



United Nations

Report of the Human Rights Council

**Thirty-first special session
(24 August 2021)**

**Forty-eighth session
(13 September–11 October 2021)**

**General Assembly
Official Records
Seventy-sixth Session
Supplement No. 53 A**



General Assembly
Official Records
Seventy-sixth Session
Supplement No. 53 A

Report of the Human Rights Council

Thirty-first special session
(24 August 2021)

Forty-eighth session
(13 September–11 October 2021)



United Nations • New York, 2021

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Contents

<i>Chapter</i>	<i>Page</i>
Checklist of resolutions, decisions and President's statements	iv
A. Resolutions	iv
B. Decisions	vi
C. President's statements.....	vii
I. Introduction	1
II. Resolutions brought to the attention of the General Assembly for its consideration and possible action	2
III. Resolution adopted at the thirty-first special session	5
IV. Forty-eighth session	8
A. Resolutions	8
B. Decisions	120
C. President's statements.....	126

Checklist of resolutions, decisions and President's statements

A. Resolutions

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
S-31/1	Strengthening the promotion and protection of human rights in Afghanistan	24 August 2021	5
48/1	Situation of human rights in Afghanistan	7 October 2021	8
48/2	Equal participation in political and public affairs	7 October 2021	12
48/3	Human rights of older persons	7 October 2021	15
48/4	Right to privacy in the digital age	7 October 2021	18
48/5	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	7 October 2021	24
48/6	Child, early and forced marriage in times of crisis, including the COVID-19 pandemic	8 October 2021	27
48/7	Negative impact of the legacies of colonialism on the enjoyment of human rights	8 October 2021	35
48/8	Promotion of a democratic and equitable international order	8 October 2021	37
48/9	Question of the death penalty	8 October 2021	42
48/10	The right to development	8 October 2021	46
48/11	Human rights and indigenous peoples	8 October 2021	51
48/12	Human rights implications of the COVID-19 pandemic on young people	8 October 2021	56
48/13	The human right to a clean, healthy and sustainable environment	8 October 2021	2
48/14	Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change	8 October 2021	60
48/15	Situation of human rights in the Syrian Arab Republic	8 October 2021	64
48/16	Situation of human rights in Burundi	8 October 2021	68
48/17	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights	8 October 2021	72
48/18	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	11 October 2021	76
48/19	Technical assistance and capacity-building in the field of human rights in the Central African Republic	11 October 2021	81
48/20	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	11 October 2021	88
48/21	Technical assistance and capacity-building for Yemen in the field of human rights	11 October 2021	94
48/22	Assistance to Somalia in the field of human rights	11 October 2021	97
48/23	Advisory services and technical assistance for Cambodia	11 October 2021	104

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
48/24	Enhancement of technical cooperation and capacity-building in the field of human rights	11 October 2021	110
48/25	Technical assistance and capacity-building to improve human rights in Libya	11 October 2021	114

B. Decisions

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
48/101	Outcome of the universal periodic review: Namibia	30 September 2021	120
48/102	Outcome of the universal periodic review: Niger	30 September 2021	120
48/103	Outcome of the universal periodic review: Mozambique	30 September 2021	120
48/104	Outcome of the universal periodic review: Estonia	30 September 2021	121
48/105	Outcome of the universal periodic review: Belgium	30 September 2021	121
48/106	Outcome of the universal periodic review: Paraguay	30 September 2021	122
48/107	Outcome of the universal periodic review: Denmark	1 October 2021	122
48/108	Outcome of the universal periodic review: Somalia	1 October 2021	122
48/109	Outcome of the universal periodic review: Palau	1 October 2021	123
48/110	Outcome of the universal periodic review: Solomon Islands	1 October 2021	123
48/111	Outcome of the universal periodic review: Seychelles	1 October 2021	124
48/112	Outcome of the universal periodic review: Latvia	1 October 2021	124
48/113	Outcome of the universal periodic review: Singapore	1 October 2021	124
48/114	Outcome of the universal periodic review: Sierra Leone	1 October 2021	125

C. President's statements

<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
48/1	Reports of the Advisory Committee	7 October 2021	126

I. Introduction

1. The present document contains the resolution adopted by the Human Rights Council at its thirty-first special session, held on 24 August 2021, and the resolutions, decisions and the President's statement adopted at its forty-eighth session, held from 13 September to 11 October 2021.
2. The reports of the Human Rights Council on the above-mentioned sessions are contained in documents [A/HRC/S-31/2](#) and [A/HRC/48/2](#).

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

48/13. The human right to a clean, healthy and sustainable environment

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the Declaration on the Right to Development, the Declaration of the United Nations Conference on the Human Environment (the Stockholm Declaration), the Rio Declaration on Environment and Development, relevant international human rights treaties and other relevant regional human rights instruments,

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

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 and targets,

Recalling also States’ obligations and commitments under multilateral environmental instruments and agreements, including on climate change, and the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document entitled “The future we want”,¹ which reaffirmed the principles of the Rio Declaration on Environment and Development,

Recalling further all its resolutions on human rights and the environment, the most recent of which are resolutions 45/17 of 6 October 2020, 45/30 of 7 October 2020 and 46/7 of 23 March 2021, and relevant resolutions of the General Assembly,

Recognizing that sustainable development, in its three dimensions (social, economic and environmental), and the protection of the environment, including ecosystems, contribute to and promote human well-being and the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to housing, to safe drinking water and sanitation and to participation in cultural life, for present and future generations,

Reaffirming the importance of international cooperation, on the basis of mutual respect, in full compliance with the principles and purposes of the Charter, with full respect for the sovereignty of States while taking into account national priorities,

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

Recognizing also that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations, including indigenous peoples, older persons, persons with disabilities, and women and girls,

Recognizing further that environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy human rights, including the right to life,

¹ General Assembly resolution 66/288, annex.

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

Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment, prepared by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,² and that additional measures should be taken for those who are particularly vulnerable to environmental harm,

Recalling the Guiding Principles on Business and Human Rights, which underscore the responsibility of all business enterprises to respect human rights, including the rights to life, liberty and security of human rights defenders working in environmental matters, referred to as environmental human rights defenders,

Acknowledging the importance of a clean, healthy and sustainable environment as critical to the enjoyment of all human rights,

Recalling all of the reports of the Special Rapporteur (formerly the Independent Expert) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,³

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

Noting also “The highest aspiration: a call to action for human rights”, which the Secretary-General presented to the Human Rights Council on 24 February 2020 and in which, inter alia, he called upon the United Nations to increase support to Member States at the field level for laws and policies that regulated and promoted the right to a safe, clean, healthy and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns,

Noting further the joint statement to the Human Rights Council on 9 March 2021 by 15 United Nations entities, including the United Nations Environment Programme, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the International Labour Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Educational, Scientific and Cultural Organization, the United Nations Children’s Fund and the World Health Organization, and the letter dated 10 September 2020 and signed by more than 1,100 civil society, child, youth and indigenous peoples’ organizations, urgently calling for global recognition, implementation and protection of the human right to a safe, clean, healthy and sustainable environment,

1. *Recognizes* the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights;

2. *Notes* that the right to a clean, healthy and sustainable environment is related to other rights and existing international law;

3. *Affirms* that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law;

² A/HRC/37/59, annex.

³ A/73/188, A/74/161, A/75/161, A/76/179, A/HRC/22/43 A/HRC/25/53, A/HRC/28/61, A/HRC/31/52, A/HRC/31/53, A/HRC/34/49, A/HRC/37/58, A/HRC/37/59, A/HRC/40/55, A/HRC/43/53, A/HRC/43/54 and A/HRC/46/28.

4. *Encourages* States:

(a) To build capacities for the efforts to protect the environment in order to fulfil their human rights obligations and commitments, and to enhance cooperation with other States, the Office of the United Nations High Commissioner for Human Rights, the rest of the United Nations system and other relevant international and regional organizations, agencies, convention secretariats and programmes, and relevant non-State stakeholders, including civil society, national human rights institutions and business, on the implementation of the right to a clean, healthy and sustainable environment, in accordance with their respective mandates;

(b) To continue to share good practices in fulfilling human rights obligations relating to the enjoyment of a clean, healthy and sustainable environment, including by exchanging knowledge and ideas, building synergies between the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach and considering that efforts to protect the environment must fully respect other human rights obligations, including those related to gender equality;

(c) To adopt policies for the enjoyment of the right to a clean, healthy and sustainable environment as appropriate, including with respect to biodiversity and ecosystems;

(d) To continue to take into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

5. *Invites* the General Assembly to consider the matter;

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

*43rd meeting
8 October 2021*

[Adopted by a recorded vote of 43 to 0, with 4 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Czechia, Denmark, Eritrea, Fiji, France, Gabon, Germany, Indonesia, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Abstaining:

China, India, Japan and Russian Federation]

III. Resolution adopted at the thirty-first special session

S-31/1. Strengthening the promotion and protection of human rights in Afghanistan

The Human Rights Council,

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

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations,

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

Recalling the obligations of Afghanistan under international human rights covenants and instruments to which it is a State party,

Recalling also the annual reports of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council on the situation of human rights in Afghanistan and technical assistance in the field of human rights, including her report presented to the Council at its forty-sixth session,⁴

Recalling further all relevant resolutions of the General Assembly, the Security Council and the Human Rights Council on the situation in Afghanistan,

Taking note of the recent statements made by the Secretary-General and the High Commissioner, and the joint statements of the special procedures of the Human Rights Council, on reports of human rights violations and abuses in Afghanistan,

Underscoring that a sustainable end to the conflict in Afghanistan can only be achieved through an inclusive, just, durable and realistic political settlement to safeguard and advance respect for human rights and fundamental freedoms of all Afghans,

Recognizing the role and efforts of international and regional partners and the United Nations system in facilitating an inclusive peace and reconciliation process in Afghanistan,

Expressing serious concern at reports of violations and abuses of human rights and violations of international humanitarian law in the country,

Stressing the need to provide a safe and enabling environment to civil society, journalists, humanitarian actors and health workers to carry out their work,

Expressing deep concern at the displacement in Afghanistan that has caused many Afghan civilians and persons of other nationalities to take refuge in neighbouring and other countries, appreciating the generous hospitality demonstrated by the neighbours of Afghanistan, and urging the international community to assist major refugee-hosting countries to address the refugee problem on the basis of the principle of shared burden and responsibility, particularly given the coronavirus disease (COVID-19) pandemic, including through the urgent vaccination of all eligible refugees,

Recalling that the current security and humanitarian situation is linked to, inter alia, the prolonged conflict in Afghanistan,

Reaffirming the importance of combating terrorism while fully respecting human rights in Afghanistan, and of ensuring that the territory of Afghanistan is not used to threaten

⁴ [A/HRC/46/69](#).

or attack any country, and that no Afghan group or individual supports terrorists operating on the territory of any other country,

Recognizing that terrorism has devastating consequences for the enjoyment of human rights and fundamental freedoms of victims and their families, in particular women and girls, deploring the suffering of the people of Afghanistan, and reaffirming its profound solidarity with them while stressing the importance of providing them with proper support and assistance,

Reiterating its unwavering commitment to the rights of women and girls in Afghanistan in accordance with the State's obligations under international human rights law and the Constitution of Afghanistan, and to the promotion and protection of women's full ability to exercise their equal enjoyment of human rights in Afghanistan,

Recognizing that sustainable peace can be achieved only through a comprehensive and inclusive Afghan-led and Afghan-owned political process, with the full and meaningful participation of all Afghans, including persons belonging to ethnic and religious communities and women, that aims at a permanent and comprehensive ceasefire and an inclusive political settlement to end the conflict in Afghanistan,

Recognizing also that accountability for those responsible for human rights violations and abuses in the conflict is one of the central elements of reconciliation and stability within a State and of any effective remedy for victims of human rights violations and abuses, and recognizing further that a fair and effective national justice system, in line with international best practices, is a key factor in ensuring respect for human rights and fundamental freedoms,

Cognizant of the importance of promoting human rights and fundamental freedoms, good governance, the rule of law, democracy and accountability by States in accordance with universal human rights and their constitutional and legal systems,

Considering that the international community, through appropriate platforms, including the Human Rights Council, can play an important and useful role by highlighting violations of international humanitarian law and violations and abuses of human rights in Afghanistan to protect human rights and fundamental freedoms, to help justice and to reduce the risk of further escalation of violence,

1. *Expresses grave concern* at all violations and abuses of human rights and violations of international humanitarian law in Afghanistan;

2. *Calls for* full respect for the human rights of all individuals in Afghanistan, including women, children and persons belonging to ethnic, religious and other minority groups;

3. *Strongly urges* all parties to the conflict to respect their obligations under international law, including international human rights law and international humanitarian law, as applicable, and also urges them to respect the right to liberty of movement and the freedom to leave the country;

4. *Calls for* an immediate ceasefire, and urges all parties to cease violence and to refrain from any action that undermines the rights and fundamental freedoms of all individuals in Afghanistan or violates international humanitarian law;

5. *Reaffirms* its support for ongoing efforts aimed at an inclusive and durable political settlement and national reconciliation in Afghanistan, and calls for an inclusive and meaningful peace and reconciliation process that respects human rights and fundamental freedoms, including the full, equal and meaningful participation of women, youth and persons belonging to ethnic, religious and other minority groups, and builds upon the progress made in the past 20 years;

6. *Urges* the international community to remain engaged with an inclusive and representative Afghanistan and its people along political, humanitarian, human rights and development tracks, and calls upon all parties to the conflict to allow immediate, safe and unhindered humanitarian access for United Nations humanitarian agencies and other humanitarian actors, providing assistance, including across conflict lines, to ensure that humanitarian assistance reaches all those in need;

7. *Also urges* the international community, including donors and international humanitarian actors, to provide adequate urgent humanitarian assistance to Afghanistan and major refugee-hosting countries, including with regard to the allocation of COVID-19 vaccines in order to expedite the inoculation of Afghan refugees against the disease;

8. *Stresses* the need for transparent and prompt investigations into reports of all violations and abuses of human rights and violations of international humanitarian law committed by all parties to the conflict, and to hold those responsible to account;

9. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council, at its forty-eighth session, an oral update on the situation of human rights in Afghanistan, and to present to the Council, at its forty-ninth session, a comprehensive written report focusing on, inter alia, the accountability of all perpetrators of human rights violations and abuses in the conflict, to be followed by an interactive dialogue;

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

*2nd meeting
24 August 2021*

[Adopted without a vote.]

IV. Forty-eighth session

A. Resolutions

48/1. Situation of human rights in Afghanistan

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Reaffirming also 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,

Recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Recognizing also that development, peace and security and human rights are interlinked and mutually reinforcing,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Afghanistan, and that the Afghan people are entitled to freely determine their political status and to freely pursue their economic, social and cultural development,

Recalling the thirty-first special session of the Human Rights Council on the serious human rights concerns and situation in Afghanistan, and Council resolution S-31/1 adopted thereat on 24 August 2021,

Recalling also all relevant resolutions adopted by the General Assembly, the Security Council and the Human Rights Council on the situation in Afghanistan,

Recalling further the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the Afghanistan Independent Human Rights Commission, and those by several special procedures of the Human Rights Council and treaty bodies on reports of human rights violations and abuses and violations of international humanitarian law in Afghanistan committed by the Taliban and other parties to the conflict,

Deeply concerned about the situation of human rights in Afghanistan, in particular the continued allegations of human rights violations and abuses and violations of international humanitarian law, including those involving summary or extrajudicial executions, arbitrary detentions, violence against peaceful protesters and journalists, reprisals, raids on offices of non-governmental organizations and civil society groups, violations and abuses of the human rights of all women and girls, committed by the Taliban and other parties to the conflict, and recalling the importance of protecting cultural heritage from looting,

Deeply concerned also about the human rights implications of the dire security situation in Afghanistan, in particular for all women and girls, and for older persons and persons belonging to ethnic and religious minorities, journalists, media workers, human rights defenders and members of their families, internally displaced persons, those who have worked for the Government and for former military personnel, and persons in vulnerable situations, and about the ongoing deterioration of the humanitarian situation and the looming food security crisis,

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 underlining the important role played by local journalists and media workers in continuing to carry out essential work, including by documenting and reporting, in challenging circumstances,

Deeply deploring the suffering of the people of Afghanistan, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance, as well as the urgent and imperative need to ensure accountability by bringing perpetrators of crimes involving violations and abuses of international human rights law and international humanitarian law to justice,

Recalling the obligations of Afghanistan under international human rights law as expressed in the treaties and conventions to which it is a party, including 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 and the Convention on the Rights of the Child,

Recalling also that Afghanistan has been a State party to the Rome Statute of the International Criminal Court since 1 May 2003,

Acknowledging the efforts of numerous States to evacuate and relocate Afghans wishing to leave the country, and emphasizing the need to support neighbouring countries that are sheltering large numbers of Afghan refugees,

Acknowledging also the efforts of neighbouring and other countries in facilitating the delivery of humanitarian assistance to Afghanistan, in collaboration with the United Nations and other international agencies and partners,

Emphasizing that sustainable peace in Afghanistan can only be achieved through an inclusive, just, durable and realistic political settlement that upholds the enjoyment of human rights, including for all women, girls, children and persons belonging to minorities,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Reaffirming also that human rights, democracy and the rule of law create an environment in which countries can promote development, protect individuals from discrimination and ensure equal access to justice for all,

Recognizing that terrorism has devastating consequences for the enjoyment of human rights and fundamental freedoms of victims and their families, in particular women and girls, and reaffirming the importance of combating terrorism in Afghanistan, while fully respecting human rights, to ensure that the territory of Afghanistan is not used to threaten or attack any country, and that neither the Taliban nor any other group or individual can support terrorists operating on the territory of any other country,

Underlining the need to preserve and build on the political, economic and social achievements of the Afghan people made over the past 20 years, and for further improvement in this regard, in particular to address poverty and the delivery of services, stimulate economic growth, create employment opportunities, tackle corruption, enhance transparency, increase domestic revenue and promote and implement its obligations under international law to protect all human rights and fundamental freedoms,

Reiterating its support for the work of the United Nations Assistance Mission in Afghanistan, the Special Representative of the Secretary-General for Afghanistan and the Personal Envoy of the Secretary-General on Afghanistan with a view to facilitating an inclusive peace and reconciliation process in Afghanistan,

Emphasizing the importance of the safety and security of United Nations personnel, including of those working on human rights, and of diplomatic and consular personnel of States Members of the United Nations and of humanitarian personnel, including female workers,

Taking note of the press statement on Afghanistan issued by the Security Council on 16 August 2021,⁵

1. *Condemns in the strongest possible terms* all human rights violations and abuses and violations of international humanitarian law committed in Afghanistan, in particular those involving summary or extrajudicial executions, arbitrary detentions, violence against peaceful protestors, journalists and media representatives, reprisals, raids on offices of non-governmental organizations and civil society groups, violations and abuses of the human rights of all women and girls, and persons belonging to ethnic and religious minorities, and the targeting of those who have worked for the Government of Afghanistan and former military personnel;
2. *Calls for* an immediate end to all human rights violations and abuses and violations of international humanitarian law in Afghanistan, for strict respect for all human rights and fundamental freedoms, including the rights to life, an adequate standard of living, including adequate food, housing, and safe drinking water and sanitation, to education, work, the highest attainable standard of physical and mental health, freedom of peaceful assembly, and religion or belief, freedom of expression and the right to liberty of movement and freedom to leave the country, and for the protection of civilians and critical civilian infrastructure, particularly medical and educational facilities in the country;
3. *Reaffirms* its unwavering commitment to the full and equal enjoyment of all human rights by all women, girls and children in Afghanistan, including their right to freedom of movement, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including their sexual and reproductive health, the right to work and the right of access to justice on an equal basis with others;
4. *Condemns* discrimination against women and girls in all its forms, and reminds all parties that all forms of sexual and gender-based violence, including violence against women and girls, and child, early and forced marriage constitute violations and abuses of their human rights and fundamental freedoms;
5. *Calls for* respect for and the promotion and protection of the right of everyone to take part in cultural life, including the ability to have access to and to enjoy cultural heritage, and urges all parties to refrain from any unlawful military use or targeting of cultural property;
6. *Reiterates* the urgency to initiate prompt, independent and impartial review of or investigation into all alleged violations and abuses of human rights and violations of international humanitarian law to end impunity, ensure accountability and bring perpetrators to justice;
7. *Calls for* the establishment of a government that is united, inclusive and representative, including with regard to gender and all ethnic and religious minorities, and ensuring the full, equal and meaningful participation of women and youth in decision-making positions;
8. *Urges* the international community to adjust further its engagement with any future Government of Afghanistan with regard to respect for the human rights and fundamental freedoms of all Afghans, including women, girls, children and persons belonging to ethnic and religious minorities, and respect for the rule of law, freedom of expression, including for members of the media, with specific attention to human rights defenders, as well as respect for the obligations of Afghanistan under international human rights law;
9. *Underscores* the need for and calls for further improvement in the living conditions of the Afghan people, and emphasizes the need for basic social services at the national, provincial and local levels, in particular education, clean water, sanitation, digital connectivity and public health services;
10. *Expresses deep concern* at the humanitarian situation, calls upon the international community to offer greater support, including in the context of the food security

⁵ www.un.org/press/en/2021/sc14604.doc.htm.

situation and the ongoing protection crisis, and urges all parties to allow immediate, safe and unhindered humanitarian access, including across conflict lines, to ensure that humanitarian assistance reaches all those in need, particularly internally displaced persons and those in vulnerable situations, and to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, including female workers;

11. *Encourages* any future Government of Afghanistan to continue engagement and cooperation with the United Nations, including with the United Nations Assistance Mission in Afghanistan, the Office of the United Nations High Commissioner for Human Rights, and other relevant United Nations entities;

12. *Decides* to appoint, for a period of one year, a special rapporteur to monitor the situation of human rights as it develops in Afghanistan, with the following mandate:

(a) To report on the developing situation of human rights, and to make recommendations to improve it;

(b) To assist in fulfilling the human rights obligations arising from international treaties that Afghanistan has ratified;

(c) To offer support and advice to civil society;

(d) To seek, receive, examine and act on information from all relevant stakeholders pertaining to the situation of human rights in Afghanistan;

(e) To integrate a gender perspective and a survivor-centred approach throughout the work of the mandate;

(f) To present a written report to the Human Rights Council at its fifty-first session and to the General Assembly at its seventy-seventh session, in accordance with their respective programmes of work;

13. *Also decides* that, in order to provide the support necessary to the new mandate holder to initiate the mandate in the current particular circumstances, the mandate holder shall benefit from additional dedicated and specific expertise to be provided by the Office of the High Commissioner, in particular in the areas of fact-finding, legal analysis, the rights of women and girls and of persons belonging to minorities, the right to education, forensics, torture and other cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* all relevant parties to cooperate fully with the Special Rapporteur, to grant unhindered access to the country without any delay and to provide the mandate holder with all information necessary to allow for the proper fulfilment of the mandate;

15. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary for the effective fulfilment of the mandate;

16. *Encourages* the United Nations High Commissioner for Human Rights to update the Human Rights Council on an intersessional basis, as deemed necessary, and in any case before the end of 2021, and requests the High Commissioner to present to the Human Rights Council, at its fiftieth session, an oral update on the situation of human rights in Afghanistan, to be followed by an interactive dialogue;

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

*41st meeting
7 October 2021*

[Adopted by a recorded vote of 28 to 5, with 14 abstentions. The voting was as follows:

In favour:

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

Against:

China, Eritrea, Pakistan, Russian Federation and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, Cuba, Gabon, Indonesia, Libya, Mauritania, Nepal, Senegal, Somalia and Uzbekistan]

48/2. Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant Human Rights Council resolutions on equal participation in political and public affairs, in particular resolutions 24/8 of 26 September 2013 on equal political participation, and resolutions 27/24 of 26 September 2014, 30/9 of 1 October 2015, 33/22 of 30 September 2016 and 39/11 of 28 September 2018,

Recalling further all relevant Human Rights Council resolutions on human rights, democracy and the rule of law, in particular resolution 46/4 of 23 March 2021,

Recalling all relevant General Assembly resolutions on strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization, in particular resolution 74/158 of 18 December 2019,

Reaffirming that all citizens shall have the right and the opportunity, without any of the distinctions stipulated in the International Covenant on Civil and Political Rights and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to have access, on general terms of equality, to public service in their country, and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and held by secret ballot, guaranteeing the free expression of the will of the electors, and reaffirming also, as set forth in article 21 (3) of the Universal Declaration of Human Rights, that the will of the people shall be the basis of the authority of government,

Reaffirming also that no distinctions are permitted among citizens in the enjoyment of the right to participate in the conduct of public affairs on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability,

Reaffirming further that the full, equal and meaningful participation of women at all levels of decision-making, as well as that of girls, free from violence and discrimination, is essential to the achievement of gender equality, inclusive economic growth and sustainable development, the rule of law, peace and democracy,

Underlining the importance of the active, meaningful and inclusive participation of youth in decision-making and the important role that youth can play in the promotion of sustainable development and the promotion, protection and fulfilment of all human rights, and the importance of removing barriers that prevent the meaningful participation of youth in public affairs,

Recognizing that the rights of everyone to freedom of expression, to peaceful assembly, to freedom of association and to education, access to information, and inclusive economic empowerment are among the essential conditions for equal participation in political and public affairs and must be promoted and protected, both online and offline,

Emphasizing the critical importance of full and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic growth, sustainable development and the advancement of gender equality, as well as for the realization of all human rights and fundamental freedoms,

Bearing in mind that measures necessary to contain the coronavirus disease (COVID-19) pandemic have had a considerable impact on public participation, including through restrictions on the rights to freedom of expression, to peaceful assembly and to freedom of association, and on access to information, affecting particularly the work of the media and civil society, including women's rights organizations and organizations of persons with disabilities, and direct participation in decision-making, and leading to restrictions in the context of electoral processes,

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,

Bearing in mind the crucial importance of full, equal and meaningful participation for the recovery from the impact of the pandemic, and recognizing that the broad-based participation by civil society actors can help to ensure that the recovery responds to real needs and leaves no one behind,

Recognizing that participation and involvement in decision-making may contribute to effective and inclusive vaccine policies ensuring unhindered, timely, fair and equitable access to vaccines, including for people living in the least developed countries, bearing in mind that immunization against COVID-19 is a global public good for health,

Recognizing also the importance of free, fair, transparent, inclusive, genuine and periodic elections by universal and equal suffrage, including in new democracies and countries in democratic transition, in order to empower citizens to express their will and to promote a successful transition to long-term sustainable democracies,

Recognizing further that Member States are responsible for ensuring transparent, periodic, free and fair elections, free of intimidation, coercion and tampering with counting of the votes,

Emphasizing the need for further work on the full and effective implementation of the right to participate in public affairs, in the context of article 25 of the International Covenant on Civil and Political Rights and the 2030 Agenda for Sustainable Development, including in the context of the COVID-19 pandemic and the recovery from its impact,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council, the treaty bodies and other relevant human rights mechanisms on identifying and addressing obstacles to the full implementation of the right to participate in public affairs, including in the context of the COVID-19 pandemic,

Noting with interest the work of the Office of the High Commissioner to disseminate and promote the use of the guidelines on the effective implementation of the right to participate in public affairs, and to provide technical cooperation and capacity-building to States upon their request regarding the use of the guidelines,

Encouraging Governments, local authorities, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations, national human rights institutions and civil society actors to give due consideration to the guidelines, as a set of orientations for States, in the formulation and implementation of their policies and measures concerning equal participation in political and public affairs,

1. *Expresses concern* that, despite progress made towards the full implementation of the right to participate in public affairs worldwide, many people continue to face obstacles, such as discrimination, including multiple and intersecting forms of discrimination, in the enjoyment of their right to participate in the public affairs of their countries as well as in the enjoyment of other human rights that enable it;

2. *Recognizes* that women and girls, persons belonging to marginalized groups or minorities, and persons in vulnerable situations are among those who are most affected by discrimination in participation in political and public affairs, including inter alia, violence against women participating in political and public affairs;

3. *Reaffirms* the obligation of States to take all appropriate measures to ensure that every citizen has an effective right to and opportunity for equal participation in public affairs, including participation in elections on an equal basis;

4. *Urges* all States to ensure that every citizen can participate fully, equally and meaningfully in political and public affairs, including by, inter alia:

(a) Complying fully with their international human rights obligations and commitments and working to implement all accepted universal periodic review recommendations with regard to equal participation in political and public affairs, including by reflecting them in their national legislative framework;

(b) Considering signing and ratifying or acceding to the International Covenant on Civil and Political Rights and other relevant international human rights treaties;

(c) Taking all necessary measures to eliminate laws, regulations and practices that discriminate, directly or indirectly, against citizens in their right to participate in public affairs, online and offline, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability;

(d) Taking proactive measures to eliminate all barriers in law and in practice that prevent or hinder citizens, in particular women, persons belonging to marginalized groups or minorities, persons with disabilities, persons in vulnerable situations and indigenous peoples, from participating fully, equally and meaningfully in political and public affairs, including, inter alia, reviewing and repealing measures that unreasonably restrict the right to participate in public affairs, and considering adopting, on the basis of reliable disaggregated data on participation, temporary special measures, including legislative acts, aimed at increasing the participation of underrepresented groups in all aspects of political and public life;

(e) Taking steps to promote and protect the voting rights of all those entitled to vote without any discrimination, including facilitation of voter registration and participation and the provision of electoral information and materials in accessible formats and languages, as appropriate;

(f) Exploring new forms of participation and opportunities brought about by new information and communications technology and social media as a means to improve and widen, online and offline, the ability to exercise the right to participate in public affairs, and other rights directly supporting and enabling it, and recognizing and addressing the digital divide, including for women and girls and persons with disabilities, while mitigating the risks, including tackling online harms;

(g) Ensuring the rights of everyone to freedom of expression, including to seek, receive and impart information, freedoms of peaceful assembly and association, education and development, and facilitating equal and effective access to information, media and communications technology in order to enable pluralistic debates fostering inclusive and effective participation in political and public affairs;

(h) Creating a safe and enabling environment for human rights defenders, journalists, media workers or other civil society actors, online and offline, which together with other actors play a key role in the effective promotion, protection and realization of all human rights;

(i) Providing full and effective access to justice and redress mechanisms to those citizens whose right to participate in public affairs has been violated, including, as appropriate, by developing effective, independent and pluralistic national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

5. *Calls upon* all Member States to enhance the political participation of all women, to address violence against women participating in political and public affairs, to accelerate the achievement of gender equality and, in all situations, to promote and protect the full and equal enjoyment by women of all human rights with respect to voting in elections and public referendums and being eligible for election to publicly elected bodies;

6. *Recognizes* the impact of the COVID-19 pandemic on public participation, with many channels for engagement moving online, posing obstacles for those segments of the population who have limited or no Internet access or who face other barriers to digital inclusion, such as the affordability of the Internet, and encourages States to ensure that all stakeholders, including women and girls, persons living in rural communities and persons with disabilities, have access to timely and accurate information and are fully involved in decisions that affect them;

7. *Underscores* that an effective response to the pandemic and post-pandemic recovery depends on every person being able to contribute fully to that effort, and encourages States to create effective channels for civil society participation in policy development and decision-making at all levels and to protect the space, online and offline, for journalists, media workers, human rights defenders and experts to speak freely without any reprisals;

8. *Strongly condemns* any manipulation of election processes, coercion and tampering with vote counts, particularly when done by States, as well as by other actors, and calls upon all Member States to respect the rule of law and the human rights and fundamental freedoms of all persons, including the right of every citizen to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, thereby fostering conditions in which all citizens, regardless of how they voted, whom they supported or whether their candidates prevailed, have the motivation and incentive, as well as the right and opportunity, to continue to participate directly or through elected representatives in the conduct of public affairs and their Government;

9. *Calls upon* Member States to continuously strengthen and develop their electoral institutions and processes;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights:

(a) To organize, prior to the fifty-fourth session of the Human Rights Council, a one-day intersessional workshop to discuss challenges, good practices and experiences in implementing the right to participate in public affairs, notably in the context of the COVID-19 pandemic and the post-pandemic recovery, including the role of participation in securing public health;

(b) To invite States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the workshop;

(c) To prepare a summary report on the workshop, including any recommendations stemming therefrom, with a view to ensuring better recovery, and to submit it to the Human Rights Council at its fifty-fourth session.

