcomes* the call made by the Secretary-General for a global ceasefire and that of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, and urges all parties to the conflict to direct their efforts to enact it, and also urges all parties, particularly the Syrian authorities, to engage meaningfully in the political process under the auspices of the Special Envoy and his office in Geneva, in accordance with Security Council resolution 2254 (2015) of 18 December 2015, and including with the equal voice and full and meaningful participation and representation of women in all efforts and decision-making, and also welcomes in this regard the announcement by the Special Envoy of his readiness to convene and facilitate a third session of the Syrian-led and Syrian-owned constitutional committee in Geneva by the end of August 2020;

4. *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 Headquarters Board of Inquiry established by the Secretary-General in this regard, also 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,<sup>150</sup> and remains extremely concerned about the situation;

5. *Demands* that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, regrets in this regard the further reduction in approved crossing points for cross-border humanitarian aid, and urges the Syrian authorities to immediately and significantly improve cross-line access to prevent further unnecessary suffering and loss of life;

6. *Strongly condemns* the continued practice of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian regime has retaken control, which undermines the potential for genuine progress towards a political solution and that, according to the Commission of Inquiry, represents an urgent and large-scale crisis of human rights protection, and welcomes the priority given by the Special Envoy to this issue, and his intention to actively pursue efforts to scale up action in this regard in his engagement with all concerned;

7. *Demands* in this respect the immediate release of all persons arbitrarily detained, notes in particular the additional, potentially life-threatening risks to health created by the coronavirus disease (COVID-19) pandemic and the potential it has to 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;

8. *Strongly condemns* the use of sexual and gender-based violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, highlights in this respect the particular vulnerabilities of children in detention, and urges those responsible to take immediately all appropriate measures to protect the lives and rights of all persons currently detained;

9. *Urges* all parties, but particularly the Syrian authorities, to grant immediate access without undue restriction, to detainees and detention facilities to appropriate international monitoring bodies and medical services, and to provide information on those whom they have detained to their families, and notes the importance of ensuring justice for those arbitrarily detained;

10. *Requests* the Commission of Inquiry to prepare a report on arbitrary imprisonment and detention in the Syrian Arab Republic, taking note of the concerns expressed in the present resolution, and to present the report to the Human Rights Council at its forty-sixth session.

*29th meeting  
17 July 2020*

[Adopted by a recorded vote of 28 to 2, with 17 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Libya, Marshall Islands, Mexico, Netherlands, Peru, Poland, Qatar, Republic of Korea, Slovakia, Somalia, Spain, Togo, Ukraine and Uruguay

<sup>150</sup> See [A/HRC/44/61](#).

*Against:*

Eritrea and Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, India, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Philippines, Senegal and Sudan]

**44/22. The Social Forum***The Human Rights Council,*

*Recalling* all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Human Rights Council,

*Recalling also* Human Rights Council resolution 5/1 of 18 June 2007,

*Reaffirming* the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity, and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current coronavirus disease (COVID-19) pandemic;

3. *Stresses* the need for the increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2021, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on good practices, success stories, lessons learned and challenges in the fight against the COVID-19 pandemic, with a special focus on international cooperation and solidarity, and from a human rights perspective;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2021 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents, including statistics reports, relating to success stories and challenges in the fight against the COVID-19 pandemic, as background documents for the dialogues and debates that will be held at the 2021 Social Forum;

7. *Requests* the High Commissioner to facilitate the participation in the 2021 Social Forum, in order to contribute to the interactive dialogues and debates held at the Forum and to assist the Chair-Rapporteur as resource persons, of no fewer than 10 experts, including, as appropriate, representatives of civil society and grass-roots organizations in developing countries, representatives of relevant international organizations, including the World Health

Organization, the International Labour Organization and the Food and Agriculture Organization of the United Nations, as well as relevant special procedures;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means for ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2021 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its forty-ninth session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its forty-seventh session under the same agenda item.

*29th meeting  
17 July 2020*

[Adopted without a vote.]