*41st meeting
7 October 2021*

[Adopted without a vote.]

48/3. Human rights of older persons

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political

Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Bearing in mind the United Nations Principles for Older Persons of 1991, the Political Declaration and the Madrid International Plan of Action on Ageing, 2002, and all other relevant General Assembly resolutions, including resolutions 65/182 of 21 December 2010, 70/164 of 17 December 2015 and 75/131 of 14 December 2020,

Recalling that the 2030 Agenda for Sustainable Development stresses the need to ensure that no one is left behind, and in this regard recognizing the essential contribution that older persons make to the functioning of societies and to the achievement of the 2030 Agenda,

Recalling also Human Rights Council resolutions 21/23 of 28 September 2012, 24/20 of 27 September 2013, 33/5 of 29 September 2016 and 42/12 of 26 September 2019 on the human rights of older persons, and all other relevant Council resolutions, including resolutions 39/18 of 28 September 2018 and 44/7 of 16 July 2020,

Recognizing the work of the Independent Expert on the enjoyment of all human rights by older persons and the Open-ended Working Group on Ageing, and the contributions and support by the Office of the United Nations High Commissioner for Human Rights,

Taking note with appreciation of the report of the Independent Expert on the enjoyment of all human rights by older persons⁶ and the policy brief of the Secretary-General on the impact of the coronavirus disease (COVID-19) on older persons of 1 May 2020,

Recognizing that older persons face a number of particular challenges in the enjoyment of their human rights, including, among others, in the areas of prevention of and protection against violence, abuse and neglect, social protection, food and housing, the right to work and access to the labour market, equality and non-discrimination, access to justice, new technologies, education, training, health support, long-term and palliative care, lifelong learning, participation, accessibility and unpaid care work,

Deeply concerned that older persons, in particular older persons with disabilities and those with underlying health conditions, have been disproportionately affected by the COVID-19 pandemic, which in addition to high morbidity and mortality has exacerbated pre-existing inequalities,

Bearing in mind that ageism is a widely prevalent and prejudicial attitude that may rest on the assumption that neglect of and discrimination against older persons are acceptable, and that ageism is the common source of, the justification for and the driving force behind age discrimination,

Recognizing that ageism compounds other forms of discrimination and negatively affects older persons' participation in all aspects of society,

Noting with concern that older women often face multiple and intersecting forms of discrimination and/or can be victims of violence, compounded by their gender, age or disability or on other grounds, which affects the enjoyment of their human rights,

Emphasizing the importance of promoting inclusive, age-friendly communities and environments and of providing a range of support services that promote the dignity, autonomy and independence of older persons, to enable older persons to remain in their home as they age, with due regard to individual preferences,

1. *Recognizes* that the challenges relating to the enjoyment of civil, political, economic, social, and cultural rights by older persons, including, among others, in the areas of prevention of and protection against violence, abuse and neglect, social protection, food and housing, the right to work and access to the labour market, equality and non-discrimination, access to justice, new technologies, education, training, health support, long-

⁶ [A/HRC/48/53](#).

term and palliative care, lifelong learning, participation, accessibility and unpaid care work, and the need to address them require in-depth analysis and adequate action;

2. *Calls upon* all States to prohibit all forms of discrimination against older persons and to adopt and implement non-discriminatory policies, national strategies, action plans, legislation and regulations, and to promote and ensure the full realization of all human rights and fundamental freedoms for older persons in, inter alia, employment, social protection, housing, education and training, access to technologies and the provision of financial, social, health-care, long-term support and palliative care services, while systematically providing for consultation with and the participation of older persons themselves;

3. *Encourages* all States to take measures to combat ageism and eliminate age discrimination, and to protect the human rights of older persons in, inter alia, employment, social protection, housing, education and training, access to new technologies and the provision of financial, social, health-care, long-term support and palliative care services, and to promote the development of comprehensive care systems;

4. *Notes* that ageism can be associated with stereotypes, prejudice and/or discriminatory actions or practices, including hate speech, against older persons based on their chronological age or on a perception that the person is “old”, and that ageism can be implicit or explicit and be expressed at different levels;

5. *Recommends* that States parties to existing international human rights instruments address, where appropriate, the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedure mandate holders, in accordance with their mandates, to address further the situation of older persons in their dialogue with Member States, in their consideration of thematic reports and in their country missions;

6. *Calls upon* all stakeholders, including States, the entities of the United Nations system, civil society, national human rights institutions and the private sector to combat ageism and eliminate age discrimination in all its forms and to adopt a human-rights based approach in all programmes, campaigns and activities relating to ageing and older persons;

7. *Stresses* the need to identify and integrate the needs and meaningful participation of older persons and their organizations in the preparedness, response and recovery stages of emergencies, including pandemics, climate change and disaster risk reduction and resilience measures, and to ensure that emergency plans and responses do not include ageist stereotypes and biases;

8. *Calls upon* all States to establish and/or enhance effective redress mechanisms and to ensure access to justice, on an equal basis with others, for those subjected to discrimination based on age, including legal aid and support, as well as accessible and age-sensitive legal proceedings;

9. *Also calls upon* all States to take measures to raise awareness in society, including among public officials, the private sector and older persons themselves, about the meaning and consequences of discrimination in old age and about existing legal provisions and judicial remedies;

10. *Calls upon* States to collect and analyse data disaggregated, as appropriate, by age, gender, disability, area of residence and other relevant criteria, in order to identify and render visible inequalities, discriminatory patterns, including structural aspects of discrimination, and to analyse the effectiveness of measures taken to promote equality;

11. *Notes* that the data collected should provide information on all forms of discrimination, including multiple and intersecting forms of discrimination;

12. *Invites* the Independent Expert to continue to raise awareness of the challenges that older persons face in the realization of their human rights, including by further examining the impact of ageism and age discrimination on the rights of older persons in her annual reports;

13. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, regional mechanisms, treaty bodies, national human rights institutions, relevant United Nations agencies and civil society organizations, to prepare a report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons, and to submit the report 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;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights to convene a multi-stakeholder meeting, fully accessible to persons with disabilities, with the participation of the Independent Expert on the enjoyment of all human rights by older persons, human rights experts and expert representatives of Member States, the treaty bodies and the special procedures, regional mechanisms, the United Nations system, academia, national human rights institutions and civil society, including with the meaningful and effective participation of older persons and of persons of different ages, to discuss the report, and to prepare a summary with conclusions of the meeting that includes recommendations on addressing possible gaps and the dispersiveness of international human rights law with regard to older persons, and to submit the report to the Human Rights Council by its fifty-first session.

*41st meeting
7 October 2021*

[Adopted without a vote.]

48/4. Right to privacy in the digital age

The Human Rights Council,

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

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling all previous General Assembly and the Human Rights Council resolutions on the right to privacy in the digital age, and the recent extension of the mandate of the Special Rapporteur on the right to privacy,⁷ as well as other relevant resolutions,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,⁸ noting with interest its reports thereon, and recalling the expert workshop on the right to privacy in the digital age, held by the Office of the High Commissioner on 27 and 28 May 2020, that noted the steadily growing impact of the use of artificial intelligence technologies on the exercise of the right to privacy, pointed to transparency concerns regarding personal data collection and exchanges underlying parts of artificial intelligence systems and expressed concern about adverse privacy impacts of the application of artificial intelligence,

Welcoming also the work of various special procedure mandate holders of the Human Rights Council on the right to privacy, and taking note of their contributions to the promotion and protection of the right to privacy,

Taking note of the Secretary-General's Road Map for Digital Cooperation, launched in June 2020,

Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of other human rights,

⁷ Resolution 46/16.

⁸ See [A/HRC/48/31](#).

including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

Recognizing that the right to privacy can enable the enjoyment of other rights, the free development of an individual's personality and identity and an individual's ability to participate in political, economic, social and cultural life,

Affirms that the same rights that people have offline must also be protected online, including the right to privacy, and noting that the accelerated synchronization of online and offline spaces can affect individuals, including their right to privacy,

Noting that algorithmic or automated decision-making processes online can affect the enjoyment of individuals' rights offline,

Recognizing the need to further discuss and analyse, on the basis of international human rights law, issues relating to the promotion and protection of the right to privacy in the digital age, procedural safeguards, effective domestic oversight and remedies and the impact of surveillance on the enjoyment of the right to privacy and other human rights, as well as the need to examine the principles of non-arbitrariness, lawfulness, legality, necessity and proportionality in relation to surveillance practices and to consider potential discriminatory effects,

Noting that the rapid pace of technological development enables individuals all over the world to use information and communications technology, and at the same time enhances the capacity of Governments, business enterprises and individuals to undertake surveillance, interception, hacking and data collection, which may violate or abuse human rights, in particular the right to privacy, and is therefore an issue of increasing concern,

Noting also that violations and abuses of the right to privacy in the digital age can affect all individuals, with particular effects on women, children, persons with disabilities and older persons, as well as persons in vulnerable situations and marginalized groups,

Noting further that women and girls experience gender-specific violations and abuses of their right to privacy, both online and offline, as well as violations or abuses that have gender-specific impacts,

Recognizing that the promotion and protection of, and respect for, the right to privacy are important to the prevention of violence, including sexual and gender-based violence, abuse and sexual harassment, in particular against women, children and persons with disabilities, as well as any form of discrimination, which can occur in digital and online spaces and includes cyberbullying and cyberstalking,

Acknowledging that human rights must be considered in the conception, design, use, deployment and further development of new and emerging technologies, such as those that involve artificial intelligence, as they can, without appropriate safeguards impact the enjoyment of the right to privacy and other human rights, and that the risks to these rights can and should be avoided or minimized, including by taking measures to ensure a safe, transparent, accountable, secure and high-quality data infrastructure, by exercising due diligence to assess, prevent and mitigate adverse human rights impacts, and by providing effective remedies, including judicial remedies, and redress mechanisms and establishing human oversight,

Recognizing that, despite its positive effects, the use of artificial intelligence that requires the processing of large amounts of data, often relating to personal data, including on an individual's behaviour, social relationships, private preferences and identity, can pose serious risks to the right to privacy, in particular when employed for identification, tracking, profiling, facial recognition, behavioural prediction or the scoring of individuals,

Emphasizing that privacy concerns should not be dismissed as a barrier to innovation,

Noting that the use of data extraction and algorithms to target content towards online users may undermine user agency and access to information online, as well as the right to freedom of opinion and expression,

Noting also the public concern with regard to the intrusiveness and impact of data-gathering practices, the related impacts and harms stemming from surveillance and the increasing use of algorithms involved in the application of artificial intelligence systems,

Noting with concern that certain predictive algorithms are likely to result in discrimination when non-representative data are used,

Recognizing that racially and otherwise discriminatory outcomes must be prevented in the conception, design, development, deployment and use of new and emerging digital technologies,

Noting with concern reports indicating lower accuracy of facial recognition technologies with certain groups, in particular non-white individuals and women, including when non-representative training data are used, that the use of digital technologies can reproduce, reinforce and even exacerbate racial inequality, and in this context the importance of effective remedies,

Acknowledging that, while metadata may provide benefits, certain types of metadata, when aggregated, can reveal personal information that can be no less sensitive than the actual content of communications and can give an insight into an individual's behaviour, including their movements, social relationships, political activities, private preferences and identity,

Recognizing the need to ensure that international human rights law is respected in the conception, design, development, deployment, evaluation and regulation of data-driven technologies and to ensure they are subject to adequate safeguards and oversight,

Expressing concern that individuals often do not and/or cannot provide their free, explicit and informed consent to the collection, processing and storage of their data or to the re-use, sale or multiple re-sale of their personal data, as the collecting, processing, use, storage and sharing of personal data, including sensitive data, has increased significantly in the digital age,

Noting in particular that surveillance of digital communications must be consistent with international human rights obligations and must be conducted on the basis of a legal framework, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that any interference with the right to privacy must not be arbitrary or unlawful, bearing in mind what is reasonable with regard to the pursuance of legitimate aims, and recalling that States that are parties to the International Covenant on Civil and Political Rights must take the steps necessary to adopt laws or other measures as may be necessary to give effect to the rights recognized in the Covenant,

Emphasizing that unlawful or arbitrary surveillance and/or interception of communications, the unlawful or arbitrary collection of personal data or unlawful or arbitrary hacking and the unlawful or arbitrary use of biometric technologies, as highly intrusive acts, violate or abuse the right to privacy, can interfere with other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association, and may contradict the tenets of a democratic society, including when undertaken extraterritorially or on a mass scale,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms, journalists and other media workers may frequently face threats and harassment and suffer insecurity, as well as unlawful or arbitrary interference with their right to privacy, as a result of their activities,

Noting with deep concern also the use of technological tools developed by the private surveillance industry by private or public actors to undertake surveillance, hacking of devices and systems, interception and disruption of communications, and data collection, interfering with the professional and private lives of individuals, including those engaged in the promotion and defence of human rights and fundamental freedoms, journalists and other media workers, in violation or abuse of their human rights, specifically the right to privacy,

Recalling that business enterprises have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the

State, and welcoming the work of Office of the United Nations High Commissioner for Human Rights on the application of these principles on digital technologies,

Emphasizing that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity, are important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of opinion and expression and to freedom of peaceful assembly and association,

Noting the importance of protecting and respecting the right of individuals to privacy when designing, developing or deploying technological means in response to disasters, epidemics and pandemics, especially the coronavirus disease (COVID-19) pandemic, including digital exposure notification and contact tracing,

Noting also that new and emerging digital technologies can contribute to fighting the COVID-19 pandemic, and recalling in this regard the importance of protecting health-related data, while noting with concern that some efforts to combat the COVID-19 pandemic have an adverse impact on the enjoyment of the right to privacy,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights;

2. *Recalls* that States should ensure that any interference with the right to privacy is consistent with the principles of legality, necessity and proportionality;

3. *Also recalls* the increasing impact of new and emerging technologies, such as those developed in the fields of surveillance, artificial intelligence, automated decision-making and machine-learning and of profiling, tracking and biometrics, including facial and emotional recognition, without proper safeguards, on the enjoyment of the right to privacy and other human rights, including the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association;

4. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

5. *Acknowledges* that risks to the right to privacy and other human rights can and should be minimized by adopting adequate regulation or other appropriate mechanisms, in accordance with applicable obligations under international human rights law in the conception, design, development and deployment of new and emerging digital technologies, such as artificial intelligence, by ensuring a safe, secure and high-quality data infrastructure, by exercising due diligence to assess, prevent and mitigate adverse human rights impacts, and by establishing human oversight, as well as redress mechanisms;

6. *Calls upon* all States:

(a) To respect and protect the right to privacy, including in the context of digital communications and new and emerging digital technologies;

(b) To take measures to end violations and abuses of the right to privacy and to create the conditions to prevent such violations and abuses, including by ensuring that relevant national legislation complies with their obligations under international human rights law;

(c) To review, on a regular basis, their procedures, practices and legislation regarding the surveillance of communications, including mass surveillance and the interception and collection of personal data, as well as regarding the use of profiling, automated decision-making, machine learning and biometric technologies, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;

(d) To ensure that any measures taken to counter terrorism and violent extremism conducive to terrorism that interfere with the right to privacy are consistent with the

principles of legality, necessity and proportionality and comply with their obligations under international law;

(e) To ensure that biometric identification and recognition technologies, including facial recognition technologies by public and private actors do not enable arbitrary or unlawful surveillance, including of those exercising their right to freedom of peaceful assembly;

(f) To develop or maintain and implement adequate legislation, with effective sanctions and remedies, that protects individuals against violations and abuses of the right to privacy, namely, through the unlawful or arbitrary collection, processing, retention or use of personal data by individuals, Governments, business enterprises or private organizations;

(g) To consider adopting or reviewing legislation, regulations or policies to ensure that business enterprises fully incorporate the right to privacy and other relevant human rights into the design, development, deployment and evaluation of technologies, including artificial intelligence, and to provide individuals whose rights may have been violated or abused with access to an effective remedy, including reparation and guarantees of non-repetition;

(h) To further develop or maintain in this regard preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect all individuals, including where there are particular effects for women, children, persons in vulnerable situations or marginalized groups;

(i) To develop, review, implement and strengthen gender-responsive policies that promote and protect the right of all individuals to privacy in the digital age;

(j) To provide effective and up-to-date guidance to business enterprises on how to respect human rights, by advising on appropriate methods, including human rights due diligence, and on how to consider effectively issues of gender, vulnerability and/or marginalization;

(k) To refrain from the use of surveillance technologies in a manner that is not compliant with international human rights obligations, including when used against journalists and human rights defenders, and to take specific actions to protect against violations of the right to privacy, including by regulating the sale, transfer, use and export of surveillance technologies;

(l) To promote quality education and lifelong education opportunities for all to foster, inter alia, digital literacy and the technical skills required to protect effectively their privacy;

(m) To ensure the availability of relevant training for judges, lawyers, prosecutors and other relevant practitioners in the justice system on the functioning of new and emerging digital technologies and their impact on human rights;

(n) To refrain from requiring business enterprises to take steps that interfere with the right to privacy in an arbitrary or unlawful way, and to protect individuals from harm, including that caused by business enterprises through data collection, processing, storage and sharing and profiling, and the use of automated processes and machine learning;

(o) To consider appropriate measures that would enable business enterprises to adopt adequate voluntary transparency measures with regard to requests by State authorities for access to private user data and information;

(p) To develop or maintain legislation, preventive measures and remedies that address damage caused by the processing, use, sale or multiple resale or other corporate sharing of personal data without the individual's free, explicit and informed consent;

(q) To take appropriate measures to ensure that digital or biometric identity programmes are designed, implemented and operated with appropriate legal and technical safeguards in place and in full compliance with international human rights law;

(r) To enhance efforts to combat discrimination resulting from the use of artificial intelligence systems including by exercising due diligence to assess, prevent and mitigate their adverse human rights impacts of their deployment;

7. *Encourages* all States to promote an open, secure, stable, accessible and peaceful information and communications technology environment based on respect for international law, including the obligations enshrined in the Charter of the United Nations and international human rights instruments;

8. *Encourages* all business enterprises, in particular business enterprises that collect, store, use, share and process data:

(a) To meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, including the right to privacy in the digital age, and to enhance efforts in this regard;

(b) To inform users about the collection, use, sharing and retention of their data that may affect their right to privacy and refrain from doing so without their consent or a legal basis, and to establish transparency and policies that allow for the informed consent of users;

(c) To implement administrative, technical and physical safeguards to ensure that data are processed lawfully, and to ensure that such processing is necessary in relation to the purposes of the processing and that the legitimacy of such purposes, and the accuracy, integrity and confidentiality of the processing, are ensured;

(d) To ensure that individuals have access to their data and the possibility to amend, correct, update and delete the data, in particular if the data are incorrect or inaccurate or if the data were obtained illegally;

(e) To ensure that the respect for the right to privacy and other relevant human rights is incorporated into the design, operation, evaluation and regulation of automated decision-making and machine-learning technologies, and to provide effective remedies, including compensation, for human rights abuses that they have caused or to which they have contributed;

(f) To put in place adequate safeguards that seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services, including where necessary through contractual clauses, and promptly inform relevant domestic, regional or international oversight bodies of abuses or violations when misuse of their products and services is detected;

(g) To enhance efforts to combat discrimination resulting from the use of artificial intelligence systems, including through human rights due diligence and monitoring and evaluation of artificial intelligence systems across their life cycle, and the human rights impact of their deployment;

9. *Encourages* business enterprises, including communications service providers, to work towards enabling solutions to secure and protect the confidentiality of digital communications and transactions, including measures for encryption, pseudonymization and anonymity, and to ensure the implementation of human-rights compliant safeguards, and calls upon States not to interfere with the use of such technical solutions with any restrictions thereon complying with States’ obligations under international human rights law, and to enact policies that protect the privacy of individuals’ digital communications;

10. *Encourages* States and, where applicable, business enterprises to conduct human rights due diligence throughout the life cycle of the artificial intelligence systems they design, develop, deploy or sell or obtain and operate;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a written report identifying recent trends and challenges with regard to the human right to privacy, including those addressed in the present resolution, to identify and clarify related human rights principles, safeguards and best practices, and to present the report to the Human Rights Council at its fifty-first session, to be followed by an interactive dialogue;

12. *Requests* the Office of the High Commissioner, when preparing the above-mentioned report, to seek input from and to take into account the work already done by

relevant stakeholders from diverse geographical regions, including States, international and regional organizations, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations offices, agencies, funds and programmes, within their respective mandates, national human rights institutions, civil society, the private sector, the technical community and academic institutions.

*41st meeting
7 October 2021*

[Adopted without a vote.]

48/5. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016, 36/3 of 28 September 2017, 39/5 of 27 September 2018 and 42/9 of 26 September 2019,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Extremely alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the countries affected,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Reaffirming the need to refrain from undertaking any activities that threaten peace, security and the self-determination of peoples or constitute an obstacle to the enjoyment of human rights,

Acknowledging that the increasing involvement of private military and security companies in humanitarian action raises concerns with regard to security as both a public good and a State function,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Calls upon* States to ensure that private military and security companies in their territory operate under contractual provisions, monitoring and controls that comply with national laws and relevant international humanitarian and human rights obligations;

7. *Encourages* States that import the consultancy and security services provided by private companies, including in the extractive industries, to establish national regulatory mechanisms for the registering and licensing of those companies, for accountability of the companies and their personnel and for remedies for violations resulting from their activities in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

8. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

9. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* mercenary activities in any country, in particular in areas of conflict, and the threat they pose to the integrity of and to respect for the constitutional order of countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur, and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Recognizes* that mercenary activity is a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the mercenary or mercenaries, and upon those who have planned and ordered their criminal activity;

13. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

14. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

15. *Notes* the work and contributions of the Working Group, including its research activities, and takes note of its most recent report;⁹

16. *Encourages* in that context continued cooperation and dialogue in the interaction among the Working Group, Member States and other relevant stakeholders, inter alia with regard to the use of sources of information, verification of facts on the ground and the issuance of communications, among other aspects;

17. *Acknowledges* that the active involvement of private military and security companies in the humanitarian space may create additional risks of violations of human rights and international humanitarian law when safeguards and checks are not in place to prevent their excessive use of force;

18. *Requests* the Working Group and other experts to broaden their active participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

19. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term “mercenary” drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,¹⁰ and also the evolving phenomenon of mercenaries and its related forms;

20. *Also requests* in this regard the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;

21. *Further requests* the Working Group to continue to study and identify new sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination, and to consult in this regard with Member States and regional and international organizations, academia, civil society, as well as with other relevant stakeholders;

22. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

23. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

⁹ [A/HRC/48/51](#).

¹⁰ [E/CN.4/2004/15](#).

24. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to continue to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the Human Rights Council and to the General Assembly in accordance with their programmes of work;

25. *Decides* to continue its consideration of this matter under the same agenda item at its fifty-first session.

*41st meeting
7 October 2021*

[Adopted by a recorded vote of 29 to 14, with 4 abstentions. The voting was as follows:

In favour:

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

Against:

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

Abstaining:

Brazil, Mexico, Somalia and Togo]

48/6. Child, early and forced marriage in times of crisis, including the COVID-19 pandemic

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, 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 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions 24/23 of 27 September 2013, 29/8 of 2 July 2015, 35/16 of 22 June 2017 and 41/8 of 11 July 2019, recalling its resolution 47/5 of 12 July 2021, and recalling also General Assembly resolutions 69/156 of 18 December 2014, 71/175 of 19 December 2016, 73/153 of 17 December 2018 and 75/167 of 16 December 2020,

Reaffirming also the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action, the outcome documents of their review conferences, and the political declaration of the high-level meeting of the General Assembly on universal health coverage,¹¹

Recalling the adoption of the 2030 Agenda for Sustainable Development, and the Addis Ababa Action Agenda of the third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, and noting the integrated and indivisible nature of the 2030 Agenda and the range of goals, targets and indicators relevant

¹¹ General Assembly resolution 74/2.

to preventing, responding to and eliminating child, early and forced marriage, including target 5.3 of the Sustainable Development Goals,

Recalling also the relevant agreed conclusions of the Commission on the Status of Women, and taking note of the guidance note of the Committee on the Elimination of Discrimination against Women, issued in the context of the coronavirus disease (COVID-19) pandemic, aimed at mitigating the devastating impact of the pandemic, in particular on all women and girls,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on child, early and forced marriage in humanitarian settings,¹² and the report of the Secretary-General on the issue of child, early and forced marriage,¹³

Recognizing that urgent action and long-term responses are required to address crisis situations and their root causes, inter alia armed conflict, natural disasters, political instability, post-conflict situations, complex emergencies, socioeconomic strife and pandemics, representing a critical threat to the health, safety, security and/or well-being of a community or other large group of people, usually over a wide area,

Noting with concern that the incidence and risk of child, early and forced marriage are highly exacerbated in times of crisis and in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, the breakdown of the rule of law and State authority, the misconception of providing protection through marriage, the use of rape, child, early and forced marriage and other forms of sexual violence as tactics in conflict prohibited under international law, lack of access to education, the stigma of pregnancy outside marriage, the absence of family planning services and contraception, and respective social services that prevent and respond to violence, disruptions in social networks and routines, increased poverty and the absence of livelihood opportunities, and that crises give rise to conditions in which new human rights violations and abuses are often perpetrated and existing human rights violations and abuses often intensify and expand,

Noting the gains made in ending child, early and forced marriage, including the decrease in the proportion of girls who were married before the age of 18 in the past decade, from one in four to approximately one in five, while expressing deep concern that progress has been uneven across regions, that the effects of the COVID-19 pandemic are projected to result in 10 to 13 million additional cases of child, early and forced marriage that may have been averted by 2030 and that the current pace of change is therefore not sufficient to fulfil the commitment under target 5.3 of the Sustainable Development Goals and eliminate child, early and forced marriage by 2030, and in this regard recognizing the need for closer cooperation between States,

Deeply concerned that the COVID-19 crisis has exacerbated pre-existing forms of inequality and systemic gender-based discrimination faced by women and girls, especially women and girls with disabilities and others in vulnerable situations, including patriarchy, the persistence of historical and structural gender inequalities, racism, stigma, xenophobia and socioeconomic inequalities, and has increased the occurrence of sexual and gender-based violence and harmful practices, including child, early and forced marriage,

Noting with deep concern that the ongoing impact of the COVID-19 pandemic and associated containment measures, including physical school closures and restrictions on the right to freedom of movement, will have wide-reaching economic, social and human consequences during and after the pandemic, and are likely to increase risks associated with sexual and gender-based violence and unintended and/or early pregnancy, which may be either a cause or a consequence of increased child, early and forced marriage, as well as risks related to trafficking in persons and other types of exploitation, social isolation, obstetric fistula, female genital mutilation, unsafe abortion and preventable maternal mortality and morbidity, that economic hardship, as well as the disproportionate share of unpaid care and domestic work borne by women and girls and the associated risk of their not returning to

¹² [A/HRC/41/19](#).

¹³ [A/75/262](#).

school, and difficulties in gaining access to health-care services hinder the fulfilment of the human rights of all women and girls and future economic opportunities, and that these risks are even further exacerbated in humanitarian situations and for women and girls in vulnerable situations,

Strongly condemning attacks on and abductions of all girls, deploring all attacks, including terrorist attacks, on educational institutions, their students and staff, and urging States to protect them from attacks,

Deeply concerned that funding for the promotion of the human rights of women and girls, including for the prevention and elimination of child, early and forced marriage, is often among the first things to be reduced during situations of crisis, that child, early and forced marriage and sexual and reproductive health needs remain largely unaddressed in crisis settings, and that COVID-19 containment measures are often delaying and disrupting efforts, including by civil society and other relevant stakeholders, to end child, early and forced marriage, especially at the local level,

Recognizing that, in some contexts, the practice of child, early and forced marriage may include informal unions, cohabitation or other arrangements that are not formalized, registered or recognized by a religious, customary or State authority, that such arrangements should be addressed in policies and programmes, including education programmes on child, early and forced marriage, and that the gathering of information and disaggregated data on these arrangements will help to develop responses for those affected,

Recognizing also that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of discrimination and violence, that it has wide-ranging and adverse consequences for the enjoyment of human rights, that it is linked to and perpetuates other forms of violence against women and girls and other harmful practices and human rights violations and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights 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 child, early and forced marriage,

Deeply concerned by the impact of structural and institutional discrimination against women and girls, deep-rooted and intersecting gender inequalities, patriarchal traditions, discriminatory norms, gender stereotypes, perceptions and customs and disregard for women's dignity, bodily integrity and autonomy, that are among the primary causes of child, early and forced marriage, as well as other forms of sexual and gender-based violence against women and girls,

Deeply concerned also that the persistence of child, early and forced marriage, like other harmful practices, places women and girls at greater risk of being exposed to and encountering multiple and intersecting forms of discrimination and violence throughout their lives, including domestic and intimate partner violence, marital rape and other forms of sexual, physical and psychological violence, and reinforces the lower status of girls and adolescent girls in society,

Reaffirming that human rights include the right to freely choose a spouse, to enter into marriage only with free and full consent and to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and recognizing that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy, require mutual respect and consent and the freedom to choose whether to marry and whether to have sexual relations,

Deeply concerned that poverty, insecurity, lack of sustainable development, lack of access to education and health services and adolescent pregnancy are also among the drivers of child, early and forced marriage, that it remains common in rural areas, in humanitarian settings and among the poorest communities and that armed conflict and humanitarian emergencies and other crises are among the exacerbating factors, and stressing the need to promote sustainable development and eradicate poverty,

Deeply concerned also that child, early and forced marriage disproportionately affects girls and young women who have received little or no formal education, and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth, childcare responsibilities, stigma relating to menstruation and social and gender norms confining married women and girls to the home, and recognizing that ensuring educational opportunities, as well as access to education and explaining consent and respecting boundaries, are some of the most effective ways to prevent and eliminate child, early and forced marriage and to achieve gender equality and the empowerment of women and girls, women's formal employment and economic opportunities and the active participation of women and girls in economic, social and cultural development, governance and decision-making,

Recognizing that child, early and forced marriage is a major impediment to the achievement of the economic empowerment of women and girls and their social and economic development and their full, effective and meaningful participation in economic, social, political and public life, thereby hampering the ability of women to enter, advance and remain in the labour market, and recognizing also that the economic autonomy of women and investment in women's and girls' development are priorities in and of themselves, have a multiplier effect and can expand their options for leaving forced or abusive relationships,

Recognizing also that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health by women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent, unintended and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV/AIDS, as well as increasing vulnerability to all forms of violence, including domestic and sexual and gender-based violence,

Recognizing further the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health, and the critical importance of ensuring that health-care services have the interrelated and essential elements of availability, accessibility, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, including by addressing all forms of discrimination, and recognizing the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions and access to comprehensive health-related education and information,

Expressing concern that child, early and forced marriage is underrecognized and underreported, and often coincides with impunity and a lack of accountability and access to justice, in particular at the community level, and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Noting that women and girls subjected to child, early and forced marriage may face discriminatory legal, practical and structural barriers to their access to justice and legal services, including stigmatization, risk of revictimization, harassment and possible retribution, and in this regard emphasizing the importance of providing legal aid services with a view to promoting and protecting human rights and addressing gender inequality,

Recognizing that all members of society, including families, communities and religious, traditional and community leaders, men and boys, can contribute to transforming discriminatory social norms that perpetuate sexual and gender-based violence, including child, early and forced marriage, and to confronting gender inequality, and recognizing also that empowering all women and girls, including those subjected to child, early and forced marriage, requires their active, full, effective and meaningful participation in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations, organizations led or initiated by young people and feminist groups,

Recognizing also that the criminalization alone of child, early and forced marriage is insufficient when introduced without complementary, comprehensive and multisectoral

measures and support programmes, including across the health, gender equality and education sectors and with the engagement of the whole community, and may instead contribute to the marginalization of, and the loss of livelihoods for, the families affected and have the unintended effect of increasing the practice of child, early and forced informal unions or unregistered marriages,

1. *Urges* States to respect, protect and fulfil the human rights of all women and girls, including those subjected to child, early and forced marriage, which include the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, to promote equality in all aspects of marriage and its dissolution, to guarantee equal access for every girl and woman to quality education, as well as education explaining consent, respect for boundaries and what constitutes unacceptable behaviour and how to report it, that builds self-esteem and informed decision-making and communication skills and promotes the development of respectful relationships based on gender equality, inclusion and human rights, skills development programmes, vocational training and lifelong learning opportunities, counselling, social services to protect them from all forms of violence, including sexual and gender-based violence and domestic and intimate partner violence, formal employment to increase their economic independence, and psychological, sexual and reproductive health-care services and medical care, to decrease their social isolation and to increase their economic and political participation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

2. *Calls upon* States to take a comprehensive, rights-based, age- and gender-responsive, survivor- and victim-centred and multisectoral approach, in consultation with, and with the full, equal, effective, meaningful and inclusive participation of, women and girls, and with relevant stakeholders, including men and boys, parents and other family members, teachers, religious, traditional and community leaders, minority groups, civil society, organizations led by girls, women's organizations, youth and feminist groups, human rights defenders, parliaments, national human rights institutions, children's ombudspersons, humanitarian and development actors, the media and the private sector, that takes into account linkages with other harmful practices in the prevention of, and response to, child, early and forced marriage in the context of crisis, including the COVID-19 pandemic, and to pay particular attention to the specific needs of all women and girls, in particular those in vulnerable situations and those experiencing multiple and intersecting forms of discrimination and violence, stigmatization, exclusion and inequalities, including in humanitarian situations;

3. *Urges* States to take comprehensive, multisectoral and rights-based measures to prevent and eliminate child, early and forced marriage, including in times of crisis, and to address structural and underlying causes and risk factors, including by:

(a) Addressing the root causes of gender inequality, including structural, institutional, multiple and intersecting forms of discrimination against women and girls, patriarchal values, discriminatory norms, gender stereotypes, perceptions and customs and harmful social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations, which perpetuate child, early and forced marriage;

(b) Eliminating discrimination against women and girls in all matters relating to marriage, and guaranteeing women's and girls' equality in law and in practice in family life, by opposing all forms of marriage that constitute a violation of the human rights of women and girls and their well-being and dignity;

(c) Respecting, protecting and fulfilling the human rights of all women and girls to have control over, and decide freely and responsibly on, matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and with respect to bodily integrity, autonomy and agency of women and girls, and adopting and accelerating the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights;

(d) Taking immediate and effective action to prevent and eliminate all forms of violence, including sexual and gender-based violence, domestic and intimate partner violence and marital rape;

(e) Upholding all human rights and fundamental freedoms of women and girls with disabilities, and recognizing that disability can increase the risk of child, early and forced marriage, and the importance of ensuring that services and programmes designed to prevent and eliminate child, early and forced marriage are inclusive of, and accessible to, women and girls with disabilities;

4. *Calls upon* States to promote and protect the right of all women and girls to equal access to education, including in times of crisis, by:

(a) Ensuring access to free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, re-entry policies and vocational training and skills development, which empower young women and girls subjected to child, early and forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk-reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

(b) Adopting measures to ensure equal access for girls to quality education, to eliminate discriminatory laws and practices that prevent them from having access to, completing and continuing their education, including the transition from primary to secondary education, and to provide incentive mechanisms to this end, to develop and implement programmes, as appropriate, that specifically aim to eliminate gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances, and to ensure continued efforts to eliminate all forms of school-related violence against girls, including online, and eliminate obstacles faced by them in access to and use of information and communications technologies, and reaffirming the importance of the right to education as a key to the empowerment of all women and girls and for ensuring equality and non-discrimination;

(c) Ensuring that married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education, after childbirth, marriage or the dissolution of marriage, by designing, implementing and, where applicable, revising educational policies and programmes to allow them to remain in and return to school and to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and by providing them with access to health-care services, and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, and bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

(d) Mitigating the impact of school closures in times of crisis, in particular for those learners who are among the poorest and most marginalized, especially girls, by facilitating access to and the continuity of equitable and inclusive quality education for all, including through distance learning, re-enrolling all previously enrolled children and those who were already out of school, providing community awareness of the importance of girls' education and working to ensure that those subjected to child, early and forced marriage, pregnant girls and women, as well as young parents, also continue to have access to schooling on an equal basis with others, including by enabling access to the Internet and bridging digital divides both between and within countries and the gender digital divide;

(e) Continuing to strengthen the protection of preschools, schools and universities against attacks, making them free from all forms of violence, including by taking measures to deter the military use of schools, such as by considering implementing the Guidelines for

Protecting Schools and Universities from Military Use during Armed Conflict, and encouraging efforts to provide safe, non-violent, inclusive, effective and enabling learning environments and quality education for all, within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

5. *Urges* States, with the collaboration of relevant stakeholders, including the private sector, communities, not-for-profit organizations and civil society organizations, including in times of crisis, to tackle poverty, the lack of economic opportunities for women and girls and other entrenched economic incentives and inequalities that act as drivers of child, early and forced marriage and as obstacles to leaving a forced or abusive relationship, and to promote sustainable development, including by:

(a) Ensuring the rights of all women and girls to inheritance and property, their access equal to that of men and boys to social protection, childcare services and direct financial services, and promoting freedom of movement, women's equal access to full and productive employment and decent work, as well as their full, equal and meaningful political participation and rights to inherit, own and control land and productive measures;

(b) Ensuring gender-responsive social protection mechanisms, adopting measures to recognize, reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work and the feminization of poverty, which is exacerbated in times of crisis, including by the COVID-19 pandemic, and addressing the discrimination and gender inequality, including gender stereotypes and harmful social norms, attitudes and behaviours and unequal power relations in which women and girls are viewed as subordinate to men and boys, that are at the root of these imbalances;

(c) Confronting family poverty and social exclusion by investing in family-oriented policies addressing the multidimensional aspects of poverty, focusing on education, health, employment, social security, livelihoods and social cohesion, paying special attention to gender-sensitive social protection measures, child allowances for parents and pension benefits for older persons and protecting, supporting and empowering children, including girls, in child-headed households;

6. *Also urges* States to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, by:

(a) Developing and enforcing policies and legal frameworks on and strengthening health systems, including health information systems, that ensure uninterrupted, universally accessible, acceptable, affordable and available quality, gender-responsive, adolescent-friendly health services, sexual and reproductive health-care services, information, education and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and psychosocial support, equitable sanitation and hygiene for all, including menstrual health and hygiene and nutrition interventions and prevention and treatment of, and care for, obstetric fistula and other obstetric complications, by providing the continuum of services, including family planning, prenatal and postnatal care, skilled birth attendance, emergency obstetric care and post-partum care, free from mistreatment and violence, as essential services in times of crisis, and repealing discriminatory laws relating to third-party authorization for health information and health-care services;

(b) Ensuring continuity and further strengthening protection and support services for women and girls who experience all forms of violence, including sexual and gender-based violence and domestic violence, in times of crisis, including the COVID-19 pandemic, especially girls at risk of child, early and forced marriage and already married girls and women affected by this harmful practice, and designating protection shelters, hotlines and help desks, health and support services and legal protection and support as essential services available to all women and girls, in addition to establishing safeguarding measures and raising awareness and providing training for police, members of the judiciary, first responders, health workers and education and child services staff;

7. *Further urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage and that respect and protect bodily integrity and autonomy, protecting those at risk, including in times

of crisis, and supporting women and girls subjected to child, early and forced marriage, to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses, and to promote equality in all aspects of marriage and its dissolution;

8. *Calls upon* States to ensure that all initiatives to draft, amend and implement criminal laws addressing child, early and forced marriage are part of comprehensive rights-based, gender-responsive and cross-government prevention and response strategies and coupled with protection measures and services for victims, survivors and those who are at risk of being subjected to harmful practices, including child, early and forced marriage;

9. *Urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

10. *Encourages* States to increase public funding for community-based organizations, including organizations led or initiated by young people, including girls, focusing on the human rights of women and girls and child, early and forced marriage, including in times of crisis, and to mitigate the impact of crisis response measures on the ability of civil society organizations and other relevant stakeholders working at the local and national levels to continue their work with girls, families and local communities to prevent and respond to child, early and forced marriage;

11. *Also encourages* States to consult with civil society organizations, including girl-led and youth-led organizations, as well as community-based organizations, focusing on the rights of women and girls and child, early and forced marriage, in crisis response planning and delivery to ensure that the needs of women and girls affected by child, early and forced marriage are not overlooked and are adequately addressed in crisis response and that crisis response measures do not exacerbate factors that contribute to child, early and forced marriage and other harmful practices or to sexual and gender-based violence;

12. *Urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage and protecting the rights of women and girls subjected to this harmful practice, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, mainstreaming gender equality and human rights perspectives into justice systems, ensuring equal access to legal aid, including legal advice, assistance and representation, as well as access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, members of the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage, and working to ensure that these mechanisms and remedies remain accessible in times of crisis or are re-established as quickly as possible when affected by crisis;

13. *Also urges* States to hold persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians and law enforcement officials, including at the local government level, accountable for not complying with or upholding laws and regulations relating to violence against women and girls, including child, early and forced marriage, in order to prevent and respond in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims and/or survivors of such violence;

14. *Calls upon* States to ensure the timely registration of births and marriages, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration, especially for individuals living in rural and remote areas, and by providing, where lacking, mechanisms for the registration of customary and religious marriages, as well as working to ensure that the registration of births and marriages remains accessible in times of crisis or is re-established as quickly as possible when affected by crisis;

15. *Affirms* the need for States and relevant United Nations entities and agencies to improve the collection and use of quantitative, qualitative and comparable data, while

observing the principles of confidentiality and informed consent, on violence against women and harmful practices, including in humanitarian settings and in the context of public health emergencies, such as the COVID-19 pandemic, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors, as appropriate, to enhance research on and the dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage, and to strengthen monitoring and the assessment of the impact of existing policies and programmes as a means of ensuring their effectiveness and implementation;

16. *Calls upon* States to promote the meaningful participation of and active consultation with children, adolescents and youth, including already married girls, on all issues affecting them, to strengthen their voice, agency and leadership, to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, including in digital spaces, that provide information, life skills and leadership skills training and opportunities, including catch-up and literacy education, and lifelong learning opportunities, remote learning opportunities and childcare, as needed, that empower them, allow them to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities, and to encourage men and boys also to act for change in their communities by being more involved in information and awareness-raising campaigns, intergenerational dialogues and peer education and training programmes, in partnership with women and girls;

17. *Requests*, in order to increase understanding about the concept of forced marriage, the Office of the United Nations High Commissioner for Human Rights to organize a two-full-day workshop focusing on the adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls, and also requests the Office of the High Commissioner to submit a report on the workshop in an accessible format to the Human Rights Council at its fifty-second session;

18. *Also requests* the Office of the High Commissioner to organize the above-mentioned workshop with the participation and involvement of women and girls at risk of, and those subjected to, forced marriage and to collaborate with all relevant stakeholders, including relevant United Nations agencies, funds and programmes, special procedure mandate holders, international and regional organizations, States, scholars, national human rights institutions and civil society organizations, in order to ensure multi-stakeholder participation at the workshop.

*42nd meeting
8 October 2021*

[Adopted without a vote.]

48/7. Negative impact of the legacies of colonialism on the enjoyment of human rights

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights,

Recalling also 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 further the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Durban Declaration and Programme of Action,

Acknowledging the crucial role of the General Assembly and its Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the matters of decolonization,

Reaffirming that the existence of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights, and regretting that measures to eliminate colonialism by 2020, as called for by the General Assembly in its resolution 65/119 of 10 December 2010, have not been successful,

Acknowledging that the period 2021–2030 is the Fourth International Decade for the Eradication of Colonialism designated by the General Assembly,¹⁴ and that all Member States, the specialized agencies and other organizations of the United Nations system, and other governmental and non-governmental organizations are invited to actively support and participate in the implementation of the plan of action for the Decade,

Stressing the role of the Human Rights Council in promoting universal respect for human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing with concern that the legacies of colonialism, in all their manifestations, such as economic exploitation, inequality within and among States, systemic racism, violations of indigenous peoples' rights, contemporary form of slavery and damage to cultural heritage, have a negative impact on the effective enjoyment of all human rights,

Recognizing that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences,

Expressing deep concern at the violations of human rights of indigenous peoples committed in colonial contexts, and stressing the need for States to take all measures necessary to protect rights and ensure the safety of indigenous peoples, especially indigenous women and children, to restore truth and justice and to hold perpetrators accountable,

1. *Stresses* the utmost importance of eradicating colonialism and addressing the negative impact of the legacies of colonialism on the enjoyment of human rights;

2. *Calls for* Member States, relevant United Nations bodies, agencies and other relevant stakeholders to take concrete steps to address the negative impact of the legacies of colonialism on the enjoyment of human rights;

3. *Reaffirms* that persecution of members of any identifiable group, collective or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, and the crime of apartheid, constitute serious violations of human rights and, in some cases, qualify as crimes against humanity;

4. *Urges* States to refrain from the forced assimilation of persons belonging to minorities, including indigenous populations, and to work to ensure that educational curricula and other materials do not stereotype minorities and indigenous populations on the basis of their ethnicity;

5. *Invites* United Nations human rights mechanisms and procedures, in fulfilling their mandates, to continue to pay attention to the negative impact of the legacies of colonialism on the enjoyment of human rights;

6. *Decides* to convene a panel discussion at its fifty-first session and to make the discussion fully accessible to persons with disabilities, and invites Member States, relevant United Nations bodies and agencies, international organizations, national human rights institutions, non-governmental organizations and other stakeholders to participate in the panel discussion, to identify challenges in addressing the negative impact of the legacies of colonialism on human rights, and to discuss ways forward, and requests the Office of United Nations High Commissioner for Human Rights to prepare a summary report on the panel discussion, including in an accessible format, and to submit it to the Human Rights Council at its fifty-fourth session;

¹⁴ General Assembly resolution 75/123.

7. *Requests* the United Nations High Commissioner for Human Rights to provide all resources necessary for the services and facilities for the above-mentioned panel discussion;

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

*42nd meeting
8 October 2021*

[Adopted by a recorded vote of 27 to 0, with 20 abstentions. The voting was as follows:

In favour:

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

Abstaining:

Austria, Bahrain, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Libya, Marshall Islands, Mauritania, Netherlands, Poland, Republic of Korea, Senegal, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan]

48/8. Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011, 21/9 of 27 September 2012, 25/15 of 27 March 2014, 27/9 of 25 September 2014, 30/29 of 2 October 2015, 33/3 of 29 September 2016, 36/4 of 28 September 2017, 39/4 of 27 September 2018, 42/8 of 26 September 2019 and 45/4 of 6 October 2020,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and the protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and 2 of the Charter and with, inter alia, full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations as the most universal and representative organization in the world,

Concerned about the continued and systematic abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and, in particular, respect for the principle of equal rights and self-determination of peoples, as well as peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

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,

Considering that the Universal Declaration of Human Rights 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, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Affirming that the right of every State to take part in the conduct of international affairs is essential to the realization of a democratic and equitable international order,

Noting with concern the increase in racism, racial discrimination, xenophobia and related intolerance, which are being aggravated by, inter alia, the inequitable distribution of wealth, marginalization, social exclusion and the propagation of hate speech and supremacist ideologies within and among countries,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through a reinforced multilateralism and broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing the need for adequate financing of and technology transfer to developing countries, in particular least developed countries, landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change and other challenges to development,

Expressing its concern at the adverse effects of the coronavirus disease (COVID-19) pandemic, including its negative impact on the economy and society, and emphasizing the importance of a democratic and equitable international order for effectively and promptly addressing the current global challenges and crises, aggravated by the COVID-19 pandemic,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order that fosters the full realization of all human rights for all;

2. *Reiterates* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

3. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, and the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

4. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 8 September 2001 in Durban, South Africa;

5. *Calls upon* Member States and the United Nations system to minimize the adverse impact of multiple interrelated global crises, including the COVID-19 pandemic, through, inter alia, the strengthening and enhancement of international cooperation, increased equality of opportunities for trade, economic growth, sustainable development, global communications, increased intercultural exchange and the preservation and promotion of cultural diversity;

6. *Reaffirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new

equilibrium and greater reciprocity in the international flow of information, in particular correcting the digital gap and inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development and addressing threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, and of respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* 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 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;

9. *Reaffirms*, among other principles, the principles of sovereign equality of States, of non-intervention and of non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity and 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, as well as on hate speech and supremacist ideologies;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security, and to that end should do their utmost to achieve general and complete disarmament under effective international control and to ensure that the resources released by effective disarmament measures are used for sustainable development, in particular that of developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force or other illegal means disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, to make it possible to eliminate the widening gap between developed and developing countries and to ensure steadily accelerating economic and social development and peace and justice for present and future generations;

14. *Urges* States, civil society organizations and other stakeholders to renew their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order and reinforcing the multilateral system;

15. *Affirms* that a democratic and equitable international order, as prescribed in the Charter, cannot be achieved through the deregulation of trade, markets and financial services;

16. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;¹⁵

17. *Reiterates* that renewed multilateralism, with a more effective and more inclusive approach, is essential in order to respond to and recover from the COVID-19 pandemic, with people and respect for human rights at the centre of this process, and stresses that such an endeavour necessitates the global leadership and the coordination of a robust and adequately funded United Nations, and the full commitment and sustained engagement of Member States, international financial institutions, the private sector, academia and civil society;

18. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

19. *Requests* 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 by the Independent Expert;

20. *Requests* the Independent Expert to continue to report on the implementation of the present resolution to the Human Rights Council and the General Assembly, in accordance with their programmes of work;

21. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as the South Centre, and with other relevant stakeholders from all regions;

22. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

23. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

24. *Decides* to continue consideration of this matter under the same agenda item at its fifty-first session.

*42nd meeting
8 October 2021*

[Adopted by a recorded vote of 30 to 14, with 3 abstentions. The voting was as follows:

In favour:

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

Against:

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

¹⁵ [A/HRC/48/58](#).

Abstaining:

Armenia, Brazil and Mexico]

48/9. Question of the death penalty

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and all other relevant international and regional human rights instruments, and reaffirming that all States must implement their obligations under international human rights law,

Recalling also the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012, 69/186 of 18 December 2014, 71/187 of 19 December 2016, 73/175 of 17 December 2018 and 75/183 of 16 December 2020 on the question of a moratorium on the use of the death penalty,

Reaffirming the safeguards guaranteeing the protection of persons facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

Recalling all resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

Recalling also Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to the death penalty or executed, Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty, and Council resolutions 26/2 of 26 June 2014, 30/5 of 1 October 2015, 36/17 of 29 September 2017 and 42/24 of 27 September 2019 on the question of the death penalty,

Taking note of the reports of the Secretary-General on the question of the death penalty, in the latest of which the Secretary-General focused on consequences arising from the lack of transparency in the application and imposition of the death penalty for the enjoyment of human rights, and where he examined international legal aspects of transparency and discussed practices and challenges at the national level in ensuring such transparency, including relating to the right of access to information, the right to a fair trial, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the principles of non-discrimination and equality before the law,¹⁶

Acknowledging the report of the Office of the United Nations High Commissioner for Human Rights on the high-level panel discussion on the question of the death penalty,¹⁷ according to which the panel found that there was no evidence that the death penalty had a deterrent effect that reduced the crime rate,

Mindful of the work of the special procedure mandate holders who have addressed human rights issues relating to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

¹⁶ A/HRC/48/29.

¹⁷ A/HRC/48/38.

Mindful also of the work undertaken by the treaty bodies to address human rights issues relating to the death penalty,

Recognizing the role of regional and subregional instruments and initiatives towards the abolition of the death penalty, which in some cases have led to the prohibition of the use of the death penalty,

Welcoming the fact that the international trend towards the abolition of the death penalty is continuing and that many States are applying a moratorium on the use of the death penalty, and welcoming also all measures taken by States towards limiting the application of the death penalty,

Noting that, according to the Human Rights Committee, States parties to the International Covenant on Civil and Political Rights that have abolished the death penalty are barred from reintroducing it, and noting also that the reinstatement of the death penalty by a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights is a violation of international law,

Noting also that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

Strongly deploring the fact that the use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons,

Emphasizing that lack of transparency in the use of the death penalty has direct consequences for the human rights of the persons sentenced to death and for other affected persons,

Emphasizing also the importance of transparency to ensure that those in detention awaiting execution are treated humanely, with respect for their inherent dignity, and that their prison conditions comply with international standards, such as the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),

Noting that discrimination is aggravated when transparency does not exist or is insufficient, and that transparent reporting and access to information can expose discriminatory practices or impact in the imposition and application of the death penalty,

Recalling that, particularly in cases of capital punishment, States must guarantee transparency in order to ensure that all persons benefit from due process guarantees, such as a fair and public trial and adequate assistance by legal counsel at every stage of proceedings, including during detention and arrest, without discrimination of any kind,

Recalling also that derogation from the right to life is never permitted, even during a state of emergency, and noting further that since the coronavirus disease (COVID-19) pandemic, additional limitations on transparency and due process have been recorded in some countries, including for death penalty cases, negatively affecting the rights of convicted persons and their family members,

Recalling further that persons sentenced to death, their families and their lawyers should be provided with timely and reliable information on the procedures and timing of appeals, clemency petitions and executions,

Stressing that the term “the most serious crimes” has consistently been read restrictively and interpreted as pertaining only to crimes of extreme gravity involving intentional killing, and stressing also that under no circumstances can the death penalty ever be applied as a sanction against specific forms of conduct, such as apostasy, blasphemy, adultery, consensual same-sex conduct or relations, establishing political opposition groups or offending a head of State, and that States parties that retain the death penalty for such offences commit a violation of their international obligations,

Stressing also the need to examine further in which circumstances the imposition or application of the death penalty violates the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including because of the death row phenomenon, the methods of execution or the lack of transparency around executions,

Emphasizing that access to consular assistance for foreign nationals, provided for in the Vienna Convention on Consular Relations, is an important aspect of the protection of those facing the death penalty abroad,

Acknowledging the interest in studying the question of the death penalty, as well as in holding local, national, regional and international debates related thereto,

Emphasizing the importance for the effectiveness and transparency of debates on the death penalty of ensuring that the public has access to balanced information, including accurate information and statistics on criminality and the various effective ways to combat it without resorting to capital punishment,

1. *Urges* all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to consider doing so;

3. *Urges* States that have not yet abolished the death penalty to ensure transparency in the imposition and application of this punishment, and to respect all other international minimum safeguards for the protection of the human rights of individuals who are facing the death penalty, as set out in the annex to Economic and Social Council resolution 1984/50;

4. *Calls upon* States that have not yet abolished the death penalty to ensure that any trial leading to the imposition of the death penalty complies with international fair trial guarantees, including during a state of emergency, bearing in mind that failure to be transparent in proceedings resulting in the imposition of the death penalty could constitute a violation of the right to life;

5. *Calls upon* States to ensure that all accused persons, in particular poor and economically vulnerable persons, can exercise their rights relating to equal access to justice, to ensure adequate, qualified and effective legal representation at every stage of civil and criminal proceedings in cases of capital punishment through effective legal aid, and to ensure that those facing the death penalty can exercise their right to seek pardon or commutation of their death sentence;

6. *Also calls upon* States to ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, including its date, time and location, and to allow a last visit or communication with the convicted individual and the return of the body to the family for burial, or to provide information about where the body is located, unless this is not in the best interests of the child;

7. *Further calls upon* States to comply with their obligations under article 36 of the Vienna Convention on Consular Relations, and to inform without delay foreign nationals who have been arrested or detained of their right to contact the relevant consular post and to communicate with their consular representatives, bearing in mind that failure to promptly inform detained foreign nationals of their right to consular notification pursuant to the Vienna Convention on Consular Relations, resulting in the imposition of the death penalty, would likely violate the right to life;

8. *Calls upon* States that have not yet abolished the death penalty and that carry out executions either in secret or with little or no prior warning to end these practices, which impair the ability of the convicted individual and family members to prepare for death and can amount to cruel, inhuman or degrading treatment;