**44/23. Contribution of respect for all human rights and fundamental freedoms to achieving the purposes and upholding the principles of the Charter of the United Nations**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all other human rights instruments,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and emphasizing that development, peace and security and human rights are interlinked and mutually reinforcing,

*Reaffirming* General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council and decided that the Council would be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, and that the work of the Council would be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

*Recalling* that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to promote the effective coordination and the mainstreaming of human rights within the United Nations system,

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

*Recalling* General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda,

*Bearing in mind* that 2020 is the seventy-fifth anniversary of the United Nations, which coincides with the fifth anniversary of the adoption of the 2030 Agenda for Sustainable Development, and reaffirming that, although progress has been made across some of the Sustainable Development Goals and targets, progress has not been at the pace required to achieve this ambitious agenda and has been uneven across countries and regions, and that urgent progress is needed towards all targets,

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the 2030 Agenda pledges to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

*Acknowledging also* that the promotion and protection of human rights and creating or rebuilding resilient, inclusive, just and peaceful societies are interlinked and mutually reinforcing,

*Noting* the Secretary-General's "A Call to Action for Human Rights", launched on 24 February 2020 during the forty-third session of the Human Rights Council, that, inter alia, recalls that human rights are core to the work of the United Nations,

*Recognizing* the importance of ensuring that the human rights pillar of the United Nations is adequately funded to undertake its functions and to fulfil its purposes within the Organization, while stressing that the regular budget of the United Nations should finance all activities mandated by the General Assembly and its subsidiary organs, including the Human Rights Council,

*Welcoming* the theme of the seventy-fifth anniversary of the United Nations, which is "The future we want, the United Nations we need: reaffirming our collective commitment to multilateralism",

*Reiterating its deep concern* at the loss of life and livelihoods and the disruption to economies and societies by the coronavirus disease (COVID-19) pandemic, and its negative

impact on the enjoyment of human rights around the world, especially its disproportionate impact on persons in vulnerable groups and marginalized situations,

*Stressing* that respect for human rights, which are universal, indivisible, interdependent, interrelated and mutually reinforcing, is of crucial importance for all policies and programmes relating to the achievement of lasting and inclusive development, and peace and security,

1. *Welcomes* the Secretary-General's work in calling attention to human rights as core to the work of the United Nations;

2. *Reaffirms*, on the occasion of the seventy-fifth anniversary of the United Nations, the commitment of the Human Rights Council to the purposes and principles of the Charter of the United Nations, and its interlinked and mutually reinforcing pillars of peace and security, development, and human rights, which are the indispensable foundation of a more peaceful, prosperous and just world, and reiterates its determination to foster strict respect for those purposes and principles;

3. *Also reaffirms* that all human rights and fundamental freedoms are universal, indivisible, interdependent, interrelated and mutually reinforcing;

4. *Encourages* States to use the anniversary as an opportunity to raise awareness of the work of the United Nations and of the importance of respect for all human rights and fundamental freedoms, international cooperation, unity, solidarity and collective action, based on a multilateral approach and strong international institutions, in addressing global challenges;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on the contribution of the respect for all universal, indivisible, interdependent, interrelated and mutually reinforcing human rights and fundamental freedoms to achieving the purposes and upholding the principles of the Charter, based on good practices, challenges and lessons learned, and to submit the report to the Human Rights Council at its forty-eighth session;

6. *Also requests* the Office of the High Commissioner, when preparing its report, to seek input from all relevant stakeholders, including States, organizations of the United Nations system, national human rights institutions, academia, civil society organizations and human rights defenders;

7. *Further requests* the Office of the High Commissioner to ensure that its report is published in an accessible format.

*29th meeting  
17 July 2020*

[Adopted by a recorded vote of 41 to 0, with 6 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Czechia, Democratic Republic of the Congo, Denmark, Fiji, Germany, India, Indonesia, Italy, Japan, Libya, Marshall Islands, Mexico, Nepal, Netherlands, Nigeria, Peru, Philippines, Poland, Qatar, Republic of Korea, Senegal, Slovakia, Somalia, Spain, Sudan, Togo, Ukraine and Uruguay

*Abstaining:*

Cameroon, Eritrea, Mauritania, Namibia, Pakistan and Venezuela (Bolivarian Republic of)]

## B. Decisions

### 44/101. Outcome of the universal periodic review: Spain

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Spain on 22 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Spain, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>151</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>152</sup>

*25th meeting  
16 July 2020*

[Adopted without a vote.]

### 44/102. Outcome of the universal periodic review: Kuwait

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Kuwait on 29 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Kuwait, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>153</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>154</sup>

*25th meeting  
16 July 2020*

[Adopted without a vote.]

<sup>151</sup> [A/HRC/44/7](#).

<sup>152</sup> [A/HRC/44/7/Add.1](#); see also [A/HRC/44/2](#), chap. VI.

<sup>153</sup> [A/HRC/44/17](#).

<sup>154</sup> [A/HRC/44/17/Add.1](#); see also [A/HRC/44/2](#), chap. VI.

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