9. *Calls upon* States that have not yet abolished the death penalty to be transparent with respect to their execution methods, including through legislation, protocols or practices, bearing in mind that the judiciary has a key role to play in ensuring transparency in methods of execution;

10. *Also calls upon* States that have not yet abolished the death penalty to make available systematically and publicly full, accurate and relevant information, disaggregated by gender, age, nationality, race and other applicable criteria, with regard to their use of the death penalty, inter alia, the charges, number of persons sentenced to death, the number of persons on death row, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, bearing in mind that access to reliable information on the imposition and application of the death penalty enables national and international stakeholders to understand and assess the scope of these practices, including about compliance with the obligations of States with regard to the use of the death penalty;

11. *Requests* the Secretary-General to dedicate the 2023 supplement to his quinquennial report on capital punishment to the relationship between articles 6 and 14 of the International Covenant on Civil and Political Rights focusing on the right to seek pardon or commutation of the sentence and the right to have one's conviction and sentence reviewed by a higher tribunal according to law, in accordance with the safeguards guaranteeing the protection of the rights of those facing the death penalty as set out in the annex to Economic and Social Council resolution 1984/50, and to present it to the Human Rights Council at its fifty-fourth session;

12. *Decides* that the upcoming biennial high-level panel discussion to be held during the fifty-second session of the Human Rights Council will address human rights violations relating to the use of the death penalty, in particular with respect to limiting the death penalty to the most serious crimes;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the high-level panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, 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 biennial panel discussion fully accessible;

14. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion, also in an accessible format, and to submit it to the Human Rights Council at its fifty-fourth session;

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

*42nd meeting
8 October 2021*

[Adopted by a recorded vote of 29 to 12, with 5 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Côte d'Ivoire, Czechia, Denmark, Fiji, France, Gabon, Germany, Italy, Marshall Islands, Mexico, Namibia, Nepal, Netherland, Poland, Republic of Korea, Russian Federation, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Bahamas, Bahrain, Bangladesh, Cameroon, China, India, Japan, Libya, Mauritania, Pakistan, Somalia and Sudan

Abstaining:

Eritrea, Indonesia, Malawi, Philippines and Senegal]

48/10. The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of fundamental human rights,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development, and recalling also all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 45/6 of 6 October 2020 and Assembly resolution 75/182 of 16 December 2020,

Recalling General Assembly resolutions 74/270 of 2 April 2020, on global solidarity to fight the coronavirus disease 2019 (COVID-19), 74/274 of 20 April 2020, on international cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19, 74/306 of 11 September 2020, on a comprehensive and coordinated response to the COVID-19 pandemic, and 74/307 of 11 September 2020, on a united response against global health threats: combating COVID-19,

Recalling also Human Rights Council resolution 46/14 of 23 March 2021, on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the COVID-19 pandemic, in which the Council expressed deep concern about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasized the importance of human rights in shaping the response to the pandemic,

Recalling further the outcome document of the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019,¹⁸

Welcoming the final outcome document 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, at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a legally binding instrument on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

Emphasizing also that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing,

Emphasizing further that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Noting the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development

¹⁸ General Assembly resolution 73/291.

and development-related processes, including in the preparation and outcome of the Fifth United Nations Conference on the Least Developed Countries,

Acknowledging the need for a comprehensive approach to the promotion and protection of all human rights and the importance of integrating a right to development perspective in a more systemic way into all relevant aspects of the work of the United Nations system, including the treaty bodies and the Human Rights Council and its mechanisms,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the States Members of the United Nations and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations as the most universal and representative international organization in the world,

Stressing also the importance of the adoption of the 2030 Agenda for Sustainable Development and its means of implementation, and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development is vital for the full realization of the 2030 Agenda, and should be central to its implementation,

Recognizing that achieving the internationally agreed development goals, including the Sustainable Development Goals and climate change-related goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all their forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Recognizing further that eradicating poverty in all its forms and dimensions, including extreme poverty, is one of the critical elements in the promotion and realization of the right to development and is one of the greatest global challenges and an indispensable requirement for sustainable development, which requires a multifaceted and integrated approach, and reiterating the need to achieve sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

Recognizing that inequality is a major obstacle to the realization of the right to development within and across countries,

Expressing concern about the increasing number of cases of human rights violations and abuses by transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable social and international order in which all human rights and fundamental freedoms can be fully realized, as envisioned in article 28 of the Universal Declaration of Human Rights,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development, and that lasting progress towards the implementation of the right to development requires, inter alia, effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Urging all Member States to engage constructively in discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming

the existing political impasse within the Working Group on the Right to Development in order that it may fulfil, in a timely manner, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4,

Stressing that, in its resolution 48/141 of 20 December 1993, the General Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development, and to enhance support from relevant bodies of the United Nations system for that purpose, and in its annual resolution on the right to development, the Assembly reaffirms its request to the High Commissioner, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and international development, financial and trade institutions,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Recalling the report of the Human Rights Council Advisory Committee on the importance of a legally binding instrument on the right to development,¹⁹ submitted to the Human Rights Council at its forty-fifth session pursuant to Council resolution 39/9 of 27 September 2018,

Welcoming the discussions held by the Working Group at its twenty-first session on how a legally binding instrument would contribute to making the right to development a reality for all by creating conducive national and international conditions for its realization and by halting all measures that might have a negative impact on the right to development, in accordance with the Charter, the Declaration on the Right to Development and other relevant international instruments and documents,

Welcoming also the commencement of the elaboration of a draft convention on the right to development on the basis of the draft submitted by the Chair-Rapporteur of the Working Group, as mandated by the Human Rights Council in its resolution 39/9, through a collaborative process of engagement, at the twenty-first session of the Working Group,

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

1. *Reaffirms* its commitment to effectively integrate the right to development into its work and that of its mechanisms in a systematic and transparent manner;

2. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level while urging all Member States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

3. *Stresses* that South-South cooperation is a complement to North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments, and encourages Member States and other relevant stakeholders to incorporate the right to development into the design, financing and implementation of cooperation processes;

4. *Calls upon* States and other relevant stakeholders to take appropriate measures to guarantee fair, transparent, equitable, efficient, universal and timely access to and the distribution of safe, quality, efficacious, effective, accessible and affordable COVID-19 vaccines, and to enable international cooperation;

¹⁹ [A/HRC/45/40](#).

5. *Welcomes* the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;²⁰

6. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the United Nations High Commissioner for Human Rights, including on inter-agency coordination within the United Nations system that has direct relevance to the realization of the right to development, and to provide an analysis, taking into account existing challenges to the realization of the right to development, and to make recommendations on how to overcome them and concrete proposals for supporting the Working Group on the Right to Development in fulfilling its mandate;

7. *Also requests* the High Commissioner to take concrete measures in fulfilment of her mandated responsibility, and to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development and agreed conclusions and recommendations of the Working Group;

8. *Urges* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to ensure balanced, efficient and visible allocation of both financial and human resources to the existing mechanisms within the Office, including the Expert Mechanism of the Right to Development and the Special Rapporteur on the right to development, for the realization of the right to development, also to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Expert Mechanism and the Special Rapporteur, and to provide regular updates to the Human Rights Council in this regard;

9. *Reiterates* the importance of the core principles contained in the conclusions of the Working Group at its third session²¹ that are congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

10. *Stresses* the importance of the realization of the mandate of the Working Group, and recognizes the need for renewed efforts with a view to overcoming the existing political impasse within the Working Group so that it may fulfil in a timely manner its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolutions 4/4 and 39/9;

11. *Also stresses* the importance of constructive engagement at the twenty-second session of the Working Group, which will continue its consideration of the draft convention on the right to development submitted by the Chair-Rapporteur of the Working Group, and requests the Chair-Rapporteur to submit a revised draft convention to the Working Group at its twenty-third session;

12. *Requests* the High Commissioner to engage experts for their continued provision of necessary advice, inputs and expertise to the Chair-Rapporteur in the fulfilment of his mandate and the preparation of the revised draft of the convention on the right to development, to facilitate the participation of the experts in the twenty-third session of the Working Group, and to provide advice with a view to contributing to discussions on the elaboration of a draft convention on the right to development, as part of the implementation and realization of the right to development;

13. *Takes note with appreciation* of the reports of the Expert Mechanism on the Right to Development,²² and requests the Expert Mechanism to continue to pay particular attention to the international dimension of the right to development, and how this aspect will

²⁰ A/HRC/48/26.

²¹ See E/CN.4/2002/28/Rev.1.

²² A/HRC/48/62 and 63.

make the practical implementation of the right to development effective at the international, regional and national levels;

14. *Welcomes* the report of the Special Rapporteur on the right to development,²³ and requests him to continue to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

15. *Also welcomes* the work of the Special Rapporteur on the right to development, in particular the guidelines and recommendations on the practical implementation of the right to development submitted to the Human Rights Council at its forty-second session;²⁴

16. *Reiterates* its decision to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Sustainable Development Goals, and in this regard leads to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

17. *Stresses* that the Working Group will take into account all resolutions on the right to development, in particular Human Rights Council resolutions 9/3 and 42/23 of 27 September 2019;

18. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to keep the right to development high on its agenda, to pursue further work in this area in full cooperation with the Special Rapporteur on the right to development and the Expert Mechanism on the Right to Development in their activities, and to provide them with all the assistance necessary for the effective fulfilment of their mandates;

19. *Takes note* of the report of the Office of the High Commissioner on the biennial panel discussion of the Human Rights Council on the right to development, held at its forty-fifth session,²⁵ and requests the Office, in accordance with paragraph 27 of Council resolution 42/23, to organize the biennial panel discussion on the right to development in a fully accessible format to persons with disabilities, including sign language interpretation, at the fifty-first session of the Council, and also requests the Office to prepare a report on the panel discussion and to submit it to the Council at its fifty-second session;

20. *Encourages* all Member States to cooperate with and to assist the Special Rapporteur and the Expert Mechanism in their tasks, and to supply all necessary information requested, where available, for the fulfilment of the mandates entrusted to them;

21. *Requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, including the high-level political forum on sustainable development, financing for development, climate change and disaster risk reduction with a view to enhance the integration of the right to development in these forums and dialogues, and requests Member States, international organizations, United Nations agencies, regional economic commissions and other relevant organizations to facilitate the meaningful participation of the Special Rapporteur in these forums and dialogues;

22. *Invites* the Special Rapporteur to provide advice to States, international financial and economic institutions and other relevant entities, the corporate sector and civil society on measures to achieve the goals and targets relating to the means of implementation of the 2030 Agenda for the full realization of the right to development;

23. *Requests* all special procedures and other human rights mechanisms of the Human Rights Council regularly and systematically to integrate the right to development perspective into the implementation of their mandates;

24. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes,

²³ A/HRC/48/56.

²⁴ A/HRC/42/38.

²⁵ A/HRC/48/22.

relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda, to contribute further to the work of the Working Group, and to cooperate with the High Commissioner, the Special Rapporteur and the Expert Mechanism in the fulfilment of their mandates with regard to the promotion and implementation of the right to development;

25. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

*43rd meeting
8 October 2021*

[Adopted by a recorded vote of 29 to 13, with 5 abstentions. The voting was as follows:

In favour:

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

Against:

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

Abstaining:

Armenia, Brazil, Marshall Islands, Mexico and Uruguay]

48/11. Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support for achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as the Declaration applies to indigenous peoples,

Appreciating the current efforts being made to promote, protect and fulfil the rights of indigenous peoples, recalling the commitment made at the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Taking note of the outcome document of the Dialogue Meeting on Enhanced Indigenous Peoples' Participation at the United Nations organized by indigenous organizations and institutions and held in Quito from 27 to 30 January 2020,

Acknowledging the importance of the United Nations Voluntary Fund for Indigenous Peoples for supporting the participation of indigenous peoples' representatives and institutions in meetings concerning them,

Taking note of the report of the Expert Mechanism on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples, focusing on indigenous peoples and the right to self-determination,²⁶ and encouraging all parties to consider the recommendations made in the report,

Taking note also of the study of the Expert Mechanism on the rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples,²⁷ and encouraging States to consider implementing the advice therein,

Taking note further of the report of the Special Rapporteur on the rights of indigenous peoples on indigenous peoples and coronavirus disease (COVID-19) recovery,²⁸ and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and needs of indigenous women, children, young persons, older persons and persons with disabilities, and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference on Indigenous Peoples, which was adopted by consensus by the General Assembly in 2014,²⁹

Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Recognizing also the increasing impact of climate change on the enjoyment of human rights and its specific impact on the enjoyment of rights and ways of life of indigenous peoples around the world, and recalling the preamble to the Paris Agreement and to decision 1/CP.21 on the adoption of the Paris Agreement³⁰ acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of indigenous peoples, paragraph 135 of decision 1/CP.21 recognizing the need to strengthen the role of indigenous peoples' knowledge systems relating to mitigation and adaptation to climate change, and paragraph 36 of the outcome document of the World Conference on Indigenous Peoples,

Noting with appreciation the establishment of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-fourth session, with equal participation of representatives of indigenous peoples and of parties to the Framework Convention, to advance the objectives and implementation of its functions,

Bearing in mind the importance of empowering and building the capacity of indigenous women and young persons, including for their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of universal and equitable access to quality health services, mental health, adequate nutrition, including through family farming, education, employment and the transmission of traditional knowledge, languages and practices, and also the importance of taking measures to promote awareness and understanding of their rights,

²⁶ [A/HRC/48/75](#).

²⁷ [A/HRC/48/74](#).

²⁸ [A/HRC/48/54](#).

²⁹ General Assembly resolution 69/2.

³⁰ [FCCC/CP/2015/10/Add.1](#).

Acknowledging the current efforts being made to ensure the full and effective participation of indigenous peoples in the process of preparing the post-2020 biodiversity framework under the Convention on Biological Diversity,

Noting that the COVID-19 pandemic is having a serious impact on the health, education, food security, safety, well-being and livelihoods of people across the world, with a disproportionately negative effect on indigenous peoples, their ancestral territories and sacred sites, and the need to take immediate and appropriate measures to address these effects, including the elimination of barriers, such as digital and language barriers, to the full and effective participation of indigenous peoples in matters affecting their rights, and to leave no one behind, with an endeavour to reach the furthest behind first, founded on the dignity of the human person and reflecting the principles of equality and non-discrimination,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,³¹ and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and to follow up on the effectiveness of the Declaration;

2. *Welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, and encourages all Governments to respond favourably to the requests of the mandate holder for visits and to respond to communications;

3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual reports of 2020 and 2021³² and its intersessional activities, and requests the Office of the High Commissioner to ensure the timely translation into all official languages of the United Nations and distribution of its reports to the Human Rights Council and the pre-session translation of its studies and reports, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

5. *Urges* States and other potential donors to contribute to the United Nations Voluntary Fund for Indigenous Peoples, and recalls the expansion of its mandate in order to support the participation of indigenous peoples, including indigenous women, young persons and persons with disabilities, in United Nations business and human rights and climate change processes;

6. *Acknowledges* the efforts of States, indigenous peoples and United Nations agencies to engage with the Expert Mechanism under its current mandate to facilitate dialogue, when agreeable to all parties, to provide technical assistance and coordination in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, encourages all parties to consider the Expert Mechanism's initiation of country engagements upon the request of States and indigenous peoples, and acknowledges the engagement of those States that have already collaborated with the Expert Mechanism under its current mandate;

7. *Notes* that the next study of the Expert Mechanism, to be finalized by its fifteenth session, will focus on treaties, agreements, constructive arrangements and ongoing processes, and acknowledges the efforts made to improve complementarity and to avoid duplication among the reports prepared by the Expert Mechanism, the Special Rapporteur and the Permanent Forum on Indigenous Issues;

8. *Acknowledges* the progress and outcomes of and lessons learned from the International Year of Indigenous Languages in 2019 through the activities led by the United Nations Educational, Scientific and Cultural Organization;

³¹ [A/HRC/48/30](#).

³² [A/HRC/46/72](#) and [A/HRC/48/73](#).

9. *Recalls* the proclamation of the period 2022–2032 as the International Decade of Indigenous Languages to draw attention to the critical loss of indigenous peoples' languages and the urgent need to preserve, revitalize and promote indigenous peoples' languages and to take urgent steps at the national and international levels,³³ and calls upon States to promote the effective and meaningful participation of indigenous peoples in leading and holding activities to mark the Decade;

10. *Takes note* of the outcome document of the high-level event held in February 2020 on the occasion of the closing of the 2019 International Year of Indigenous Languages, entitled "Los Pinos Declaration [Chapoltepek] – Making a Decade of Action for Indigenous Languages", and of the establishment, in conjunction with indigenous peoples, of the Global Task Force for Making a Decade of Action for Indigenous Languages by the United Nations Educational, Scientific and Cultural Organization;

11. *Decides* that the theme of the annual half-day panel discussion on the rights of indigenous peoples, to be held during the fifty-first session of the Human Rights Council, will be the impact of social and economic recovery plans in the COVID-19 context on indigenous peoples, with a special focus on food security, and requests the Office of the High Commissioner to encourage and facilitate the participation of indigenous women and to make the discussion fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its fifty-third session;

12. *Encourages* all stakeholders, in their responses to and recovery from the COVID-19 pandemic, to work in collaboration with indigenous peoples' representatives and institutions, guided by the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and to refer to the guidelines of the Office of the High Commissioner³⁴ on this matter;

13. *Recalls* the summary report prepared by the Office of the High Commissioner on the half-day intersessional interactive dialogue held on 15 July 2019 on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them, and the intersessional round table held on 16 July 2021 on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Council on issues affecting them, and looks forward to the report on the round table;

14. *Decides* to continue to discuss further steps and measures necessary to enable and to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Human Rights Council, in particular in dialogues with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples;

15. *Requests* the Office of the High Commissioner to convene a four-day expert workshop in 2022, open to the participation of States, and of indigenous peoples from the seven indigenous sociocultural regions, including by inviting the submission of written contributions, on possible ways to enhance the participation of indigenous peoples in the work of the Human Rights Council, and to prepare a summary report on the discussion and the resulting recommendations and to submit it to the Council prior to its fifty-third session;

16. *Also requests* the Office of the High Commissioner, when preparing for the expert workshop, to seek input from States, indigenous peoples, the Expert Mechanism, the Special Rapporteur and other relevant United Nations bodies, within their respective mandates, and to take into account the relevant work already done by stakeholders, including the Human Rights Council and the Secretary-General, on enhancing the participation of indigenous peoples in meetings of relevant United Nations bodies on issues affecting them;

17. *Invites* the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples, within the Fund's rules and established procedures, to assist

³³ General Assembly resolution 74/135.

³⁴ See www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenouspeoplesRights.pdf.

representatives of indigenous peoples' organizations and institutions to participate in the above-mentioned expert workshop, promoting balanced regional representation;

18. *Encourages* the Expert Mechanism to continue its discussions on the issue of enhancing the participation of indigenous peoples' representatives and institutions in the relevant meetings of the Human Rights Council on issues affecting them;

19. *Encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals, including potential setbacks and aggravated barriers caused by COVID-19, in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

20. *Urges* States to take appropriate measures to protect indigenous children and young persons, particularly girls, from violence, and to ensure that all perpetrators of such violence are held accountable;

21. *Encourages* the Special Rapporteur, the Expert Mechanism and the Permanent Forum on Indigenous Issues to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples, including in treaties and the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference on Indigenous Peoples, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms and the human rights treaty bodies, within their respective mandates;

22. *Encourages* the development of a process to facilitate the international repatriation of indigenous peoples' sacred items and human remains, in cooperation with indigenous peoples and through the continued engagement of the United Nations Educational, Scientific and Cultural Organization, the World Intellectual Property Organization, the Expert Mechanism, the Special Rapporteur, the Permanent Forum on Indigenous Issues, States and all other relevant parties in accordance with their mandates;

23. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples, in the application of treaties;

24. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, during their reviews;

25. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures, including national action plans, legislation or other frameworks, as required, to pursue its objectives in consultation and cooperation with indigenous peoples, taking into account the use of their languages;

26. *Calls upon* States in all regions that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so, taking into account its contribution to the promotion and protection of the rights of indigenous peoples;

27. *Welcomes* the role of 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) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

28. *Encourages* States, according to their relevant national context and characteristics, to collect and securely disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies

and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them, to include the specific needs and priorities of indigenous peoples in addressing the global COVID-19 outbreak and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

29. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

30. *Reaffirms* the importance of promoting the political, social and economic empowerment of indigenous women and girls, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers that they face, including violence, and of promoting their participation in relevant decision-making processes at all levels and in all areas while respecting and protecting their traditional and ancestral knowledge, noting the importance of the United Nations Declaration on the Rights of Indigenous Peoples for indigenous women and girls, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

31. *Notes with great concern* the increase in cases of reprisal against indigenous human rights defenders, indigenous peoples' representatives attending United Nations meetings and United Nations mandate holders working on the rights of indigenous peoples, and expresses its concern at the practice of some countries hosting meetings on indigenous issues of intentionally delaying or denying entry visas to United Nations mandate holders;

32. *Urges* States to take all measures necessary to ensure the rights, protection and safety of indigenous peoples and indigenous human rights defenders, including indigenous women human rights defenders, and to ensure that all human rights violations and abuses against them are prevented and investigated and that the perpetrators are held accountable;

33. *Invites* States and potential donors to support the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

34. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

35. *Decides* to continue its consideration of this question at a future session, in conformity with its annual programme of work.

*43rd meeting
8 October 2021*

[Adopted without a vote.]

48/12. Human rights implications of the COVID-19 pandemic on young people

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of

Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples,

Deeply concerned about the loss of life and livelihoods and the disruption to economies and societies by the coronavirus disease (COVID-19) pandemic, and its negative impact on the enjoyment of human rights around the world,

Stressing that States bear the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms,

Recognizing the serious and continuing threat to global health posed by the COVID-19 pandemic and that its consequences disproportionately affect the full enjoyment of human rights and fundamental freedoms by young people, in particular young women and girls, including with regard to their right to work, right to education and right to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the report of the Secretary-General entitled “Our Common Agenda”,³⁵ the report of the Secretary-General, entitled “Shared responsibility, global solidarity: responding to the socioeconomic impacts of COVID-19”, the statement of the Inter-Agency Network on Youth Development on COVID-19 and youth and the global survey on youth and COVID-19, conducted by the International Labour Organization, which recognized that young people experienced practical difficulties in the exercise of their human rights, including the right to participate meaningfully in political and public affairs, the right to education, freedom of religion or belief, freedom of movement, as well as in living free from violence and gaining access to legal aid, in the light of the COVID-19 pandemic,

Recalling also General Assembly resolutions 74/270 of 2 April 2020, 74/274 of 20 April 2020, 74/306 of 11 September 2020 and 74/307 of 11 September 2020, and Human Rights Council resolutions 44/2 of 16 July 2020 and 46/14 of 29 March 2021, and the statement by the President of the Council of 29 May 2020,³⁶

Recalling further its resolutions 32/1 of 30 June 2016, 35/14 of 22 June 2017 and 41/13 of 19 July 2019,

Acknowledging that the World Programme of Action for Youth to the Year 2000 and Beyond sets out a policy framework and provides practical guidelines for national action and international support for the advancement of youth,

Recalling the Vienna Declaration and Programme of Action, in which it is stated 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 also the high-level meeting of the General Assembly on universal health coverage, held in New York on 23 September 2019, and reaffirming its political declaration, entitled “Universal health coverage: moving together to build a healthier world”,³⁷

Encouraging States to effectively implement the 2030 Agenda for Sustainable Development, and reaffirming the need to develop and implement strategies that give young people real opportunities to enable their effective and meaningful participation in society, free from discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Taking note with appreciation of the report of the United Nations High Commissioner for Human Rights, in which she provided an overview of the international and regional human rights framework applicable to young people and described the challenges and discrimination encountered by them,³⁸

³⁵ [A/75/982](#).

³⁶ [A/HRC/PRST/43/1](#).

³⁷ General Assembly resolution 74/2.

³⁸ [A/HRC/39/33](#).

Noting with appreciation the launch by the Secretary-General, in September 2018, of the United Nations Youth Strategy, entitled “Youth 2030: working with and for young people”, to address the needs of young people and to fulfil their potential as agents of change,

Taking note with appreciation of Security Council resolutions 2250 (2015) of 9 December 2015 on youth and peace and security, and 2535 (2020) of 14 July 2020, in which the Council underlined the important role that young people have had in the promotion of peace, sustainable development and human rights, and the importance of their active, full, meaningful and inclusive participation in relevant decision-making, in particular in the civic and political spheres, and of the implementation of the youth and peace and security agenda, including in COVID-19 response and recovery efforts,

Recognizing the important role of youth volunteer movements and communities around the world, which have made significant contributions in helping during the COVID-19 pandemic and in overcoming its consequences,

Bearing in mind that today’s generation of young people is the largest the world has ever witnessed and that young people participate in decision-making processes to ensure that their challenges and potential are addressed by policy, and therefore encouraging States to make further efforts to ensure the respect, protection and fulfilment of all human rights for all young people, including all economic, social, cultural, civil and political rights, given that lack of participation and opportunity has adverse consequences for communities and societies,

Recognizing that, even before the COVID-19 pandemic, young people experienced difficulties in the exercise of their human rights by virtue of being young, and that there are gaps in the protection and fulfilment of the human rights of young people,

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,

Taking note with appreciation of the work of the Office of the United Nations High Commissioner for Human Rights on human rights-compliant responses to the COVID-19 pandemic and on youth, and the report and recommendations of the High Commissioner on strengthening the promotion and protection of the rights of young people,

1. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on youth, and takes note of the report of the High Commissioner³⁹ and the recommendations therein on strengthening the promotion and protection of the rights of young people;

2. *Also welcomes* the holding of the World Conference of Ministers Responsible for Youth and Youth Forum Lisbon+21, in Lisbon on 22 and 23 June 2019, and notes with appreciation its Declaration on Youth Policies and Programmes, especially with regard to empowering young people and their representatives, the commitment to protect, respect and fulfil the human rights and fundamental freedoms of all young people, protecting the most disadvantaged and those in vulnerable situations and contributing to the creation of indicators to assess the impact of youth policies and programmes;

3. *Calls upon* States to ensure that all human rights are respected, protected and fulfilled while combating the COVID-19 pandemic, and that their responses to the pandemic are in full compliance with their human rights obligations and commitments;

4. *Stresses* the fundamental importance of equal opportunities, 12 years of quality education and technical and vocational training, and the importance of continuous learning opportunities and guidance for young people and adolescents, including girls, for the enjoyment of all human rights by all young people, equal access for girls to quality education, and of eliminating discriminatory laws and practices that prevent them from having access

³⁹ A/HRC/39/33.

to, completing and continuing their education, including the transition from primary to secondary education;

5. *Also stresses* the need to address all forms of discrimination, which place women and girls at greater risk of exploitation, violence and abuse, and to implement measures to prevent and eliminate stereotypes based on disability, gender, age, race and xenophobia, ableism, stigma, negative social norms, attitudes and behaviours that cause or perpetuate discrimination and violence against women and girls;

6. *Urges* States to address the challenges that girls and young women face, as well as gender stereotypes that perpetuate all forms of discrimination and violence against girls and young women, including harmful practices, and the stereotypical roles of men and women that hinder social development, by reaffirming the commitment to the empowerment of women and gender equality and the human rights of all women and girls, and to engage, educate, encourage and support men and boys to take responsibility for their behaviour in this regard, including their sexual and reproductive behaviour;

7. *Recognizes* that the COVID-19 pandemic and the measures to combat its spread have exacerbated existing challenges of young people, in particular young women and girls, in exercising their human rights, including challenges in access to decent work and quality employment, social protection, quality education and health-care services, that the full and meaningful participation, leadership and representation of young people in relevant institutional processes and policymaking remain low compared with those of other age groups, and that young people are not proportionately represented in political institutions, such as parliaments, political parties and public administrations, and also recognizes the important role played by youth-led organizations in giving young people a voice;

8. *Encourages* all States to recognize and support young people's potential to advance the fight against the COVID-19 pandemic, and in this regard encourages States to conduct their coherent youth-related policies through inclusive and participatory consultations with youth organizations and relevant youth-led and youth-focused stakeholders and social development partners, in the interest of developing integrated, holistic and inclusive youth policies and programmes, and to promote new initiatives for the full, effective, structured and sustainable participation of young people in relevant decision-making processes and monitoring in the political, economic, social and cultural spheres, including in designing and implementing policies, programmes and initiatives, in particular those for implementing the 2030 Agenda for Sustainable Development;

9. *Calls upon* all States to partner, safely and effectively, with young people, during and after the pandemic, to understand further the specific impact that the pandemic has had and will have on young people, especially girls, while ensuring that COVID-19 response efforts are carried out in a manner that respects the enjoyment of human rights by young people and are inclusive of young people's specific needs;

10. *Urges* States to address, through the United Nations human rights mechanisms, issues pertaining to the enjoyment by young people of their human rights, and to share the best practices that they have developed in enabling young people to exercise their human rights during and after the pandemic;

11. *Encourages* States, United Nations bodies, especially mechanisms of the Human Rights Council, and the Office of the High Commissioner, to collaborate broadly with the Envoy of the Secretary-General on Youth in finding solutions to mitigate the impact of the pandemic and any other relevant barriers for the accelerated implementation of the United Nations Youth Strategy and the World Programme of Action for Youth to the Year 2000 and Beyond;

12. *Requests* the High Commissioner, in consultation with and taking into account the views of States and relevant stakeholders, including relevant United Nations agencies, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions, civil society and representatives of youth organizations, to conduct a detailed study on ways to mitigate the impact of the global pandemic on human rights with regard to young people, including the identification of cases of discrimination against young people in the exercise of their human rights, in particular young women and girls, highlighting the

contribution of young people to the realization of human rights in society during the pandemic, and to submit the study to the Council for consideration at its fifty-first session;

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

*43rd meeting
8 October 2021*

[Adopted without a vote.]

48/14. Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change

The Human Rights Council,

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

Reaffirming that States have the obligation and the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all relevant international human rights instruments,

Bearing in mind the United Nations Framework Convention on Climate Change, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction 2015–2030, the Malé Declaration on the Human Dimension of Global Climate Change, the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development, the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014–2024, and all relevant international and regional instruments addressing the adverse impact of climate change on human rights,

Recalling article 2 of the Paris Agreement, which states that the Agreement, in enhancing the implementation of the United Nations Framework Convention on Climate Change, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by (a) holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; (b) increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and (c) making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development; and 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,

Recalling also article 5 of the Vienna Declaration and Programme of Action, which states that all human rights are universal, indivisible and interdependent and interrelated, 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,

Recalling further all previous resolutions adopted by the Human Rights Council on human rights and climate change, the most recent being Council resolution 47/24 of 14 July 2021, in which the Council encouraged the continued discussions among States and relevant stakeholders on the possible creation of a new special procedure addressing the adverse impact of climate change on the full and effective enjoyment of human rights,

Recognizing with appreciation the work of the Climate Vulnerable Forum in advancing discussions on human rights and climate change and initiatives such as the Geneva Pledge for Human Rights in Climate Action,

Conscious that change in the Earth's climate, and the ensuing adverse effects, have led to economic, social, cultural and environmental consequences and have negative implications, both direct and indirect, for the effective promotion and protection of human rights and the achievement of the Sustainable Development Goals,

Recognizing that measures to anticipate, prevent or minimize the causes of climate change, including reducing greenhouse gas emissions, and to mitigate and adapt to its adverse impact, and the protection of the environment, contribute to human well-being and to the better enjoyment of human rights, as well as to sustainable development,

Recognizing also that, while the human rights implications of the adverse impact of climate change affect individuals and communities around the world, especially in developing countries, in particular small island developing States, least developed countries and landlocked developing States, the consequences most acutely affect women, children, persons with disabilities, indigenous peoples, local communities, peasants and other people working in rural areas, people living in conditions of water scarcity, drought and desertification, persons belonging to minority groups, homeless persons, persons living in poverty, older persons, migrants, refugees and internally displaced persons, those living in conflict areas and those already in vulnerable situations, and the importance of recognizing their agency in contributing to climate action,

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

Noting that implementation of the commitments made under the United Nations Framework Convention on Climate Change and the Paris Agreement, including with respect to climate finance, would contribute to curtailing the adverse impact of climate change on human rights and sustainable development,

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

Considering that the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of human rights, and that, henceforth, these issues require a comprehensive, cross-sectoral, global and intersectional approach and should be addressed by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation, in coordination with one another, in addition to any other new mandate holder,

1. *Expresses* its resolve to contribute towards ongoing efforts at all levels to address the adverse impact of climate change on the enjoyment of human rights, in the light of scientific data and assessments, and in a well-integrated manner that advances progress

towards the implementation of the 2030 Agenda for Sustainable Development, the Paris Agreement and the United Nations Framework Convention on Climate Change, as well as towards the promotion, protection, realization and enjoyment of human rights by everyone everywhere;

2. *Decides* to appoint, for a period of three years, a special rapporteur on the promotion and protection of human rights in the context of climate change, with the following mandate:

(a) To study and identify how the adverse effects of climate change, including sudden and slow onset disasters, affect the full and effective enjoyment of human rights and make recommendations on how to address and prevent these adverse effects, in particular ways to strengthen the integration of human rights concerns into policymaking, legislation and plans addressing climate change;

(b) To identify existing challenges, including financial challenges, in States' efforts to promote and protect human rights while addressing the adverse effects of climate change, and make recommendations regarding respect for, and promotion of, human rights, including in the context of the design and implementation of mitigation and adaptation policies, practices, investments and other projects;

(c) To synthesize knowledge, including indigenous and local traditional knowledge, and identify good practices, strategies and policies that address how human rights are integrated into climate change policies and how these efforts contribute to the promotion and protection of all human rights and poverty alleviation;

(d) To promote and exchange views on lessons learned and best practices related to the adoption of human rights-based, gender-responsive, age-sensitive, disability-inclusive and risk-informed approaches to climate change adaptation and mitigation policies, with a view to contributing to the achievement of the Paris Agreement and the United Nations Framework Convention on Climate Change, which could help in the realization of the Sustainable Development Goals, in particular Goals 13 and 14, to address the economic, cultural, environmental and social challenges that climate change poses for the full enjoyment of human rights for all and in particular to support the resilience and adaptive capacities of people in vulnerable situations to respond to the adverse impact of climate change;

(e) To raise awareness on the human rights affected by climate change, especially of persons living in developing countries particularly vulnerable to climate change, such as least developed countries, small island developing States and landlocked developing States, and encourage increased global cooperation in this regard;

(f) To seek views and contributions from States and other relevant stakeholders, including international organizations, United Nations institutions, agencies, funds and programmes, regional economic commissions, international and regional financial institutions, regional human rights mechanisms, national human rights institutions, civil society, children and young people, older persons, indigenous peoples, local communities, women's rights organizations, organizations of persons with disabilities, peasants and other people working in rural areas, academia, scientific institutions and non-governmental organizations, in the discharge of the mandate and develop a regular dialogue and consultation on measures at the domestic and international levels on effective and sustainable climate action that respects, promotes and protects human rights;

(g) To facilitate and contribute to the exchange of technical assistance, capacity-building and international cooperation in support of national efforts, actions and measures to address the adverse impact of climate change on the enjoyment of human rights, in collaboration with Governments, international organizations, civil society, the technical and academic communities, the private sector and all relevant stakeholders, including by using new and emerging digital technologies;

(h) To work in close coordination, while avoiding duplication of efforts, with the Office of the United Nations High Commissioner for Human Rights, other special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies and other relevant United Nations agencies, funds and programmes, including those related to climate change and the environment;

- (i) To conduct country visits and to respond promptly to invitations from States;
 - (j) To participate in, and contribute to, a human rights perspective to relevant international conferences and events with the aim of promoting a systematic and coherent approach to issues pertaining to the mandate;
 - (k) To integrate a gender-responsive, age-sensitive, disability inclusive and social-inclusion perspective throughout the work of the mandate;
 - (l) To work closely with States and relevant stakeholders, including business enterprises, both transnational and others, to adopt a human rights perspective in accordance with the Guiding Principles on Business and Human Rights to mitigate potential adverse effects of their activities, including investment projects, on human rights in the context of climate change;
 - (m) To closely coordinate with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation and to consider every possibility to coordinate his or her work with these mandate holders in the most effective way, including through joint undertakings;
 - (n) To report annually to the Human Rights Council, starting from its fiftieth session, and to the General Assembly at its seventy-seventh session;
3. *Calls upon* all States and all stakeholders to cooperate fully with the Special Rapporteur on the promotion and protection of human rights in the context of climate change in the performance of the mandate, including by providing all necessary information requested in the Special Rapporteur's communications, to react promptly to the Special Rapporteur's urgent appeals, to give serious consideration to responding favourably to the Special Rapporteur's requests for country visits and to consider implementing the recommendations in reports submitted under the mandate;
4. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions, national independent monitoring frameworks, civil society, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur to enable the mandate holder 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. *Requests* the Advisory Committee of the Human Rights Council to conduct a study and to prepare a report, in close cooperation with the Special Rapporteur, on the impact of new technologies for climate protection on the enjoyment of human rights, and to submit the report to the Council at its fifty-fourth session;
7. *Emphasizes* that, while taking steps to respond to climate change, States must ensure that they meet their human rights obligations;
8. *Decides* to remain seized of the matter.

44th meeting
8 October 2021

[Adopted by a recorded vote of 42 to 1, with 4 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Czechia, Denmark, Fiji, France, Gabon, Germany, Indonesia, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and

Northern Ireland, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

Against:

Russian Federation

Abstaining:

China, Eritrea, India and Japan]

48/15. Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

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

Reaffirming its previous resolutions on the Syrian Arab Republic,

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

Deploing the fact that March 2021 marked 10 years since the peaceful uprising and its brutal repression that led to the conflict in the Syrian Arab Republic, which has had a devastating impact on civilians, including through grave violations and abuses of international human rights law and violations of international humanitarian law,

Expressing deep concern at the recent escalation in violence across different parts of the Syrian Arab Republic and its impact on the ongoing humanitarian crisis, and demanding that all parties immediately comply with their respective obligations under international human rights law and international humanitarian law,

Urging all parties to implement a complete, immediate and nationwide ceasefire monitored under the auspices of the United Nations, and to engage with the United Nations-led political process to achieve a peaceful end to the conflict,

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

Expressing grave concern about all persons missing as a result of the situation in the Syrian Arab Republic, including those subjected to enforced disappearance, noting the comments of the Independent International Commission of Inquiry on the Syrian Arab Republic and the Special Envoy of the Secretary-General for Syria that tens of thousands of individuals remain missing in the Syrian Arab Republic, and recalling Human Rights Council resolution 45/3 of 6 October 2020 in this regard,

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

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

Expressing its deepest concern about the findings of the Commission of Inquiry, including in its most recent report,⁴⁰ including the Commission's conclusion that the situation of human rights has worsened for many Syrians over the past year, expressing support for

⁴⁰ [A/HRC/48/70](#).

the mandate of the Commission and deploring the lack of cooperation by the Syrian authorities with the Commission,

Acknowledging the importance of including victims' perspectives, including the perspectives of women victims and survivors, and their demands for truth and justice in the international community's efforts with regard to the Syrian Arab Republic,

Welcoming the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,⁴¹ and noting with appreciation the work of the United Nations Board of Inquiry,

1. *Expresses grave concern* that the crisis in the Syrian Arab Republic continues and that the conflict has been marked by consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law, strongly condemns all violations and abuses and the ongoing human rights situation, demands that all parties immediately comply with their respective obligations under international humanitarian law and international human rights law, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account;

2. *Strongly reiterates* the call of the Secretary-General for a global ceasefire, the call of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic and the recommendation made by the Independent International Commission of Inquiry on the Syrian Arab Republic to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations and for the restoration of respect for human rights, and urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard recalls the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, signed by the Russian Federation and Turkey on 5 March 2020;⁴²

3. *Strongly supports* the efforts of the Special Envoy to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, including free and fair elections, pursuant to the new constitution, with all Syrians, including members of the diaspora, eligible to participate, urges all parties, in particular the Syrian authorities, to engage meaningfully in the political process under the auspices of the Special Envoy and his Office in Geneva, in accordance with all elements of Security Council resolution 2254 (2015), and reaffirms the importance of full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) of 31 October in this regard;

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

5. *Reaffirms* the importance of establishing and supporting appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for violations and abuses of international human rights law and violations of international humanitarian law, and reparations and effective remedies for victims and survivors, in all their diversity, and the prerequisite role that accountability and transitional justice mechanisms, with the meaningful participation of victims and survivors, can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict, welcomes in this regard victim-led initiatives on truth and justice, and also welcomes the significant endeavours of the

⁴¹ See A/75/743.

⁴² S/2020/187, annex.

Commission of Inquiry and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, while noting the important role that the International Criminal Court can play in this regard;

6. *Welcomes* the efforts made by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes committed there, as appropriate, and also the efforts to hold the Syrian Arab Republic to account, encourages States to continue to do so and to share relevant information among themselves, as well as with relevant accountability mechanisms such as the International, Impartial and Independent Mechanism, in accordance with their national legislation and international law, and also encourages other States to consider doing the same;

7. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, and notes the increasing needs, including for a sufficient supply of coronavirus disease (COVID-19) vaccines, across the Syrian Arab Republic, including in the north-east and the north-west, demands that all parties comply with their applicable obligations under international human rights law and international humanitarian law and that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, notes that humanitarian aid must be delivered on the basis of need, reiterates in this respect the continuing and urgent need for continued and expanded cross-border access to prevent further suffering and to save lives, and for immediate, rapid, unimpeded and sustained cross-line access, and calls for respect for humanitarian principles across the Syrian Arab Republic;

8. *Expresses deep concern* at the recent increase in violence and resulting civilian casualties across the Syrian Arab Republic, and demands that all parties immediately comply with their respective obligations under international humanitarian law and international human rights law;

9. *Also expresses deep concern* in particular about the recent increase in violence in the north-west of the Syrian Arab Republic, including airstrikes, and the impact on civilians of that violence, including the reported deaths and injuries of at least 45 children since the beginning of July 2021, and stresses the urgent need for the immediate cessation of military hostilities in Idlib and surrounding areas, the prioritization of the protection of all civilians, including those displaced, and for full, timely, immediate, unrestricted and safe humanitarian access, including cross-border access;

10. *Further expresses deep concern* about the recent situation in Dar'a al-Balad, where Syrians have supported peaceful protests since 2011 and where the Syrian regime's besiegement of the city and subsequent offensive have caused the deaths of civilians, including children, and the forced displacement of thousands more, and recalls the statements regarding the situation made by the United Nations High Commissioner for Human Rights on 5 August 2021 and the Special Envoy of the Secretary-General on 12 August, and urges all parties to immediately end all violence and siege-like conditions, to uphold their respective international human rights law and international humanitarian law obligations, and to ensure full, timely, immediate, unrestricted and safe humanitarian access to all those in need;

11. *Strongly condemns* the actions of the Syrian regime in Dar'a al-Balad, and notes that the Commission of Inquiry found in its most recent report that the regime's use of siege-like tactics in rural Damascus, Dar'a Governorate and Qunaytirah Governorate may amount to the war crime of collective punishment;

12. *Also strongly condemns* the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities, including the attack against the deconflicted Atarib cave hospital on 21 March 2021, regarding which the Commission of Inquiry found that pro-government forces may have committed the war crime of directing an attack against a medical facility, and the attack against Al-Shifa hospital on 12 June 2021, and noting in this regard that the Commission of Inquiry found that, while investigations were ongoing to identify the perpetrators, it had reasonable grounds to believe that the war crime of launching

indiscriminate attacks resulting in death or injury to civilians may have been committed in relation to the attack against Al-Shifa hospital;

13. *Expresses deep concern* that the recent increase in violence could result in further displacement of civilians across the Syrian Arab Republic and into other countries, further exacerbating the ongoing crisis that has forced more than 6.6 million refugees to flee the Syrian Arab Republic and more than 6.7 million persons displaced within it, calls upon all parties to the conflict to immediately cease activities that could cause such displacement, including any activities that may amount to war crimes or crimes against humanity, and takes note of the recent finding of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the sustainable and dignified return of refugees or for the 6.7 million persons displaced inside the country;

14. *Also expresses deep concern* at the situation of those missing, detained and forcibly disappeared in the Syrian Arab Republic, first and foremost by the Syrian regime, and demands that all parties immediately cease the use of involuntary or enforced disappearance or kidnappings, and torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention, and all related human rights violations and abuses and violations of international humanitarian law, recalls Human Rights Council resolution 47/18 of 13 July 2021, notes the Commission of Inquiry's comment that widespread enforced disappearances have been deliberately perpetrated by Syrian authority security forces on a massive scale throughout the past decade, and its recommendation that an independent mechanism be created with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance, reiterates the importance of not tampering with or contaminating mass grave sites in the Syrian Arab Republic in this regard, also reiterates its call for all Member States, relevant United Nations bodies, international organizations and civil society to coordinate further efforts and proactively focus attention on the issue of missing persons in the Syrian Arab Republic, including those subjected to enforced disappearance, and recalls the importance of the full and meaningful participation of victims, survivors and their families in such efforts;

15. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights to establish the extent of civilian casualties in the Syrian Arab Republic, in cooperation with civil society, and emphasizes the importance of such comprehensive, verifiable and transparent records of the casualties of the conflict;

16. *Strongly condemns* the ongoing terrorist acts and violence committed against civilians by Da'esh, Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council, and the abuses of human rights and violations of international humanitarian law throughout the conflict, reaffirms that terrorism, including the actions of Da'esh, 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, and the importance of ensuring accountability for all such abuses of human rights and violations of international humanitarian law;

17. *Also strongly condemns* the use of chemical weapons in the Syrian Arab Republic, recalls the findings of the Commission of Inquiry and the Organisation for the Prohibition of Chemical Weapons Fact-Finding Mission and Investigation and Identification Team in this regard, reiterates its demand that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and recalls in this regard decision C-25/DEC.9 of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

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

44th meeting
8 October 2021

[Adopted by a recorded vote of 23 to 7, with 17 abstentions. The voting was as follows:

In favour:

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

Against:

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

Abstaining:

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Pakistan, Philippines, Senegal, Somalia, Sudan and Uzbekistan]

48/16. Situation of human rights in Burundi

The Human Rights Council,

Guided by the principles and purposes 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 and other relevant international human rights instruments,

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

Recalling further the report of the Secretary-General on the strategic assessment mission for United Nations engagement in Burundi,⁴³ in particular his call upon the Government to work together with the United Nations to sustain the progress made to date and to advance national reconciliation, peacebuilding, social cohesion, socioeconomic development, humanitarian priorities and respect for human rights and the rule of law,

Recalling the statement issued by the President of the Security Council on 4 December 2020,⁴⁴ and taking into consideration the observations and recommendations contained therein,

Noting that, at the request of the Burundian authorities, the Office of the Special Envoy of the Secretary-General for Burundi closed on 31 May 2021, transferring its responsibilities to the United Nations country team in Burundi,

Reaffirming full respect for the sovereignty, political independence, territorial integrity and national unity of Burundi,

Reaffirming also that States have the obligation to respect, protect and fulfil all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with international human rights law and international humanitarian law, as applicable,

Recalling the Arusha Peace and Reconciliation Agreement for Burundi, which is rooted in the principles of human rights and transitional justice and provides the foundation for peace, justice, national reconciliation, security and stability in Burundi,

Considering that the international community and the United Nations system, including the Human Rights Council and its mechanisms, can play a critical role in strengthening the protection of human rights, preventing human rights violations and abuses and mitigating the risks of escalation of conflicts and deterioration in humanitarian situations,

⁴³ S/2020/1078, annex.

⁴⁴ S/PRST/2020/12.

Recognizing the progress made in the field of human rights, good governance and the rule of law since the investiture of the President of Burundi, Evariste Ndayishimiye, and the establishment of the new Government, and noting the newly presented national programme for the capitalization of peace, social stability and promotion of economic growth,

Noting with appreciation the re-accreditation, as of 28 June 2021, of the National Independent Human Rights Commission as an A status national human rights institution,

Noting with appreciation also the work of the Commission of Inquiry on Burundi, including the oral update provided to the Human Rights Council at the current session and the most recent report of the Commission on the situation of human rights in Burundi,⁴⁵ while deploring the persistent refusal by the Government of Burundi to cooperate with the Commission, the regrettable decision to declare the three members of the Commission *personae non gratae* and its dismissal of the Commission's findings,

Deeply regretting that no progress has been made on the reopening of the country office of the Office of the United Nations High Commissioner for Human Rights, which was unilaterally closed by the Government on 28 February 2019,

1. *Acknowledges* the progress that has been made in the field of human rights, good governance and the rule of law since the investiture of the President of Burundi, Evariste Ndayishimiye, condemns in the strongest terms all human rights violations and abuses committed in Burundi, including those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, acts of torture and other cruel, inhuman or degrading treatment or punishment, acts of violence, destruction and theft of property, sexual and gender-based violence, intimidation and harassment of members of opposition political parties, civil society representatives, peaceful protesters, human rights defenders, journalists, bloggers and other media workers, and expresses deep concern at their arbitrary arrest, and detention, and the criminalization of their exercise of human rights;

2. *Deplores* the severe restrictions on civil and political rights and fundamental freedoms, in particular the freedoms of opinion and expression, peaceful assembly and association, and the shrinking space for civil society and citizen activism, and calls upon the Government of Burundi not to support online hate speech messages with political and ethnic connotations;

3. *Condemns* the widespread impunity for all human rights violations and abuses, and urges the Government of Burundi to hold all perpetrators, regardless of their affiliation or status, including members of defence and security forces and of the ruling party's youth league, the Imbonerakure, accountable for their actions, including sexual and gender-based violence and child abuse, and to ensure that victims can seek justice and legal redress;

4. *Notes with appreciation* in this regard the increase in the number of cases of members of the Imbonerakure, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, local administration, including secret service and police, convicted for serious crimes, and encourages the Government to pursue further accountability with determination and without exception;

5. *Reiterates* its urgent call upon the Government of Burundi, while acknowledging some positive steps recently taken, to immediately put an end to all human rights violations and abuses, to ensure full respect for, and the protection and fulfilment of, human rights and fundamental freedoms for all, to guarantee the safety, physical integrity and protection of its population, to observe the independence of the judiciary, to take immediate steps to ensure necessary reform of the judicial sector and to strengthen the separation of powers with parliamentary oversight, the rule of law and good governance;

6. *Calls upon* the Government of Burundi to provide political, legal and administrative conditions for civil society to operate freely, while noting with appreciation in this regard the lifting of the suspension measure targeting the non-governmental organization Parole et Actions pour le Réveil des Consciences et l'Évolution des Mentalités;

⁴⁵ [A/HRC/48/68](#).

7. *Notes* the presidential pardon of over 5,000 prisoners, welcomes the release of four journalists of the weekly newspaper *Iwacu* and of Burundian human rights defenders Germain Rukuki and Nestor Nibitanga, and urges the Government of Burundi to release all human rights defenders, journalists and prisoners of conscience who are still in detention for doing their work in defence of human rights;

8. *Encourages* the Government of Burundi to promote and protect the full and effective exercise of fundamental freedoms, media independence and pluralism, enabling a safe environment for all journalists, bloggers and other media workers to carry out their work independently, without intimidation or undue interference and without fear of violence or persecution, and notes with appreciation that the sanctions imposed on Radio Bonesha FM and other radio stations were lifted, as well as the ongoing negotiations with other media aiming at the lifting of their suspension;

9. *Calls upon* the Government of Burundi to provide the National Independent Human Rights Commission with all the means necessary to perform its function of promoting and protecting human rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

10. *Also calls upon* the Government of Burundi to implement the recommendations made by the Secretary-General in his recent report on the strategic assessment mission for United Nations engagement in Burundi;⁴⁶

11. *Further calls upon* the Government of Burundi to implement the recommendations made by the Commission of Inquiry on Burundi in its reports;

12. *Calls upon* the Government of Burundi to implement the recommendations it accepted in the context of the universal periodic review, in 2018;⁴⁷

13. *Also calls upon* the Government of Burundi to cooperate fully with the International Criminal Court with regard to the investigation regarding crimes within the jurisdiction of the Court allegedly committed in Burundi or by Burundian nationals outside Burundi between 26 April 2015 and 26 October 2017, while Burundi was a State party to the Rome Statute of the International Criminal Court, and encourages the Government to reconsider its decision to withdraw from the Rome Statute;

14. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to grant access to special procedure mandate holders to conduct country visits, to constructively engage with the Office of the United Nations High Commissioner for Human Rights, in particular with its regional office for Central Africa with a view to reopening the country office of the Office of the High Commissioner in Burundi, to facilitate monitoring of the situation of human rights in Burundi, and to cooperate with the United Nations country team in Burundi;

15. *Calls upon* the Government of Burundi to refrain from all acts of intimidation or reprisal against human rights defenders, including those who are cooperating with international human rights mechanisms and the Human Rights Council;

16. *Encourages* the Government of Burundi to engage in a genuine and inclusive spirit with all Burundian stakeholders, operating from both inside and outside the country, including civil society representatives, human rights defenders, media workers and representatives of political parties, to effectively address the multiple, deep-rooted challenges, exacerbated by the coronavirus disease (COVID-19) pandemic, that Burundi is experiencing;

17. *Welcomes* the steps taken by the Government of Burundi to reinforce cooperation with the international community and regional organizations, including the African Union, the East African Community, the International Conference on the Great Lakes Region and the guarantors of the Arusha Peace and Reconciliation Agreement for Burundi, and to help to achieve lasting peace, reconciliation and inclusive development, and encourages the Government to continue and further strengthen cooperation in this area;

⁴⁶ S/2020/1078, annex.

⁴⁷ See A/HRC/38/10.

18. *Expresses serious concern* at the difficult situation of Burundians who have fled the country, including the nearly 268,000 Burundians who are currently settled in four neighbouring countries, while over 116,000 Burundians are internally displaced, notes that large numbers of refugees in neighbouring countries have been returning to Burundi, notes with appreciation the tripartite agreement of 29 November 2019 between Burundi, the United Republic of Tanzania and the Office of the United Nations High Commissioner for Refugees and the tripartite agreement of 13 August 2020 between Burundi, Rwanda and the Office of the United Nations High Commissioner for Refugees, urges all parties to respect their commitment to voluntary, safe and dignified repatriation consistent with their respective non-refoulement obligations, calls upon the Government of Burundi and countries hosting refugees to ensure that the conditions for the safe return and the sustainable reintegration of returning refugees are met, and commends refugee-hosting countries, donors and other partners providing humanitarian support and international protection to refugees;

19. *Notes with appreciation* the efforts by the Government of Burundi in presenting its national programme for the capitalization of peace, social stability and promotion of economic growth to tackle the precarious humanitarian and socioeconomic situation exacerbated by the COVID-19 pandemic;

20. *Decides* to appoint a special rapporteur mandated to monitor the situation of human rights in Burundi, to make recommendations for its improvement, to collect, examine and assess information from all relevant stakeholders pertaining to the human rights in Burundi, building upon the work of the Commission of Inquiry, to advise the Government of Burundi in fulfilling its human rights obligations emanating from international treaties and to offer support and advice to civil society and to the National Independent Human Rights Commission in executing its independent mandate of promoting and protecting human rights as well as in raising awareness about human rights issues;

21. *Requests* the Special Rapporteur to present to the Human Rights Council, at its fiftieth session, an oral update on the situation of human rights in Burundi, and also to submit to the Council, at its fifty-first session, and to the General Assembly, at its seventy-seventh session, a comprehensive written report;

22. *Calls upon* the Government of Burundi to cooperate fully with the Special Rapporteur, to grant the mandate holder unhindered access to the country and to provide the mandate holder with all the information necessary to properly fulfil the mandate, in line with the public commitments made by the current administration to advance human rights and re-engage with the international community;

23. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure that there is no monitoring gap pending the appointment of the Special Rapporteur, and to provide the Special Rapporteur with the assistance and all resources necessary to fulfil the mandate;

24. *Requests* the High Commissioner to ensure that information and evidence of human rights violations and abuses that committed in Burundi collected by the Commission of Inquiry are consolidated and preserved and made accessible and usable in support of ongoing and future accountability efforts;

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

44th meeting
8 October 2021

[Adopted by a recorded vote of 21 to 15, with 11 abstentions. The voting was as follows:

In favour:

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

Against:

Bolivia (Plurinational State of), Cameroon, China, Cuba, Eritrea, Gabon, Libya, Malawi, Mauritania, Pakistan, Philippines, Russian Federation, Somalia, Togo and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Bangladesh, Burkina Faso, Côte d'Ivoire, India, Indonesia, Namibia, Nepal, Senegal, Sudan and Uzbekistan]

48/17. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

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 resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council, of 18 June 2007,

Recalling also all previous General Assembly and Human Rights Council resolutions and decisions on this topic,

Reiterating that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,

Taking note with appreciation of all reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, while noting with concern that the number of reported acts of intimidation and reprisals by States and non-State actors remains high, and the trends presented in his most recent reports, including, inter alia, the fact that acts of intimidation or reprisal online and offline can be more than isolated incidents, and can signal patterns; the growing self-censorship of victims, and civil society actors who decide not to engage with the United Nations, both in the field and at Headquarters, out of fear for their safety or in contexts where human rights work is criminalized or publicly vilified; the use of national security arguments and counter-terrorism strategies by States as justification for blocking access to, or as punishment for engaging with, the United Nations; that the most commonly reported incidents concern human rights defenders, activists and journalists; and that individuals in vulnerable situations or belonging to marginalized groups continue to be exposed to specific barriers, threats and violence in their engagement with the United Nations,

Noting that an analysis of United Nations data on alleged cases of intimidation and reprisals may be used to improve policies and practices on addressing acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights,

Welcoming the positive developments and good practices identified by the Secretary-General in his most recent report,⁴⁸ in particular in relation to the development of legislative frameworks that ensure the right to access, communicate and cooperate with regional and international bodies or guarantee recourse to international forums; efforts to ensure accountability and offer remedy for incidents; the development by United Nations bodies and mechanisms in the field of human rights of procedures or guidelines to prevent and address acts of intimidation or reprisal; and support for individuals at risk; and welcoming also the pledges made by States to reject acts of intimidation or reprisal and to support safe and unhindered access to the United Nations,

Welcoming also the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations,

⁴⁸ [A/HRC/48/28](#).

its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

Welcoming further the increased commitment and support of States Members of the United Nations, and noting the ongoing initiatives within the United Nations system, including by its field presences, to develop good practices, improve prevention, including in the digital sphere, and ensure better documentation, reporting and protection practices,

Welcoming the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, and encouraging it to continue its work in this regard, including in a gender-responsive manner, and with a particular focus on individuals in vulnerable situations or belonging to marginalized groups, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned in order to strengthen the State's capacity to comply with its human rights obligations,

Welcoming also the work done by the special procedures, and in particular the Coordination Committee of Special Procedures, and the efforts by treaty bodies, to prevent and address acts of intimidation or reprisal,

Welcoming further the role that regional mechanisms and national human rights institutions can play in preventing and addressing cases of intimidation or reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, and to recommendations made by international human rights mechanisms, while noting with concern that national human rights institutions and their members and staff can themselves increasingly be victims of acts of intimidation or reprisal,

Reiterating that all States Members of the United Nations, and in particular the States members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming the obligation to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal consistent with this commitment,

Expressing serious concern at the continued reports of acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and other cruel, inhuman or degrading treatment or punishment,

Stressing that acts of intimidation or reprisal carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further acts of intimidation or reprisal,

Recognizing that the coronavirus disease (COVID-19) pandemic has exacerbated and accelerated existing challenges, both online and offline, for civil society space, including human rights defenders and other individuals and groups engaging with the United Nations in the field of human rights, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; restrictions on access to lawyers; restrictions on the rights to freedom of peaceful assembly and association, and freedom of expression; and a greater impact of the digital divide,

Noting that cooperation with the United Nations has been significantly altered by the pandemic, including the shift to hybrid and online formats of interaction with the United Nations, and recognizing that the legitimate need for emergency public health measures should not be unduly used to hinder the access of individuals and civil society organizations to the United Nations, its representatives and mechanisms in the field of human rights,

Recalling in this regard the call by the Secretary-General that the work of the United Nations, carried out increasingly online as a result of the COVID-19 pandemic, has to ensure that participation remains meaningful, effective, easily accessible and free from acts of intimidation or reprisal of any sort, including online smear campaigns,⁴⁹

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms, both online and offline, bearing in mind that this is indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Condemns* all acts of intimidation or reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Welcomes* the efforts made by States to investigate allegations of acts of intimidation or reprisal and to bring perpetrators to justice, and encourages States to continue such efforts;

4. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal, both online and offline, against those who:

(a) Seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

5. *Urges* States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, whether online or offline, including, where necessary, by adopting and implementing specific legislation and policies to promote a safe and enabling environment for engagement with the United Nations on human rights and to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

6. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and ensuring accountability for all acts of intimidation or reprisal by State and non-State actors against any individual or group that seeks to cooperate, cooperates or has cooperated with the United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and by condemning publicly all such acts, underlining that these can never be justified, to provide, in accordance with their international human rights obligations and commitments, access to effective remedies for victims, and to prevent any recurrence;

7. *Also calls upon* States to ensure that necessary COVID-19-related emergency measures are not unduly used to hinder the access of individuals and groups to international bodies, both online and offline, in particular the United Nations, its representatives and mechanisms in the field of human rights;

⁴⁹ [A/HRC/45/36](#).

8. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken by them to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General;

9. *Stresses* that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated;

10. *Invites* the Secretary-General to continue to provide the Office of the United Nations High Commissioner for Human Rights with adequate resources to prevent and address allegations of acts of intimidation or reprisal in the most effective and gender-responsive manner, including by ensuring a safe and enabling environment, both online and offline, for all those who seek to cooperate with the United Nations on human rights, including the Human Rights Council, the special procedures, the treaty bodies and other human rights mechanisms or United Nations forums;

11. *Notes with appreciation* the focus on civil society in the report of the United Nations High Commissioner for Human Rights on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices and areas of concern,⁵⁰ as a way to “build back better”;

12. *Encourages* the Assistant Secretary-General for Human Rights to strengthen efforts to develop and implement at the United Nations level a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisal, including by information-gathering and data analysis, and by improving and coordinating the response by all United Nations actors, and in this regard calls upon all States and relevant stakeholders to contribute to these efforts;

13. *Welcomes* the steps taken by the President of the Human Rights Council, and encourages the President to continue, in consultation with the States concerned, to use his or her good offices to address as appropriate allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the Council, and to provide information on cases brought to his or her attention at each session of the Council;

14. *Encourages* the United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively a regularly updated reference to credible allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State’s response in their reports;

15. *Invites* the Secretary-General to submit the report he or she presents annually to the Human Rights Council on cooperation with the United Nations, its representatives and mechanisms in the field of human rights also to the General Assembly, starting from its seventy-seventh session.

44th meeting
8 October 2021

[Adopted without a vote.]

⁵⁰ [A/HRC/46/19](#).

48/18. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

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

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Emphasizing the relevance of the International Convention on the Elimination of All Forms of Racial Discrimination as an important international instrument to combat the scourge of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and recalling the need to elaborate complementary international standards as recommended in paragraph 199 of the Durban Declaration and Programme of Action,

Acknowledging the importance of the Durban Declaration and Programme of Action as a milestone in the common fight against racism, racial discrimination, xenophobia and related intolerance, as it addresses the deep historical roots of contemporary racism, acknowledges that slavery and the slave trade are – and should always have been – crimes against humanity, takes into account the legacy of some of the most appalling chapters of human history, and constitutes a holistic call to action that encompasses measures to deliver remedies to victims of racism, to strengthen education and awareness-raising, to fight poverty and marginalization and to secure inclusive sustainable development,

Noting with concern that the lack of public knowledge about the content of the Durban Declaration and Programme of Action has constituted a serious obstacle in generating political will for its full and effective implementation,

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 States,

Recognizing also the importance of the full implementation of the Durban Declaration and Programme of Action, and emphasizing the need to streamline and enhance the effectiveness of existing follow-up mechanisms, and of increasing public awareness of and support for it,

Noting the efforts made at the international, regional and national levels, welcoming the progress made since the adoption of the Durban Declaration and Programme of Action in the implementation of its provisions, and welcoming with appreciation all the positive steps and successful initiatives taken by States towards its effective and full implementation, including constitutional and legislative reforms, the adoption of national action plans and other national policies and measures, participation in and support for its follow-up mechanisms, the mainstreaming of racial equality in international forums and the promotion of regional, international and multi-stakeholder initiatives in matters relating to the Durban Declaration and Programme of Action,

Welcoming the commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action during the holding of a high-level meeting by the General Assembly, at the level of Heads of State and Government, on the theme “Reparations, racial justice and equality for people of African descent” on 22 September 2021, during which the Assembly adopted a political declaration to mobilize political will

for the full and effective implementation of the Durban Declaration and Programme of Action and its follow-up processes,⁵¹

Recalling all previous Human Rights Council 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,

Recalling also that, in the Durban Declaration and Programme of Action, States acknowledged that, in many parts of the world, people face racism, racial discrimination, xenophobia and related intolerance, which have been exacerbated by the coronavirus disease (COVID-19) pandemic,

Expressing 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 the increasing number of acts of violence directed against individuals, and recalling that the Durban Declaration and Programme of Action calls upon States, in opposing all forms of racism, to recognize the need to counter antisemitism, anti-Arabism and Islamophobia worldwide, and urges all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities,

Recalling that racism, racial discrimination, xenophobia and related intolerance are manifested on the grounds of race, colour, descent or national or ethnic origin, and that victims can suffer from multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, disability, political or other opinion, social origin, property, birth or other status,

Reiterating that poverty, underdevelopment, marginalization, social exclusion and economic disparities can be compounded by – and themselves compound – racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices that in turn generate more poverty, and acknowledging in this regard that it is essential that integrated, intersecting and holistic approaches be adopted to ensure the effectiveness of policies and other measures against racism, racial discrimination, xenophobia and related intolerance,

Expressing concern at 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, disproportionately affecting certain individuals, including those facing racism, racial discrimination, xenophobia and related intolerance, which the pandemic has highlighted and exposed, including underlying deep and long-standing structural inequalities and fundamental problems in various areas of social, economic, civil and political life, and exacerbated existing inequalities, and recalling that systemic and structural racism and racial discrimination further exacerbate inequality in access to health care and treatment, leading to racial disparities in health outcomes and a higher rate of mortality and morbidity among individuals and groups facing racial discrimination,

Expressing concern also that Asians and people of Asian descent have been subject to racism, racial discrimination, hate crimes and violence, which have been exacerbated by the COVID-19 pandemic, and requesting States to address this issue,

Recognizing that the design and use of emerging digital technologies can exacerbate and compound existing inequalities, many of which exist on racial, ethnic and national origin grounds, and that a major concern is the prevalence of emerging digital technologies in determining everyday outcomes in employment, education, health care and criminal justice, which introduces the risk of systemized discrimination on an unprecedented scale,

Noting that, pursuant to Human Rights Council resolution 42/29 of 27 September 2019, the Office of the United Nations High Commissioner for Human Rights held an expert seminar on 21 and 22 October 2020, at which legal experts considered the issues and elements relating to a draft additional protocol to the International Convention on the Elimination of

⁵¹ See General Assembly resolution 76/1.

All Forms of Racial Discrimination prepared by the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination at its tenth session,

Regretting that, owing to COVID-19 restrictions, the Ad Hoc Committee was unable to hold its eleventh meeting as originally scheduled,⁵²

Recalling that the General Assembly stipulated, in the annex to its resolution 69/16 of 18 November 2014 by which the Assembly adopted by consensus the programme of activities for the International Decade for People of African Descent, that the implementation of the programme of activities was an integral part of the full and effective implementation of the Durban Declaration and Programme of Action,

Recalling also General Assembly resolution 73/262 of 22 December 2018, in which the Assembly decided to establish a permanent forum on people of African descent, and therefore inviting all relevant United Nations bodies and entities to refer to the Permanent Forum as reflected in paragraph 12 of that resolution,

Underlining the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals, in particular Africans and people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

Noting the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also those made by the other Durban follow-up mechanisms, namely the Ad Hoc Committee on the Elaboration of Complementary Standards, the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent, and at the Durban Review Conference held in April 2009, and noting also the initiatives taken to commemorate the twentieth anniversary of the Durban Declaration and Programme of Action,

Deploing 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, and recalling Human Rights Council resolution 43/1 of 19 June 2020, in which the Council strongly condemned the continuing racially discriminatory and violent practices perpetrated by law enforcement agencies against Africans and people of African descent, and taking note of the report of the United Nations High Commissioner for Human Rights submitted to the Council pursuant to that resolution,⁵³

Recalling Human Rights Council resolution 47/21 of 13 July 2021, in which the Council decided to establish an international independent expert mechanism, comprising three experts with law enforcement and human rights expertise, to be appointed by the President of the Council, with guidance from the High Commissioner, in order to further transformative change for racial justice and equality in the context of law enforcement globally, especially where relating to the legacies of colonialism and the transatlantic slave trade in enslaved Africans, and to investigate Governments' responses to peaceful anti-racism protests and all violations of international human rights law and to contribute to accountability and redress for victims,

Recalling also that the Human Rights Council, in its resolution 47/21, requested the High Commissioner to enhance and broaden monitoring by the Office of the High Commissioner in order to continue to report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, to contribute to accountability and redress, and to take further action globally towards transformative change for racial justice and equality, including by providing support for and strengthening assistance to States and other stakeholders, particularly people of African descent and their organizations, and by giving further visibility to this work,

⁵² See [A/HRC/48/85](#).

⁵³ [A/HRC/47/53](#).

Recalling further General Assembly resolution 75/237 of 31 December 2020, in which the Assembly requested the Human Rights Council to consider the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

Concerned about the reduction in financial and human resources at the Office of the High Commissioner at a time when they are indispensable to the overall implementation of mandates and advocacy for the fight against racism,

Noting with appreciation the annual observance in Geneva of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and recalling the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

1. *Underscores* the importance of political will and commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance;

2. *Underlines* the imperative need for the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and of the Durban Declaration and Programme of Action as the instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for combating the scourge of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms, as well as of the programme of activities of the International Decade for People of African Descent;

3. *Continues* to be alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;

4. *Encourages* States to make the requisite declaration in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its complaints procedure;

5. *Reaffirms* the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, which, at its tenth session, commenced discussions on the elaboration of a draft additional protocol to the Convention;⁵⁴

6. *Endorses* the conclusions and recommendations made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its eighteenth session;

7. *Emphasizes* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action for promoting equality and non-discrimination around the world;

8. *Requests* the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action to convene its eighth session for five working days, in 2022, and to submit a report thereon to the General Assembly at its seventy-seventh session, and in this regard requests the Chair of the Group of Independent Eminent Experts to engage in an interactive dialogue with the Assembly under the agenda item entitled

⁵⁴ See [A/HRC/46/66](#).

“Elimination of racism, racial discrimination, xenophobia and related intolerance” at that session;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the financial and human resources necessary for the Group of Independent Eminent Experts to fulfil its mandate effectively;

10. *Deplores* the ongoing use of social media platforms to incite hatred and violence, inter alia against migrants, refugees and asylum seekers, while reaffirming the rights to freedom of expression, association and peaceful assembly, and calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated in information and communications technology;

11. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

12. *Welcomes* the convening of regional meetings organized by the Office of the High Commissioner to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions at the meetings, and recognizes the contributing role that national human rights institutions and civil society organizations can play in supporting States’ measures to prevent and eliminate all forms of racial discrimination;

13. *Notes* the establishment of the Permanent Forum on People of African Descent as a consultative mechanism for people of African descent and other relevant stakeholders as a platform for improving the safety and quality of life and livelihoods of people of African descent, as well as an advisory body to the Human Rights Council, in accordance with the programme of activities for the implementation of the International Decade for People of African Descent and in close coordination with existing mechanisms, and reiterates that the Permanent Forum should be provided with all necessary and adequate substantive secretariat support;

14. *Requests* the Advisory Committee to prepare a study in which it examines patterns, policies and processes contributing to incidents of racial discrimination and makes proposals to advance racial justice and equality, which should be firmly anchored in the fulfilment of the 2030 Agenda for Sustainable Development and the attainment of its Goals, in consultation where possible with the Office of the High Commissioner and the international independent expert mechanism to advance racial justice and equality in the context of law enforcement established by the Human Rights Council in its resolution 47/21, and to present the study to the Human Rights Council at its fifty-fourth session;

15. *Requests* the United Nations system to strengthen its awareness-raising campaigns to increase the visibility of the message of the Durban Declaration and Programme of Action, its follow-up mechanisms and the work of the United Nations in the fight against racism;

16. *Requests* the Secretary-General and the Office of the High Commissioner to implement fully paragraphs 32 and 34 of General Assembly resolution 75/237, on outreach and a public information campaign for the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action and follow-up thereto;

17. *Requests* the Office of the High Commissioner to establish and launch a two-year comprehensive communications strategy, inclusive of an outreach programme to raise awareness about and mobilize global public support for racial equality, including about the content and contribution of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action to the struggle against racism, racial discrimination, xenophobia and related intolerance; the activities of the strategy should include the publication and wide dissemination through United Nations

information centres and the field presences of the Office of the High Commissioner, also in easily accessible printed and digital formats, of the Convention, the Durban Declaration and Programme of Action and the programme of activities for the International Decade for People of African Descent, in all official languages of the United Nations; engagement with universities, schools and other educational entities; identifying new challenges for individuals and groups facing racial discrimination on social media; the production of promotional material on racial equality with a youth-friendly approach for educational purposes; publicizing positive examples of the implementation of the Convention and the Durban Declaration and Programme of Action; engagement with news media; outreach to civil society to enhance networking; and engagement with the general public, mainly young people, on social media; and requests the Secretary-General to provide the strategy and outreach programme with the necessary resources;

18. *Requests* the High Commissioner to improve and streamline the section of the website of the Office of the High Commissioner dedicated to the Durban Declaration and Programme of Action, to raise the visibility of the follow-up activities of the Human Rights Council, its working groups, its special procedure mandate holders and the human rights treaty bodies in relation to its implementation;

19. *Requests* the Office of the High Commissioner, Member States and other stakeholders to include in their annual updates to the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action information on the implementation of the Durban Declaration and Programme of Action, including on the activities conducted in the context of the outreach programme, and also requests the Office to include information on the implementation of the communications strategy in the annual report of the Secretary-General to the General Assembly on global efforts in the fight against racism;

20. *Acknowledges* the work done by the Office of the High Commissioner, and requests the High Commissioner to continue to provide the resources necessary for the effective functioning of Durban follow-up mechanisms and to give high priority to the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

21. *Decides* to remain seized of this important issue.

*45th meeting
11 October 2021*

[Adopted by a recorded vote of 32 to 10, with 5 abstentions. The voting was as follows:

In favour:

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

Against:

Austria, Czechia, Denmark, France, Germany, Italy, Netherlands, Poland, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Bulgaria, Japan, Marshall Islands, Republic of Korea and Uruguay]

48/19. Technical assistance and capacity-building in the field of human rights in the Central African Republic

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 African Charter on Human and Peoples' Rights and other international and African instruments on the protection of human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions on technical assistance and capacity-building in the field of human rights in the Central African Republic,

Recalling further Security Council resolutions on the situation in the Central African Republic,

Recalling the joint communiqué signed between the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Government of the Central African Republic on 1 June 2019, in accordance with Security Council resolution 2106 (2013) of 24 June 2013,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African human rights instruments to which they are parties,

Recalling that the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Recalling also the Political Agreement for Peace and Reconciliation in the Central African Republic signed on 6 February 2019,

Recalling further the holding, in 2015, of popular consultations and of the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main parties to the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Commending the Government of the Central African Republic for its efforts to combat the coronavirus disease (COVID-19) pandemic, and welcoming the multifaceted support provided by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations country team and international partners in order to prevent and test for the disease, curb its spread, reduce the number of infections and isolate the sick, while remaining concerned about the health, social, economic and humanitarian consequences of the disease,

Deeply concerned about the security situation in the Central African Republic, which remains very unstable, and condemning in particular the abuses that continue to be committed by the parties to the conflict in violation of the Peace Agreement of 6 February 2019, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers, humanitarian personnel, journalists and health workers,

Taking note of the joint report issued on 4 August 2021 by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights on violations of human rights and international humanitarian law in the Central African Republic during the election period from July 2020 to June 2021,

Condemning the surge in attacks on humanitarian and medical personnel and on civilian and humanitarian facilities and infrastructure, the unlawful taxation of humanitarian aid by armed groups in a context where the number of displaced persons is increasing and the number of refugees remains high, and the fact that more than half of the population, or some 2.8 million Central Africans, continues to need humanitarian assistance in order to survive,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the safe, dignified and

sustainable voluntary return of displaced persons and refugees and to ensure that they are returned and received in conditions allowing for safe, dignified and sustainable resettlement,

Welcoming the efforts of subregional organizations in the ongoing mediation process, as well as the humanitarian assistance provided by the States members of these organizations to the population of the Central African Republic,

Welcoming also the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, with full respect for the applicable provisions of international law, particularly international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by the parties to the conflict, noting with satisfaction that the Government of the Central African Republic has established a special commission of inquiry to conduct an independent, transparent and thorough investigation of these allegations to ensure that those responsible for such acts are brought to justice, welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and noting with appreciation the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice the perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for such persons, and the need to bolster national judicial mechanisms to ensure that they are held to account,

Stressing also the primary responsibility of the national authorities to create the conditions necessary to carry out prompt, impartial and transparent investigations, to conduct credible prosecutions, to render judgments efficiently and independently, and to protect victims and at-risk persons against reprisals of any kind, and calling upon international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, within its mandate, to support the Central African authorities to this end,

Recalling that the international commission of inquiry tasked with investigating allegations of violations of international humanitarian law and international human rights law and of human rights abuses in the Central African Republic concluded that, since January 2013, the main parties to the conflict had committed violations and abuses that may constitute war crimes and crimes against humanity,

Stressing the importance of pursuing investigations into allegations of violations of international humanitarian law and international human rights law and of human rights abuses to complement the work of the international commission of inquiry and the report on the mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

Welcoming the holding of the most recent presidential and legislative elections and calling for the free and transparent conduct of the forthcoming local and municipal elections in 2022, the organization of which should involve efforts to ensure the safe return of refugees and internally displaced persons,

Stressing that the preparations for the holding of local and municipal elections in 2022 must include an effective framework for consultations among political actors, civil society and other relevant stakeholders in the country, with the support of the guarantors and facilitators of the Peace Agreement of 6 February 2019 and the international community, for an open and inclusive dialogue aimed at seeking consensus and restoring confidence among the various actors,

1. *Strongly condemns* all human rights abuses and violations and violations of international humanitarian law, including killings, acts of torture and other cruel, inhuman or degrading treatment or punishment, conflict-related and gender-based sexual violence, abductions, arbitrary arrests and deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on schools, on the injured and the sick, on medical personnel and on health centres and medical vehicles, the denial of humanitarian assistance, the illegal destruction of property and all violations committed against civilians, in particular populations in situations of vulnerability, including women, children and displaced persons, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, humanitarian workers, health workers, humanitarian supplies and United Nations personnel, and urges armed groups to observe an immediate ceasefire in accordance with their commitment under the Peace Agreement of 6 February 2019;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict respect for all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* at the humanitarian situation, stresses that insecurity and lack of funding constitute obstacles to the safe, unhindered delivery of humanitarian assistance, calls upon the international community to offer greater support for humanitarian assistance and stabilization efforts in the country, and requests all parties to authorize and facilitate rapid, safe and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

5. *Calls upon* the Government of the Central African Republic, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who engage in or provide support for acts that undermine the peace, stability and security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians or attack peacekeepers, incite others to violence, including intercommunity violence, or to hatred, particularly on ethnic or religious grounds, or to sexual or gender-based violence, or who prepare, commit or order the commission of acts that are contrary to human rights and international humanitarian law, recruit children for use in armed conflict, or impede the delivery or distribution of or access to humanitarian assistance may be sanctioned by the Security Council;

6. *Welcomes* the report of the Independent Expert on the situation of human rights in the Central African Republic⁵⁵ and the recommendations contained therein;

7. *Calls upon* the authorities of the Central African Republic to fulfil expeditiously the commitments undertaken in 2019 with the signing of the joint communiqué between the United Nations and the Government of the Central African Republic with a view to combating sexual violence in conflict;

8. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

9. *Calls upon* the authorities of the Central African Republic to provide support to the National Observatory for Gender Parity and to strengthen the organization and operations of the National Commission on Human Rights and Fundamental Freedoms, the High Council for Communication, the High Authority for Good Governance, the National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination, and other State institutions working for the promotion, protection and fulfilment of human rights, the fight against corruption and the promotion of democracy and good governance;

⁵⁵ [A/HRC/48/81](#).

10. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement, in support of the authorities of the Central African Republic and as provided in its mandate, a proactive and effective approach to the protection of civilians, and to lend the necessary assistance to the work of the Special Criminal Court;

11. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse and other forms of sexual violence, and calls upon troop-contributing countries and international forces acting under the mandate of the Security Council to take appropriate measures to prevent such acts and to prevent impunity among their personnel in order to ensure justice for victims;

12. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations country team, to revitalize the disarmament, demobilization, reintegration and repatriation process, and requests Member States and international organizations to continue and to strengthen their financial support for the process, for the operationalization of the Truth, Justice, Reparation and Reconciliation Commission and for initiatives to promote peace, security and reconciliation within the population and the stabilization of the country;

13. *Deplores* the fact that children continue to be used by armed groups as combatants, human shields, domestic workers and sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent the recruitment and use of children and early and forced marriages, and in this regard calls upon them to honour the commitments assumed by several of them under the Peace Agreement of 6 February 2019;

14. *Encourages* the Government of the Central African Republic to promptly adopt a national child protection plan and to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

15. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate in a sustainable manner all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls, in particular those who have been victims of violence;

16. *Remains deeply concerned* about the extent of conflict-related sexual violence perpetrated by the parties to the conflict, in particular against women, girls and boys, encourages the national authorities and the Special Criminal Court to protect and support victims, recalls in this regard the establishment of the Joint Rapid Response Unit to Combat Sexual Violence against Women and Children, and calls upon the authorities of the Central African Republic to take further steps to provide it with the means necessary for its operation and to ensure, through the relevant services, the provision of psychotherapeutic and socioeconomic support to victims;

17. *Welcomes* the opening of an investigation by the International Criminal Court in September 2014 at the request of the authorities of the Central African Republic, focusing principally on war crimes and crimes against humanity committed since 1 August 2012, the arrest on 17 November 2018 of Alfred Yekatom, who was surrendered to the Court by the authorities of the Central African Republic, the arrest on 12 December 2018, by the authorities of France pursuant to an arrest warrant issued by the Court on 7 December 2018, of Patrice-Edouard Ngaïssona, senior leader and national general coordinator of the anti-balaka, and the surrender of Mahamat Said Abdel Kani to the Court on 24 January 2021 by the authorities of the Central African Republic pursuant to an arrest warrant issued on 7 January 2019, and notes the opening of the trial of Alfred Yekatom and Patrice-Édouard Ngaïssona on 16 February 2021 and the mobilization of the population of the Central African Republic to follow it remotely;

18. *Urges* neighbouring States of the Central African Republic to cooperate in combating insecurity and the impunity of members of armed groups, including through cooperation with national and international courts and the Truth, Justice, Reparation and Reconciliation Commission;

19. *Welcomes* the efforts of the authorities of the Central African Republic that led to the operationalization of the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government of the Central African Republic, with support from the international community, to continue its cooperation with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

20. *Calls upon* the authorities of the Central African Republic to strengthen the financial and human resources allocated for the purpose of re-establishing the effective authority of the State over the entire country by continuing to redeploy the State administration, particularly in the areas of criminal justice and prison administration, in the provinces with a view to combating impunity and ensuring stable, responsible, inclusive and transparent governance at the national and local levels;

21. *Urges* the authorities of the Central African Republic to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings and to establish appropriate programmes to provide victims of violations and their families with material and symbolic reparations, at both the individual and collective levels;

22. *Encourages* the authorities to fully implement security sector reform in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and recalls that these forces must respect the principles of accountability and the rule of law in order to win and retain the trust of local communities, including by ensuring that candidates for recruitment are subject to appropriate vetting and background checks, particularly with regard to respect for human rights;

23. *Invites* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure oversight and accountability in relation to the conduct of the national security forces and other security personnel, and to continue to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

24. *Stresses* the need for effective access to health care, the need for the effective functioning of schools and vocational training centres whose premises are occupied by armed groups and security personnel or have been destroyed or damaged because of the conflict, the need for access to sanitation and drinking water in places where storage, treatment and distribution facilities have deteriorated as a result of the conflict, the need for the resumption of agropastoral activities disrupted by insecurity and the COVID-19 pandemic, the need to register births and civil status, and the need to ensure the provision of local justice services in the context of the inadequate restoration of State authority, and requests the partners of the Central African Republic to help the country to meet these challenges;

25. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to local populations in response to the food insecurity affecting nearly 57 per cent of the population by supporting humanitarian assistance and stabilization efforts, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

26. *Requests* the international community to enhance its support for the fight against the COVID-19 pandemic in the Central African Republic in order to prevent the health crisis from turning into a social, economic and humanitarian crisis that could lastingly undermine the results achieved in several areas, in particular the progress made on priorities such as the mechanisms implementing the Peace Agreement of 6 February 2019, the normative framework, efforts to combat impunity and reconciliation mechanisms at the local level;

27. *Urges* the authorities of the Central African Republic to provide the Truth, Justice, Reparation and Reconciliation Commission with all appropriate means for the effective fulfilment of its mandate, including with respect to the fight against impunity and the promotion of reparation and guarantees of non-repetition, complementing the Special Criminal Court and the ordinary courts;

28. *Also urges* the authorities of the Central African Republic to continue inclusive efforts for the effective implementation of transitional justice mechanisms, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and other international partners;

29. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of victims, women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

30. *Strongly encourages* the authorities of the Central African Republic to expedite the holding of the national republican dialogue, the organizational committee for which has just been established;

31. *Remains concerned* about the surge in the number of children recruited by armed groups, calls for the establishment and implementation of socioeconomic reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, and calls upon armed groups to put an end to such serious violations and abuses and upon the authorities of the Central African Republic to prevent them by enforcing the Child Protection Code;

32. *Remains deeply concerned* about the conditions in which displaced persons and refugees are living, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

33. *Calls upon* the national authorities to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

34. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned, and also donors, to provide the Central African Republic with technical assistance and capacity-building in order to assist it in promoting respect for human rights and undertaking reform of the justice and security sectors, and to stand ready to respond to the urgent needs and priorities identified by the Central African Republic;

35. *Decides* to renew, for one year, the mandate of the Independent Expert on the situation of human rights in the Central African Republic, which is to assess, monitor and report on the situation with a view to making recommendations relating to technical assistance and capacity-building in the field of human rights;

36. *Requests* the Independent Expert to pay particular attention to violations of human rights and international humanitarian law alleged to have been committed by all parties to the conflict;

37. *Requests* all parties to cooperate fully with the Independent Expert in carrying out his mandate;

38. *Decides* to organize, at its forty-ninth session, a high-level interactive dialogue to assess developments in the situation of human rights on the ground, placing special emphasis on the reconciliation process and the implementation of guarantees of non-

repetition, including through the effective fulfilment of the mandate of the Truth, Justice, Reparation and Reconciliation Commission, with the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union, the Truth, Justice, Reparation and Reconciliation Commission and civil society;

39. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

40. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

41. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

42. *Requests* the Independent Expert to provide an oral update on his report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its fiftieth session and to submit a written report to the Council at its fifty-first session;

43. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable him to carry out fully his mandate;

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

*45th meeting
11 October 2021*

[Adopted without a vote.]

48/20. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017, 36/30 of 29 September 2017, 39/20 of 28 September 2018, 42/34 of 27 September 2019 and 45/34 of 2020, in which the Human Rights Council called upon the international community to support the efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and responding to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights

Office in the Democratic Republic of the Congo,⁵⁶ submitted to the Council in accordance with its resolution 45/34,

Deeply concerned about the continuing violations being committed against children and women, including sexual and gender-based violence, and affirming the necessity of preventing, condemning and eliminating all forms of violence against women and girls, of ensuring access to justice and of meeting the obligation to bring the perpetrators of these violations to book,

Concerned by the deteriorating security and human rights conditions in some sectors in the eastern part of the Democratic Republic of the Congo, with a situation that continues to give cause for concern in Ituri, North Kivu, South Kivu, Maniema and Tanganyika in particular,

Noting the progress made by the Armed Forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children,

Noting also the updating of the National Action Plan to Combat the Worst Forms of Child Labour in the Democratic Republic of the Congo,

Concerned about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need of humanitarian assistance,

Welcoming the progress made in 2020 and the measures taken by the President to put an end to the violations of fundamental freedoms and human rights in the Democratic Republic of the Congo,

Concerned by the resurgence of violations of fundamental freedoms linked to restrictions on liberties and by the worsening situation in detention centres,

Concerned also by the resurgence of hate speech and of incitement of hatred in contravention of article 20, paragraph 2, of the International Covenant on Civil and Political Rights, as detailed in a report issued by the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in March 2021, and by the threat that this resurgence poses to national cohesion, peace, lasting security and the protection of civilians in increasing the risk of inter-ethnic and other forms of violence and discrimination,

Calling on the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect, protect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

Concerned about the arbitrary arrests, carried out by the security services, targeting court officers, including lawyers, and other civil society actors, such as human rights activists and whistle-blowers,

Concerned also about the cases of arbitrary arrest by the judiciary, and recalling that detention should under all circumstances remain an exception to the principle of respect for the fundamental freedoms of Congolese citizens,

Recalling the need to guarantee not only the right of opposition, but also the full exercise by Parliament of its mandate in a democratic system,

Welcoming the report of the team of international experts on the situation in Kasai,⁵⁷ submitted in accordance with Human Rights Council resolution 45/34, taking note of its conclusions and recommendations, and welcoming the ongoing cooperation between the Government of the Democratic Republic of the Congo and the team of international experts, including the steps taken to facilitate access to the country, sites and persons,

Recognizing the important role played by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint

⁵⁶ [A/HRC/48/47](#).

⁵⁷ [A/HRC/48/82](#).

Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and abuses and in improving the situation of human rights in the country,

Bearing in mind that the recommendations of the team of international experts on the situation in Kasai should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with support from the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting also the progress made in combating impunity for perpetrators of sexual violence and in ensuring that victims have access to justice for the reparation of harm suffered, including through the establishment, by the Office of the Personal Representative of the Head of State tasked with fighting against sexual violence and the recruitment of children, of a helpline for victims of sexual violence, which contributes to the fight against impunity, commending the Government of the Democratic Republic of the Congo on its tireless efforts to prevent, on a lasting basis, the recruitment and use of children by its armed forces, and calling on the Government to find a durable solution to the problem of sexual and gender-based violence against children by implementing the 2012 plan of action and by prioritizing the provision of services to child survivors,

Noting further the efforts of the Democratic Republic of the Congo to meet its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns* all violations of human rights, in particular in the areas affected by armed or intercommunal conflict in the eastern part of the Democratic Republic of the Congo, where the situation continues to lead to significant population displacement;

2. *Notes* the efforts made by the authorities of the Democratic Republic of the Congo to bring the alleged perpetrators of those acts to justice, encourages them to take all necessary measures to ensure that all the alleged perpetrators are brought to justice, and welcomes the convictions already pronounced;

3. *Encourages* the Government of the Democratic Republic of the Congo to vigorously pursue the awaited legislative changes aimed at enhancing respect for human rights and fundamental freedoms, as the President has pledged to do, to continue efforts to strengthen the rule of law and democratic institutions, to advance political openness, to provide adequate protection for human rights defenders and whistle-blowers, and not to allow any retrogression or new violations of the political rights of Congolese citizens;

4. *Underlines* the responsibility incumbent on all stakeholders to act in strict respect for the rule of law and human rights, and urges them to reject all forms of violence;

5. *Notes* the proclamation by the Head of State, effective 6 May 2021, of a state of siege in the provinces of North Kivu and Ituri, the objective of which is to restore State authority, peace, the rule of law and respect for human rights, and calls on the Government to provide information on the scope of that measure in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights;

6. *Encourages* the Government of the Democratic Republic of the Congo to respect the rule of law and to continue with its efforts to respect, protect and uphold human rights and fundamental freedoms for all, in accordance with the international obligations of States, in particular during the state of siege in effect in the provinces of North Kivu and Ituri, where military justice has assumed the functions of the civilian courts in dealing with criminal cases;

7. *Welcomes* the strong commitment of the President to improving the human rights situation and the positive steps taken since his inauguration to launch his reform agenda and open up the political environment, which have resulted in the release of political prisoners, the closure of the detention centres where they were being held, the return of political actors, and progress in ensuring respect for fundamental freedoms;

8. *Regrets* the steady rise in the number of violations of political rights and public freedoms, as reflected in a high number of arbitrary arrests, including of whistle-blowers, infringements of freedom of expression and the press and threats against human rights defenders;

9. *Welcomes* the establishment of the Disarmament, Demobilization, Community Recovery and Stabilization Programme, following the signature, by the President, on 5 July 2021, of the order on the creation, organization and functions of the programme;

10. *Welcomes* the efforts of the Armed Forces of the Democratic Republic of the Congo, supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to counter armed groups that are spreading terror in certain conflict zones in the east of the country;

11. *Welcomes also* the efforts undertaken by the authorities of the Democratic Republic of the Congo to strengthen the rule of law and the independence of the judiciary, and invites them to continue, in cooperation with international partners, to develop national capacities in the conduct of investigations and the prosecution of perpetrators of grave human rights violations that could amount to crimes against humanity and war crimes, to facilitate the continuance of legal proceedings initiated against alleged perpetrators of grave violations of human rights and of international humanitarian law, to tackle the issues of slow judicial proceedings and congestion in the courts, and to ensure that guilty parties are convicted;

12. *Welcomes* the pursuit of the trial proceedings launched against the persons who allegedly killed two United Nations experts and the persons accompanying them, the conviction of the perpetrators and compensation of the victims in the case linked to the Kamuina Nsapu militia in the Kasai region, the trials of persons alleged to be recruiters of children, the conviction, for war crimes, including the recruitment and use of children, of the former head of Nduma Defence of Congo, Ntabo Ntaberi Sheka, and the convictions of 17 soldiers of the armed forces and 11 police officers for child rape;

13. *Welcomes* the proceedings brought against perpetrators of human rights violations through the organization of trials in the civilian and military courts and of mobile court hearings in remote areas where there are no fixed courts, as well as the resumption of the trial of the killers of human rights defenders Floribert Chebeya and Fidèle Bazana;

14. *Welcomes also* the legal proceedings against persons who allegedly engaged in corruption, bribery, embezzlement of public funds and other acts of financial impropriety reported by the Inspectorate General of Finances, and the referral of all the cases to the Office of the Attorney General of the Republic;

15. *Encourages* the Government of the Democratic Republic of the Congo to pursue its efforts to adopt legislative measures aimed at promoting and protecting human rights and fundamental freedoms and facilitating their full enjoyment by all citizens;

16. *Welcomes* the efforts made by all parties, including the Government of the Democratic Republic of the Congo, the political opposition and civil society, to create a fully open political environment;

17. *Welcomes* the steps taken to revitalize the Interministerial Committee on Human Rights, which is tasked with preparing and drafting all the reports required under international and regional human rights treaties and the universal periodic review process and for follow-up on all recommendations, and recommends that the authorities of the Democratic Republic of the Congo do everything necessary to increase budgetary resources for the committee in order to optimize its work;

18. *Welcomes* the fact that the Interministerial Committee on Human Rights has been given office and computer equipment by the United Nations Joint Human Rights Office in the Democratic Republic of the Congo to enable it to optimize its work;

19. *Welcomes also* the note of August 2021 of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo reporting a decrease in the number of violations compared to the previous period;

20. *Encourages* the authorities of the Democratic Republic of the Congo to do everything necessary to guarantee the independence of the National Committee for the Prevention of Torture in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

21. *Welcomes* the process under way to develop the transitional justice machinery in the Democratic Republic of the Congo through the establishment of a national commission on transitional justice and reconciliation, including the creation of a fund for victims of serious crimes, their family members and their communities, a mechanism that could balance the fight against impunity with reconciliation and the possibility of warding against the recurrence of such crimes, in accordance with Human Rights Council resolution 38/20 of 6 July 2018, also welcomes the creation of a working group on transitional justice in Congolese civil society, together with the implementation of a transitional justice programme in Kasai, which could be replicated in other provinces;

22. *Welcomes* the commitment made by the Minister for Human Rights, in cooperation with the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, to launch a major national campaign to raise awareness of issues relating to hate speech, identified as a source of community violence in the Democratic Republic of the Congo;

23. *Welcomes* the creation, by the President, of the Agency to Prevent and Combat Human Trafficking and the appointment of key figures to lead it, in the framework of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, while recalling the need for ensuring synergies with regard to the charging and prosecution of those responsible for this practice;

24. *Urges* the Government of the Democratic Republic of the Congo to do everything possible to ensure the success of the follow-up given to the signature of the peace accord with the Patriotic Resistance Force of Ituri, in accordance with international law, by making the related transitional justice mechanism an effective one, and to acquire the means to apply the same process in all parts of the country where tensions flare up because of the presence of local armed groups;

25. *Welcomes* the establishment of a ministry for persons with disabilities and other vulnerable persons, the adoption in the Parliament of laws for the protection of persons with disabilities and of indigenous persons in the Democratic Republic of the Congo, as well as the preparation of the initial report on the implementation of the Convention on the Rights of Persons with Disabilities;

26. *Welcomes* the effective action taken to establish an interministerial committee for the voluntary principles on security and human rights in the extractive industries, the decision by the Democratic Republic of the Congo to sign up to the initiative regarding those same principles, in particular in the mining sector where child labour and other human rights violations are regularly to be found, invites all its partners to lend it assistance in the application of the principles at the national level, and recommends that the Government takes clear and coherent action to provide unified coordination of all related initiatives, from whatever quarter they may come, with a view to ensuring transparency at the national and multilateral levels;

27. *Encourages* the Government of the Democratic Republic of the Congo to continue with and strengthen incentives designed to enhance and increase the presence and participation of women in the political and administrative domains;

28. *Notes* the commitment of the President of the Democratic Republic of the Congo to combating impunity, reiterates its encouragement to the Government to actively pursue its efforts, in conjunction with civil society organizations and the international community, to end impunity for the perpetrators of grave human rights violations and abuses, including sexual and gender-based violence and violence against children, as well as violations of international humanitarian law, in particular in the east of the Democratic

Republic of the Congo and the province of Kasai, and to ensure that the victims of such violations, abuses and related crimes receive adequate reparation, and declares that it will follow the regulatory initiatives being prepared in this regard with interest;

29. *Encourages* the Government of the Democratic Republic of the Congo to apply all decisions of the treaty bodies and of the African Commission on Human and Peoples' Rights for the protection and improvement of the human rights situation in the country;

30. *Encourages* the Ministry for Gender, the Family and Children to make the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa more widely known;

31. *Welcomes* the adoption, on 22 August 2021, of a road map for follow-up on the commitments made by the Democratic Republic of the Congo to combat statelessness;

32. *Calls on* the Government of the Democratic Republic of the Congo to take all appropriate measures to prevent and eliminate all forms of discrimination and violence against women and girls, including those in situations of risk, notably situations involving armed conflict, humanitarian emergencies and natural disasters;

33. *Encourages* the Government of the Democratic Republic of the Congo to safeguard the dignity of detainees and convicted prisoners by offering them a framework that is conducive to their rehabilitation and proper reintegration into society;

34. *Welcomes* the cooperation that has been established between the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and the team of international experts on the situation in Kasai;

35. *Encourages* the Government of the Democratic Republic of the Congo to improve its cooperation with the special procedures mandate holders by responding to their requests for visits;

36. *Also encourages* the Government of the Democratic Republic of the Congo to step up its efforts in pursuit of security sector reform, including with respect to capacity-building for its members on human rights and international humanitarian law, and to reform and further strengthen its prison system;

37. *Further encourages* the Government of the Democratic Republic of the Congo to take appropriate measures to ensure the smooth functioning of all agencies responsible for monitoring respect for human rights, including the Human Rights Liaison Unit, the National Human Rights Commission, the Interministerial Committee on Human Rights, the National Commission for the Universal Periodic Review and the Unit for the Protection of Human Rights Defenders;

38. *Requests* the Government of the Democratic Republic of the Congo to proceed with the full implementation of the recommendations made by the team of international experts on the situation in Kasai in its report, in cooperation with the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, in particular those recommendations on combating impunity, so that all perpetrators of human rights violations and abuses are brought to justice and so that reconciliation can be promoted;

39. *Expresses satisfaction* with the public commitment of the Democratic Republic of the Congo to foster justice and reconciliation in Kasai and encourages the Government to pursue its efforts to give effect to this commitment, particularly in regard to the conduct of investigations and prosecutions, violence against women, including action against sexual and gender-based violence, reconciliation between communities, and the disarmament and demobilization of militias;

40. *Welcomes* the work done by the team of international experts on the situation in Kasai, together with the technical assistance provided by the Office of the High Commissioner to the judicial authorities in the Democratic Republic of the Congo, in particular in the area of forensic medicine;

41. *Welcomes also* the establishment of an interministerial working group to follow up on the recommendations of the team of international experts on the situation in Kasai, and encourages the Government of the Democratic Republic of the Congo to make sure that this working group meets as often as needed to regularly assess progress made with implementation of the recommendations, to strengthen coordination between the administrative bodies and stakeholders, and to recommend appropriate measures to the Government;

42. *Decides* to renew the mandate of the team of international experts on the situation in Kasai and to extend it to cover the entire national territory of the Democratic Republic of the Congo, and requests the international team of experts to submit its final report to the Human Rights Council, in the framework of an enhanced interactive dialogue, at its fifty-first session, and to present it with an oral update at its forty-ninth session;

43. *Requests* the High Commissioner to provide technical assistance, including forensic expertise, to the Government of the Democratic Republic of the Congo in order to support the judicial authorities in their investigations into allegations of human rights violations and abuses, with a view to bringing those responsible to justice;

44. *Also requests* the High Commissioner to provide the Government of the Democratic Republic of the Congo with technical assistance to support the process under way to develop the transitional justice machinery in the Democratic Republic of the Congo through the establishment of a national commission on transitional justice and reconciliation;

45. *Requests* the High Commissioner to present the Council with an oral update on the situation of human rights in the Democratic Republic of the Congo, in the framework of an enhanced interactive dialogue, at its forty-ninth session;

46. *Also requests* the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo and to submit it to the Council, in the framework of an enhanced interactive dialogue, at its fifty-first session;

47. *Decides* to remain seized of the matter until its fifty-first session.

*45th meeting
11 October 2021*

[Adopted without a vote].

48/21. Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

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

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

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016, 36/31 of 29 September 2017, 39/23 of 28 September 2018, 42/31 of 27 September 2019 and 45/26 of 6 October 2020,

Emphasizing Security Council resolutions 2216 (2015) of 14 April 2015 and 2451 (2018) of 21 December 2018,

Recalling the Stockholm Agreement, accepted by the Government of Yemen and the Houthis, for a ceasefire in the city of Hudaydah, and the mutual redeployment of the forces

from the ports of Hudaydah, Salif and Ra's Isa, thereby establishing a mechanism for activating the exchange of prisoners, lifting the siege of the city of Ta'izz and facilitating the delivery of humanitarian aid,

Reiterating its strong support for the international efforts to reach a comprehensive ceasefire, to end the conflict in Yemen and to renew a meaningful and inclusive political dialogue for peace, represented by the initiative of the Special Envoy of the Secretary-General for Yemen, the initiative of Saudi Arabia, the efforts of the Special Envoy of the United States of America for Yemen and some countries in the region, and recalling the need for all parties to the conflict to react to these efforts in a flexible and constructive manner, without preconditions, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are essential factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

Welcoming the agreement by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, including the completion of the drafting of a new constitution,

Taking note with appreciation of Presidential Decree No. 9 of 28 September 2021, in which the mandate of the National Commission of Inquiry was extended for a period of two years with a view to investigating all human rights violations since 2011,

Welcoming the Riyadh Agreement signed by the Government of Yemen and the Southern Transitional Council, and encouraging the speedy and full implementation of the Agreement as an important step towards a political solution in Yemen,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of fundamental human rights, including social and economic rights, and that the parties to the conflict must facilitate the rapid, safe and unhindered delivery of humanitarian aid,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building in Yemen;⁵⁸

2. *Notes* the comments made by the Government of Yemen on the report of the High Commissioner during the present session;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies and mechanisms;

4. *Takes note* of the ninth report of the National Commission of Inquiry;

5. *Welcomes* the work carried out by the Joint Incident Assessment Team;

6. *Calls upon* all parties to immediately implement the Stockholm Agreement in order to begin negotiations for a comprehensive political solution to the current crisis in Yemen;

7. *Expresses deep concern* at the serious human rights abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including those involving sexual and gender-based violence, the continued recruitment of children, contrary to international treaties, the abduction of political activists, the human rights violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, persecution on the basis of religion or belief, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

⁵⁸ [A/HRC/48/48](#).

8. *Deeply deplores* the military attacks on camps of displaced persons that have killed dozens and increased humanitarian suffering, particularly in Ma'rib, Ta'izz and Hudaydah, and calls for an immediate end to all violations in order to enable relief assistance to reach these areas without restrictions;

9. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law, to immediately cease attacks on civilians, including on those delivering medical supplies and on aid workers, and to facilitate rapid, safe and unhindered humanitarian access to the affected population nationwide;

10. *Expresses deep concern* at all attacks against civilian objects, in violation of international humanitarian law, recalls the obligations of all parties to the conflict to take all precautions necessary to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including water installations, supplies and foodstuffs, and strongly condemns the launching of ballistic and other missiles targeting the territory of neighbouring countries and posing a major threat to regional peace and stability and the security of international trade in Red Sea shipping lanes;

11. *Urges* the Government of Yemen to take measures to protect civilians and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, violence against journalists and the detention of journalists and political activists;

12. *Requests* all parties to the conflict in Yemen to fully implement Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring that women are part of the political and peacemaking process;

13. *Demands* that all parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

14. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within the territory that it controls and that is subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the 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 Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, which is further exacerbated by the spread of the coronavirus disease (COVID-19), expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the United Nations Yemen humanitarian response plan for 2021, and urges States to fulfil their pledges to the relevant United Nations humanitarian appeal;

16. *Reaffirms* the responsibilities of all parties to the conflict to facilitate the immediate, safe and unhindered delivery of humanitarian assistance to all those who are in need, in accordance with the principles of international human rights law and international humanitarian law;

17. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen,

including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

18. *Requests* the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and all requisite technical and logistical support to the National Commission of Inquiry, at the same level as any investigation commission, to enable it to continue to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 9 of 28 September 2021, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

19. *Also requests* the High Commissioner to present a written report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its fifty-first session.

*45th meeting
11 October 2021*

[Adopted without a vote.]

48/22. Assistance to Somalia 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,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Somali authorities and that enhancing the legal framework, human rights protection systems and the capacity, transparency and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and to encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold their international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal Member State levels, and in that regard acknowledging the Somalia Partnership Forum held in Mogadishu in December 2020, at which Somali stakeholders adopted the 2021 Mutual Accountability Framework with the aim of accelerating reforms regarding human rights, as well as reforms regarding security, economic and political institutions and elections,

Underscoring the importance of cooperation and consensus for making further progress on key national priorities, including the implementation of the national security architecture, reaching agreement on a federated justice system, power- and resource-sharing, the constitutional review, fiscal federalism and the planning and holding of national elections,

all of which require political agreements that can form the basis for legislation in the Federal Parliament,

Reaffirming the need for continued regular Somalia Partnership Forum meetings to hold all parties to account for progress and agree on shared future priorities,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the Mission is critical to creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to end sexual and gender-based violence and all other forms of unlawful violence in situations of armed conflict, to end impunity and, in accordance with international law, to prosecute those responsible for violence against women and girls, and the importance of promoting their economic empowerment and full, equal and meaningful participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security,

Recognizing further the increased proactiveness of the Federal Government of Somalia and some federal Member State authorities in strengthening the promotion and protection of human rights through their respective ministries, including their advocacy for and implementation of human rights commitments in Somalia and their engagement with the international human rights system,

Recognizing that the coronavirus disease (COVID-19) pandemic represents an additional and profound challenge to the difficulties already presented by natural disasters to the health system and the socioeconomic and humanitarian situation in Somalia, and recognizing also that the secondary effects of the pandemic have disproportionately affected women and girls and those in vulnerable situations,

Noting the important role played by women as first responders to the COVID-19 pandemic and the importance of women's full, equal and meaningful participation in recovery and relief,

Welcoming the provision of life-saving vaccines through the COVID-19 Vaccine Global Access (COVAX) facility, and stresses the importance of their equitable distribution across Somali society,

1. *Welcomes* the commitment of the Somali authorities to improve the situation of human rights in Somalia, and in that regard also welcomes:

(a) The agreements reached by the National Consultative Council in September 2020 and February and May 2021 setting out a pathway for the federal electoral process and the continued commitment to a free, fair, timely, peaceful, transparent, credible and inclusive electoral process, including a commitment to ensure that women play a full, equal, effective and meaningful role in the process and hold at least 30 per cent of seats in Parliament;

(b) The partial improvements in the human rights context in Somalia, as seen by the progress made towards the ambitious goals set out in the New Partnership for Somalia and the National Development Framework of Somalia to promote stability and development with respect for human rights, as set out in the 2017–2019 human rights scorecard of the Federal Government of Somalia by, inter alia, strengthening the rule of law, promoting inclusivity in political decision-making, particularly for women and girls, young persons, persons belonging to minorities and persons with disabilities, delivering a constitutional settlement that guarantees freedoms of expression and association, and addressing security threats in a manner that respects human rights obligations and protects civilians;

(c) The enforcement by the Attorney General's Office of an order of the Banadir Regional Court, following a petition submitted by the National Union of Somali Journalists, through the appointment on 8 September 2020 of a special prosecutor, to investigate and prosecute those responsible for killing journalists in Somalia as a step in the right direction

to put an end to impunity for crimes committed against Somali journalists and to hold perpetrators accountable;

(d) The refreshed Somalia Transition Plan, which should support the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Mission in Somalia to increased Somali ownership, and appreciating, in particular, that this approach is underpinned by a focus on the rule of law, reconciliation, justice, respect for human rights, and the protection of women and children, and girls in particular;

(e) The continued commitment of the Federal Government, the federal Member States and the Banadir Regional Authority to improve representation, inclusion and the full, equal and meaningful participation of women in public and political affairs and, in particular, in leadership roles, including its commitment to ensuring a minimum of 30 per cent of seats in Parliament for women;

(f) The Federal Government's establishment of a national disability agency in August 2020, its ratification of the Convention on the Rights of Persons with Disabilities in August 2019, and its commitment to entrenching the rights of persons with disabilities in social, educational, political and economic life through the first-ever national disability bill for Somalia and other legislative mechanisms, by improving the collection of data on persons with disabilities;

(g) The work undertaken by the Ministry for Women and Human Rights Development as the lead body of the Federal Government to advance the human rights agenda in Somalia, including through the implementation of the Somalia Joint Human Rights Programme and the preparations for its next phase, the work of the interministerial Human Rights Task Force, the capacity-building of interministerial focal points on human rights, and its reporting under the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(h) The continued cooperation with the Independent Expert on the situation of human rights in Somalia, the cooperation with the special representatives of the Secretary-General, including the Special Representative on Sexual Violence in Conflict and the Special Representative for Children and Armed Conflict, and the pledge by Somalia to develop a new national action plan to end sexual violence in conflict following the visit by the relevant Special Representative;

2. *Also welcomes* the active engagement of the Federal Government with the universal periodic review process in May 2021, and in this regard further welcomes its acceptance of many recommendations made during the review,⁵⁹ encourages the Government to implement them as a matter of priority, and welcomes its commitment to complete a midterm review on the implementation of recommendations;

3. *Expresses concern* at the reports of violations and abuses of human rights in Somalia, including by all armed actors, underscores the need to uphold respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes, including those committed against women and children, and girls in particular, such as the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, child, early and forced marriage and harmful practices, including all forms of female genital mutilation, and emphasizes the importance that children formerly associated with armed groups be recognized as victims and the need to establish and implement rehabilitation and reintegration programmes;

4. *Also expresses concern* that internally displaced persons, including those who may be in vulnerable situations, who may include women, children, young persons, persons with disabilities and persons belonging to minority and marginalized groups, are the most at risk of violence, abuse and violations;

⁵⁹ See [A/HRC/48/11](#).

5. *Further expresses concern* at the attacks against and harassment of human rights defenders and the media in Somalia, including journalists and media workers, especially in the form of harassment, arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

6. *Expresses concern* that those belonging to minority clans and marginalized groups, including women and girls, continue to be at the periphery of economic and political opportunities and decision-making in Somalia, and encourages the Somali authorities to increase its efforts to widen opportunities for their participation in public affairs, recognizing that women and girls belonging to minorities continue to be more vulnerable to sexual and gender-based violence due to poverty, marginalization and discriminatory attitudes;

7. *Expresses deep concern* about the failure of the Lower House of Parliament to pass the Sexual Offences Bill endorsed by the Cabinet in May 2018 and about its decision to instead table a bill on “sexual intercourse-related crimes” in August 2020, which is incompatible with the obligations of Somalia under international human rights law and under the Provisional Federal Constitution of Somalia, and encourages the Lower House of Parliament to reconsider its decision and table the Sexual Offences Bill endorsed by the Cabinet in 2018;

8. *Expresses concern* about the proposal made in August 2018 by the Somaliland House of Representatives to replace the 2018 law on rape and sexual offences with a new bill on “rape, fornication and related offences”, which would affect the response to serious offences such as rape, the due process rights of those accused of sexual offences and the protection of the rights of women, children and persons with disabilities, and encourages Somaliland lawmakers to reconsider their decision on the new bill, noting that the 2018 law on rape and sexual offences is in line with international human rights standards;

9. *Also expresses concern* about the signing into law in August 2020 of the amended 2016 media law as well as provisions of the 1964 Penal Code, which do not comply with international standards on freedom of expression, such as those providing for imprisonment as a punishment for media-related offences, and encourages the Federal Government of Somalia to consider repealing such provisions;

10. *Further expresses concern* about the large number of instances of the six types of grave violations committed against children in armed conflict, as identified by the Secretary-General and documented in his annual report,⁶⁰ and demands that all parties to the conflict take appropriate measures to comply with applicable international humanitarian law;

11. *Recognizes* that the exposure and sensitivity of Somalia to climate change and environmental degradation is vast and structural, and that this vulnerability is a driver of fragility, conflict and humanitarian need;

12. *Also recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

13. *Further recognizes* the efforts of Somalia, despite its own struggles, to accept and not turn its back on refugees from other countries in the region;

14. *Calls upon* the Federal Government of Somalia, federal Member States and key political stakeholders, with the support of the international community:

(a) To make urgent progress towards settling outstanding constitutional issues and completing the constitutional review process in an inclusive manner that promotes the building of peace and the rule of law, protects the freedoms of expression and association, and includes targeted provisions that enable and facilitate the advancement of women, children, young persons, persons with disabilities, persons belonging to minorities and

⁶⁰ [S/2021/437](#).

disadvantaged groups in the areas of access to justice, education, health, water, security and economic recovery, including representation and the right to participate in elections in 2021;

(b) To expedite the establishment of a national human rights commission consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), providing it with adequate resources, to monitor and ensure accountability for violations and abuses, including a recruitment process that provides equal opportunities for the representation of women, persons belonging to marginalized groups and persons with disabilities;

(c) To accelerate the Government-led inclusive political settlement and to reach political agreement among the Federal Government, all federal Member States and the Federal Parliament in order to deliver shared political and security commitments through inclusive and regular high-level dialogue at all levels;

(d) To complete implementation of the ongoing electoral process by the end of 2021, in a manner agreed upon by all stakeholders that is free, fair, timely, peaceful, transparent, credible, inclusive and in accordance with the Provisional Federal Constitution of Somalia;

(e) To hold free, fair, inclusive and transparent one person, one vote elections at the federal Member State and district levels, in preparation for holding such elections at the federal level in 2025;

(f) To continue its cooperation with the Special Representative of the Secretary-General for Somalia;

(g) To secure constitutional provisions for equal representation and full, equal and meaningful participation, inclusion and protection of women and persons belonging to minority clans and marginalized groups, particularly in leadership and decision-making roles in public and elected offices and the civil service through the constitutional review and other ongoing political and legislative processes;

(h) To promote the inclusivity and accessibility of elections held in 2021, particularly by ensuring the full, equal and meaningful participation and equal representation of women in decision-making and in leadership positions, as well as of internally displaced persons, young persons, persons with disabilities, persons belonging to minorities and all members of disadvantaged groups at all stages of the electoral cycle, while noting that, in future elections, the Federal Government of Somalia should ensure the representation of all Somalis, in accordance with long-standing commitments to conduct one person, one vote elections;

(i) To realize its commitments to security sector reform, including by ensuring the active and meaningful participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and the strengthening of internal and external accountability of all relevant security forces and institutions;

(j) To continue measures to implement the action plans to prevent the unlawful recruitment and use of children in armed forces of all types, including forces operating at the national, federal and local levels and groups such as Al-Shabaab, to work with specialized organizations, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in a way consistent with international best practice, and to identify those responsible for such violations and abuses and hold them accountable;

(k) To accelerate the implementation of the joint communiqué and the adoption and implementation of the new national action plan against sexual violence in conflict;

(l) To accelerate the finalization, adoption and full implementation of its national action plan on women and peace and security, in close cooperation with civil society, in line with Security Council resolution 1325 (2000) and the Council's subsequent resolutions on that issue, noting that the Cabinet endorsed a Somali women's charter to strengthen women's

participation in peacebuilding and socioeconomic progress in the stabilization and rebuilding efforts for Somalia;

(m) To review the amended media law signed in August 2020 and to ensure its compliance with international human rights law, and to accelerate the work of the Special Prosecutor for investigating crimes against journalists;

(n) To realize its commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses by ensuring prompt, independent, impartial, thorough and effective investigations into human rights violations, by urgently concluding the establishment of an adequately resourced and independent national human rights commission, and by reforming State and traditional justice mechanisms, in accordance with international human rights standards, and also to increase the representation of women in the judiciary, and to improve access to justice for women and children;

(o) To prioritize the enactment of legislation and to undertake reforms that respect, protect and fulfil women's and girls' full enjoyment of all human rights, and to allow for response to and the prevention and elimination of all forms of violence and discrimination against all women and girls, including by adopting a zero-tolerance approach to sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation, while ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(p) To continue to acknowledge the importance of inclusive dialogue and local reconciliation processes for stability in Somalia, including in the context of the national reconciliation framework and process, and calls upon the Federal Government and federal Member States to increase leadership and engagement in de-escalating tensions and engage in constructive dialogue;

(q) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, including by fully funding the Joint Programme on Human Rights, which is a key vehicle for fulfilling the human rights commitments of Somalia, as well as the judiciary, the police and correctional services;

(r) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Prevention and Punishment of the Crime of Genocide;

(s) To realize the commitments it made at the Global Disability Summit, particularly by supporting the national disability agency in its work, in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of persons with disabilities;

(t) To encourage the Parliament to pass the original Sexual Offences Bill approved by the Cabinet in 2018, and to ensure that any bill passed into law reflects international obligations and commitments on the protection of all women and children, girls in particular, and to implement it and other laws as necessary to combat sexual and gender-based violence;

(u) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(v) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(w) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017;

(x) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary

reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practices for relocations, and to provide sites that afford safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(y) To ensure safe, timely, sustained and unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate safe, timely, sustained and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

(z) To consider primarily as victims those children who have been released or otherwise separated from armed forces and armed groups in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, and to cease detaining all children on national security charges whenever doing so would be in violation of applicable international law;

(aa) To implement fully the Convention on the Rights of the Child, the two action plans signed by the Federal Government of Somalia in 2012 to end and prevent the recruitment and use of child soldiers and the killing and maiming of children, the Somali National Army command order on the protection of children's rights before, during and after operations, the road map signed in 2019 and the standard operating procedures on the handover of children;

(bb) To implement the Safe Schools Declaration, which the Federal Government of Somalia endorsed in October 2015, to ensure that education facilities, students and education personnel are protected;

(cc) To strengthen the legal and operational framework for the protection of children in Somalia, including by becoming a party to the optional protocols to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and through the swift enactment and implementation of the Child Rights Bill;

15. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

16. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to strengthen synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

17. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

18. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

19. *Acknowledges* the progress that Somalia has made and its cooperation with United Nations bodies, including the Office of the High Commissioner and the mandate of the Independent Expert since its creation in 1993, and that the situation of human rights in Somalia determines the action most appropriate for the Council to take, and in this regard welcomes the transition plan towards deeper thematic engagement with the special procedures and other experts, as well as the Office of the High Commissioner, as proposed by the Independent Expert, in cooperation with the Federal Government of Somalia, in her most recent report,⁶¹ in which she included clear steps and benchmarks to inform appropriate

⁶¹ See [A/HRC/48/80](#).

follow-up actions by the Human Rights Council, considering the recommendations of the Independent Expert and the human rights commitments of Somalia;

20. *Requests* the Independent Expert to continue to work closely with the Federal Government and other relevant authorities at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

- (a) Its national and international human rights obligations;
- (b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;
- (c) Recommendations accepted in the context of the universal periodic review;
- (d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and persons belonging to marginalized groups such as minority clans, freedom of expression and assembly, the protection of the media and civil society, including women peacebuilders, access for women and minorities to justice and accountability for violations of their human rights, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

21. *Also requests* the Independent Expert to report to the Human Rights Council at its fifty-first session and to the General Assembly at its seventy-seventh session;

22. *Further requests* the Independent Expert to provide an update to the Human Rights Council in her report on progress on the implementation of the benchmarks and indicators in the transition plan to inform future action by the Council;

23. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out the mandate fully;

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

*45th meeting
11 October 2021*

[Adopted without a vote.]

48/23. Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that special procedure mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution 42/37 of 27 September 2019 and other relevant resolutions,

Bearing in mind the reports of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,⁶²

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Noting the new developments in Cambodia, especially the achievements and improvements in economic and cultural fields over recent years through its relevant national plans, strategies and frameworks,

Noting also the efforts made by the Government of Cambodia to rebuild the country, to promote individuals' rights, freedoms and dignity while protecting the life of people and maintaining peace, stability, social security and public order, to promote development and to enhance the quality of life of the population, and stressing the importance of respect for and the promotion and protection of human rights, even during the coronavirus disease (COVID-19) pandemic, in this regard,

Noting further the effort and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Committee for Legal and Judicial Reform, including by enforcing basic laws, such as the Civil Procedure Code, the Civil Code, the Criminal Procedure Code and the Penal Code,

Noting the Cambodia Human Rights Situationer, issued periodically by the Permanent Mission of Cambodia to the United Nations Office at Geneva, which contains the Government's account of the situation of human rights in Cambodia, including policy measures and responses to key issues,

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia and supports the position of the Government of Cambodia and the United Nations to proceed with the Extraordinary Chambers in a fair, efficient and expeditious manner to fulfil its mandate, given the further advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

2. *Stresses* the need for the Government and the international community to provide all appropriate assistance to the Extraordinary Chambers, and also stresses the importance of efficient and sustainable management of financial resources by the Extraordinary Chambers;

3. *Calls upon* the Government of Cambodia to transfer the knowledge and share the good practices of the court officials at the Extraordinary Chambers, and in this regard welcomes the adoption by the General Assembly of its resolution 75/257 B on the Extraordinary Chambers in the Courts of Cambodia – residual functions on 7 July 2021, and the signing of the Addendum on the Transitional Arrangements and of the Completion of Work of the Extraordinary Chambers by the representatives of the United Nations and the Government of Cambodia on 11 and 26 August 2021 respectively, bearing in mind the importance of providing for the protection of victims and witnesses, disseminating information to the public and engaging with civil parties;

4. *Welcomes* the positive engagement of the Government of Cambodia in the third cycle of the universal periodic review and its acceptance of most of the recommendations made thereat,⁶³ and the progress made to date in their implementation;

5. *Also welcomes* the support, cooperation and constructive dialogues of the Government of Cambodia with the Special Rapporteur on the situation of human rights in Cambodia, including his unfettered access to the country, and the reports of the Special

⁶² A/HRC/42/31 and A/HRC/48/79.

⁶³ See A/HRC/41/17.

Rapporteur⁶⁴ and the recommendations contained therein, and invites the Government to continue to engage with the Special Rapporteur on the best ways to implement them, taking into account the national context of Cambodia;

6. *Further welcomes* the eleventh renewal in December 2020 of the memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years;

7. *Commends* the positive cooperation between the Government of Cambodia and the Office of the High Commissioner, among others, particularly with regard to the protection of land rights for indigenous peoples, technical assistance for drafting the national disability law, the preparation of a national human rights institution and the reduction in prison overcrowding, and encourages the enhancement of cooperation between the Government and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office;

8. *Encourages* the Government of Cambodia to implement the Cambodia Sustainable Development Goals with the support of the international community and to conduct governance reform by including robust targets and indicators on Sustainable Development Goal 16;

9. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate and abide by the rule of law, including through the adoption, amendment and further implementation of essential laws and codes for establishing a democratic society, independent media and an independent judiciary;

10. *Welcomes* the ongoing efforts to improve access to the justice system, including the establishment of four regional appeal courts, encourages the Government of Cambodia to adopt promptly the legal aid policy in order to ensure access to justice for all, and notes the implementation of three fundamental laws on the judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and Functioning of the Courts and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy;

11. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law in national courts and in full compliance with its international human rights obligations, all those who have perpetrated serious crimes, including violations of human rights, and calls upon the authorities of Cambodia to launch a full and transparent probe into cases;

12. *Welcomes* the acceleration in the clearance of case backlogs, and encourages the Government of Cambodia to continue further efforts at judicial reform, including for the protection of the right to a fair trial and further reducing prison overcrowding and pretrial detention, while taking into account the necessity to prevent coronavirus disease (COVID-19) infection in prisons;

13. *Notes* the efforts made by the Government of Cambodia to combat corruption, encourages the implementation of the Penal Code and the anti-corruption law, and also encourages the Government to continue other such efforts, including through the activities of the Anti-Corruption Unit;

14. *Welcomes* the efforts made by the Government of Cambodia to combat crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

15. *Also welcomes* the efforts of the Government of Cambodia based on its five-year strategy for gender equality (2019–2023), and encourages the Government to further promote women's economic, social and political empowerment, including their full, effective and meaningful participation in decision-making processes, and the expansion of women's

⁶⁴ [A/HRC/45/51](#) and [Add.1](#).

economic benefits through improved working conditions, social protection and labour standards;

16. *Notes with appreciation* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations, including a moratorium on economic land concessions and systematic land registration to register approximately 6.2 million land ownerships for citizens, including women, and encourages the Government to effectively promote land ownership for women and members of vulnerable groups through the Social Land Concession system, while recognizing the outstanding issues in this area, urges the Government to continue and enhance its efforts to resolve them peacefully, equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the Land Law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, and by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution cadastral committees at the national, provincial and district levels, and other relevant institutions;

17. *Notes* the commitments made and the progress achieved by the Government of Cambodia in implementing its obligations under international human rights treaties and conventions to which it is a party, and urges the Government to continue to take steps to meet its obligations under those treaties and conventions, and to this end to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

18. *Notes with appreciation* the efforts and progress made by the Government of Cambodia to establish a national human rights institution and to ensure its independence and neutrality, including its commitment to hold up to 60 rounds of consultations with relevant stakeholders on the current first draft of the law to ensure its independence and neutrality, consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

19. *Welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

20. *Also welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

21. *Expresses serious concern* at the reported deterioration in the civil and political environment in Cambodia due to the perceived chilling effects of judicial prosecutions or alleged cases, such as the death of a political analyst in July 2016, and of other actions, including arrests and alleged surveillance, harassment and violence, against members of political parties, trade unions and civil society, including environmental organizations and the media, and the dissolution of the former opposition party in accordance with the Law on Political Parties, and calls upon all parties to work together towards de-escalating tensions and building trust and confidence by restoring dialogue with relevant stakeholders in the country, strongly calls upon the Government of Cambodia to guarantee, inter alia, the rights to freedom of expression and to freedom of association and assembly, and to fulfil its accountability for the cases concerned, and urges the Government to take additional appropriate measures to encourage and enable civil society, including independent trade unions and media, to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities and in promoting equal access to the media for all parties;

22. *Gives attention* to the report of the Special Rapporteur⁶⁵ in which the mandate holder welcomed the release of Kem Sokha, albeit with judicial supervision, while noting that United Nations human rights experts had expressed their concern over his trial; strongly encourages the Government of Cambodia to ensure the prompt, transparent and fair trial in

⁶⁵ [A/HRC/45/51](#).

accordance with the State's international human rights obligations, notes that the right to conduct political activities of the 26 members of the former opposition party has been reinstated, and that several members of the opposition have created new political parties as a result of the amendment to the law on political parties adopted in January 2019; strongly encourages the Government to ensure political rights to all to make continuous efforts to solve the issue of the ban on political activities of the remaining senior members of the opposition party, and to expand democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate, and strongly encourages all parties to prioritize national reconciliation, peace and stability;

23. *Expresses serious concern* at the reported restrictions imposed on some civil society and political parties and the negative impact of the Law on Associations and Non-Governmental Organizations and the amendments of 7 March and 28 July 2017 to the Law on Political Parties, while recognizing the ongoing review of the proposed amendments to the Law on Associations and Non-Governmental Organizations in consultation with civil society and relevant stakeholders, and urges the Government to continue efforts to expand political and civic space and to ensure the rights to freedom of expression, peaceful assembly and association and an environment conducive to the conduct of political activities by all political parties under democratic principles and the rule of law;

24. *Expresses concern* at the reported general reluctance of some people to speak out in public and to express their opinions on the Internet for fear of arrest and surveillance, and the limited number of peaceful assemblies and demonstrations allowed in accordance with the Law on Peaceful Demonstration, and encourages the Government of Cambodia to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, in accordance with the law and the historical context of Cambodia, and to this end to ensure that all laws are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights in accordance with the rule of law;

25. *Takes into account* the conclusions and recommendations made by the Special Rapporteur in the addendum to her report submitted to the Human Rights Council at its thirty-ninth session in relation to the process and the result of the national elections held in 2018,⁶⁶ while taking into account the high voting rates of 83.02 per cent, regrets the 8.5 per cent of invalid votes cast in the elections, and calls upon the Government of Cambodia, in view of the upcoming elections, including the 2022 communal elections and the 2023 general election, to advance dialogue and reconciliation with relevant lawful stakeholders in order to ensure that the elections are free, fair and inclusive and representative of all Cambodians, and to protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;

26. *Notes with concern* that the amendments made to the Law on Political Parties in 2017 could lead to a certain restriction on the activities of political parties, while recognizing that the amendments made to the Law in 2019 have resulted in the rehabilitation of political rights of some members of the former opposition party, encourages all stakeholders to promote a peaceful democratic process under the rule of law and adherence to a system of pluralistic liberal democracy, in accordance with the Constitution, and calls upon the Government of Cambodia to ensure the protection of parliamentary immunity and freedom of political activities for that purpose;

27. *Notes* the joint letter by three special procedure mandate holders in relation to the sub-decree on the establishment of the National Internet Gateway on 7 April 2021, and the reply from the Government of Cambodia, and the Government's intention to establish a law on the protection of information, and urges the Government to continue its efforts to ensure the protection of privacy and data of individuals and freedom of expression and opinion on the Internet in accordance with the international human rights laws;

28. *Acknowledges* the large presence of nearly 6,000 operating associations and non-governmental organizations, with some of them continuing to engage in regular reports

⁶⁶ [A/HRC/39/73/Add.1](#).

and perspectives critical of the Government, notes the interactions and consultations between the Government of Cambodia and civil society organizations held multiple times, and strongly encourages the Government to continue to engage with civil society in a constructive manner, and to further take into account the interests and concerns of all stakeholders in enacting and/or implementing various laws and measures that may affect the activities of civil society, in particular, by reviewing the Law on Associations and Non-Governmental Organizations, in order to further nurture a vibrant civil society, and to protect and ensure freedom of expression, association and peaceful assembly in accordance with the Constitution and the International Covenant on Civil and Political Rights;

29. *Notes with appreciation* the commitment and progress made by the Government of Cambodia in response to the COVID-19 pandemic, particularly its decisions to grant humanitarian consent to an international cruise ship to dock, humanitarian medical aid to a number of countries in the region, cash transfers to poor and vulnerable households, and the free national vaccination scheme, including for foreign residents, while requesting the Government to pay attention to political and civic space in implementing those measures;

30. *Notes* the effort made by the Government of Cambodia with regard to relations with civil society, such as the instruction issued on 31 October 2018 by the Ministry of the Interior to subnational authorities, which reiterates that non-governmental organizations have complete freedom to conduct their activities in accordance with Cambodian law and the holding of a biannual dialogue between the Government and civil society organizations, as well as the instruction of 27 November 2018 abolishing the three-day prior notification requirement, and calls upon the Government to remind the local authorities to properly implement the said instructions and to make continuous efforts to contribute to the improvement of relations with civil society, including at the subnational level;

31. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with and to support the efforts of the Government of Cambodia in strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia, including in response to the Government's request for technical assistance and capacity-building in the fields of:

- (a) Drafting laws and assisting the establishment of an independent national human rights institution;
- (b) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;
- (c) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;
- (d) The implementation of recommendations accepted in the context of the universal periodic review;
- (e) Assisting the assessment of progress in human rights issues;

32. *Decides* to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Human Rights Council at its fifty-first and fifty-fourth sessions, including to make recommendations on technical assistance and capacity-building for the protection and promotion of human rights in the country, and to provide the Council with a one-time oral update at its forty-ninth session, without setting a precedent;

33. *Requests* the Secretary-General to report to the Human Rights Council at its fifty-first and fifty-fourth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

34. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session.

45th meeting
11 October 2021

[Adopted without a vote.]

48/24. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the Universal Declaration of Human Rights, and recalling all relevant human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recognizing that, in the context of technical cooperation and capacity-building, the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to promote and protect human rights, to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant Human Rights Council resolutions on the enhancement of technical cooperation and capacity-building in the field of human rights, on accelerating efforts to eliminate all forms of violence against women and girls, online and offline, on the elimination of all forms of discrimination against women and girls, and on the realization of the equal enjoyment of the right to education by every girl, and all relevant General Assembly resolutions relating to the empowerment of women and girls,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, recalling the Sustainable Development Goals, in particular Goal 5 on achieving gender equality and empowering all women and girls, and its specific and interlinked targets, and other relevant Goals and targets, and recognizing that women and girls play an important role in contributing to the implementation of the 2030 Agenda for Sustainable Development,

Recognizing the significance of the Fourth World Conference on Women, held in Beijing in September 1995, and recalling the Beijing Declaration and Platform for Action, adopted at the Conference, the outcome documents of the twenty-third special session of the General Assembly and the political declaration adopted by the Commission on the Status of Women on the occasion of the twenty-fifth anniversary of the Fourth World Conference on Women, as well as the International Conference on Population and Development and its review conferences,

Underlining the responsibility of States to respect and implement their obligations under international human rights law and existing commitments with respect to the

achievement of gender equality and the empowerment of all women and girls, including those contained in the outcome documents and reviews of relevant international conferences,

Noting with concern that the coronavirus disease (COVID-19) pandemic has disproportionately affected women and girls, especially women's employment and livelihoods, exacerbated pre-existing inequalities and systemic discrimination, including a rise in gender-based violence, and restricted access to essential health-care services, which risks rolling back the progress made on gender equality and the empowerment of all women and girls in the past decades, and encouraging States and other relevant stakeholders to take an approach that respects human rights and gender equality in their responses to the COVID-19 pandemic and in the design, implementation, monitoring and evaluation of their policies and programmes, and to pay special attention to the specific needs of all women and girls, in particular those in vulnerable situations,

Stressing the need to strengthen efforts to realize the right of everyone, including women and girls, to the enjoyment of the highest attainable standard of physical and mental health, without discrimination of any kind, and to promote equal opportunities for quality and affordable access to health-care services and well-being for all, including the achievement of universal health coverage, as well as universal, timely and equitable access to all essential, safe and effective health technologies, diagnostics, therapeutics, medicines and vaccines in response to the COVID-19 pandemic and other health emergencies,

Recognizing the critical role that women play in the context of the COVID-19 pandemic, and stressing the need for States, the United Nations system, regional organizations and other relevant actors to strengthen women's leadership and to ensure the full, equal and meaningful participation of women and, as appropriate, women's organizations in decision-making and implementation processes and in all stages of the response to COVID-19, as well as in recovery processes,

Recognizing also the need to strengthen efforts to realize the right to education for all women and girls by eliminating barriers in this regard, ensuring equal access to inclusive and equitable quality education, an effective transition from education to work, and training and skills development, promoting lifelong learning opportunities, supporting women's and girls' participation in all sectors, especially those in which they are not equally represented, in particular science, technology, engineering and mathematics, and strengthening international cooperation on these issues,

Encouraging States to strengthen their efforts to empower women and girls, enhance the participation of women and girls in the formulation of national development strategies and promote their leadership in society by taking measures to address all barriers that prevent or restrict their full, equal and meaningful participation and inclusion in all spheres of life, including through the creation of enabling programmes, support for women rights' organizations, community outreach, and mentoring and capacity-building programmes, to ensure their access, on an equal basis with others, to economic and financial resources and disability-inclusive and accessible social infrastructure, transportation, justice mechanisms and services, in particular in relation to health care and education, as well as productive employment and decent and secure work for women, and to ensure that the needs and priorities of women and girls are fully incorporated into, and that their human rights are respected in the context of, national policies, programmes and plans, and that they are closely consulted and actively involved in decision-making processes,

Reiterating the importance and value of the mandate of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), reaffirming its important role in leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of all women and girls, and welcoming the leadership of UN-Women in supporting a strong voice of all women and girls at all levels,

Recognizing the importance of regional and cross-regional specialized agencies and initiatives in enhancing technical cooperation and capacity-building in the field of the protection and enhancement of the human rights of women and girls, and encouraging relevant United Nations entities and mechanisms to support them,

Underlining the need for all organizations of the United Nations system, within their organizational mandates, to mainstream a gender perspective into and pursue gender equality in all programming, including planning instruments, investment frameworks and sector-wide programmes,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Human Rights is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Expressing appreciation for the important role played by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and the recommendations accepted in the context of the universal periodic review, including those pertaining to the empowerment of all women and girls,

Noting with appreciation the contributions of the Boards of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

Welcoming and encouraging new and existing initiatives aimed at providing human rights technical cooperation and capacity-building support, in consultation with and with the consent of the Member States concerned, through bilateral, multilateral and international cooperation, including bilateral human rights dialogues and North-South, South-South and triangular cooperation, as well as public-private partnerships, to implement commitments to achieve gender equality and the empowerment of all women and girls,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views, and concrete experiences, challenges and information on assistance needed, with regard to promoting more effective technical cooperation and capacity-building in the field of human rights, and that such technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions, the private sector and civil society, including women's organizations;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and with the consent of the States concerned, and should take into account their requests, needs and priorities, and the fact that all human rights are universal, indivisible, interdependent and interrelated, and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in support of the promotion and protection of human rights, including those relating to the achievement of gender equality and the empowerment of all women and girls;

4. *Reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, and encourages States to continue to make contributions to these funds;

5. *Also reaffirms* that the realization of gender equality and the empowerment of all women and girls will make a crucial contribution to progress across all the Sustainable Development Goals and targets, that the achievement of full human potential and of sustainable development is not possible if half of humanity continues to be denied its human

rights and fundamental freedoms, that women and girls must enjoy full, equal and meaningful access to quality education, essential health-care services, economic resources and political participation, as well as equal opportunities with men and boys for employment, leadership positions and decision-making at all levels, and that the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development is crucial;

6. *Recognizes* the need to strengthen the capacity of Governments to incorporate a gender perspective into policies and decision-making, and encourages all Governments, international organizations, including the organizations of the United Nations system, and other relevant stakeholders to assist and support the efforts of developing countries in integrating a gender perspective into all aspects of policymaking and the implementation of their human rights obligations and commitments, including through the increased provision of technical assistance and financial resources;

7. *Encourages* States in need of technical assistance to consider requesting it from the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations agencies, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund, in the implementation of their human rights obligations and voluntary pledges and commitments relating to the empowerment of all women and girls, including recommendations accepted in the context of the universal periodic review, and strongly encourages the Office of the High Commissioner and the respective United Nations agencies to respond favourably to such requests and to provide information, in a transparent manner, on the technical support available for and provided to States;

8. *Stresses* the importance of enhancing coordination between the Office of the High Commissioner and other United Nations agencies in their technical cooperation and capacity-building efforts, and encourages the sharing of information on a regular basis between the Office, other relevant United Nations agencies and the States concerned on technical assistance and capacity-building efforts undertaken at the national level;

9. *Encourages* the special procedures of the Human Rights Council, in their interaction with States, to continue to share information and knowledge relating to best practices and the possibility of providing technical assistance and capacity-building in the promotion and protection of human rights, including, where applicable and within their respective mandates, those pertaining to the empowerment of all women and girls, Sustainable Development Goal 5 and other relevant Goals, as well as approaches showing how gender equality and the empowerment of all women and girls can contribute to the achievement of other Goals;

10. *Welcomes* the panel discussion held by the Human Rights Council at its forty-seventh session, pursuant to its resolution 45/32 of 7 October 2020, on the theme “Technical cooperation to advance the right to education and ensure inclusive and equitable quality education and lifelong learning for all”, at which participants discussed relevant issues, including the importance of education as a human right and an enabler for the realization of all other human rights, the profound impact of the COVID-19 pandemic on the right to education across the world, the need to bridge the digital divide between students and to invest in education as the most cost-effective way to recover from the pandemic, the use of new technologies in enhancing opportunities for quality education for all, and the importance of advancing international cooperation and technical assistance to implement the 2030 Agenda, including Sustainable Development Goal 4;⁶⁷

11. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme of the annual thematic panel discussion under agenda item 10, to be held during its fiftieth session, will be “Technical cooperation on the full and effective participation of women in decision-making and in public life and on the elimination of violence, with a view to achieving gender equality and the empowerment of all women and girls”;

⁶⁷ See also [A/HRC/47/56](#).

12. *Requests* the Office of the High Commissioner to prepare a report, to be submitted to the Human Rights Council at its fiftieth session, to serve as a basis for the panel discussion, on the activities and plans of the Office and relevant United Nations country teams and agencies and regional organizations to support States' efforts to take action in accordance with the theme of the panel discussion;

13. *Calls upon* States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions and civil society to share best practices and make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts and to build multi-stakeholder partnerships in the empowerment of all women and girls.

45th meeting
11 October 2021

[Adopted without a vote.]

48/25. 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 dialogue under the auspices of the United Nations Support Mission in Libya, including the Libyan Political Agreement of Skhirat of 2015, which affirmed the importance of protecting and guaranteeing the rights of the Libyan people during a peaceful transition to a democratic political future,

Recognizing also the role of the United Nations and its shared responsibility in facilitating a comprehensive reconciliation political process between the Libyan parties, the essence of which was the consensus to hold presidential and parliamentary elections on 24 December 2021,

Expressing its full support for the outcomes of the first and second Berlin Conferences on Libya, held on 19 January 2020 and 23 June 2021, which can be used as an action plan to support the Libyan dialogue led by the United Nations Support Mission in Libya, to facilitate the achievement of a sustainable, stable, unified, representative and efficient governance structure,

Commending the comprehensive political process outlined in the three-track – political, economic and military – action plan led by the United Nations and its tangible results on the ground, and reiterating the importance of the full, equal and meaningful participation of young persons and women in the political process, including in the national conference dialogue,

Commending also the establishment by the Presidential Council of the High Commission for National Reconciliation on 6 April 2021 in response to the urgent need to launch a comprehensive national reconciliation initiative to promote unity and social cohesion,

Expressing appreciation for the efforts made by Libya in combating terrorism and addressing its negative impact on the enjoyment of all human rights and fundamental freedoms, and reaffirming the need for the Libyan authorities to strengthen their efforts to combat terrorism, in accordance with the requirements of national laws, the Charter and international law,

Welcoming the efforts made by the African Union, in particular its Peace and Security Council and its Commission on Human and Peoples' Rights, to promote efforts to reach a peaceful and consensual solution to the Libyan crisis,

Expressing deep concern about the implications for the people of the security, economic and humanitarian situation in Libya, urges the Government of National Unity to strengthen its efforts to end the suffering of the Libyan people and of internally displaced persons, and to prevent violations and abuses of international human rights and violations of international humanitarian law committed in Libya, in particular their impact on those placed in the most vulnerable situations, including women, girls and children,

Underlining the importance of restoring the rule of law throughout Libya, together with the full restoration of State control, including through a holistic security strategy built on united, professional and accountable security institutions,

Reaffirming that those responsible for violations and abuses of human rights and violations of international humanitarian law should be held accountable through effective judicial processes and access to justice,

Commending the establishment of an emergency transit mechanism to evacuate 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 joint effort to alleviate the challenges facing Libya as a transit country and to reduce the suffering of migrants,

Underlining the acute need for the coordination of national, regional and international efforts to combat cross-border organized criminal networks and 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 safe and dignified return or repatriation of the said migrants to a third country in accordance with national and international law,

Emphasizing the critical role that the United Nations network of organizations will play in coming together with concerned and affected Member States to address the issue of irregular migration and to solve its problems at its roots, in a way similar to what was done when addressing the coronavirus disease (COVID-19) pandemic,

Appealing to the international community to continue to support the Government of National Unity in combating the COVID-19 pandemic and to assess the true impact of the pandemic on the population, and to ensure the equitable and speedy distribution of the vaccine,

1. *Welcomes* the continued cooperation of the Government of National Unity with the Human Rights Council, its committees and its mechanisms, including in the context of the universal periodical review, and stresses the urgent need to implement the recommendations accepted by Libya at its third review;⁶⁸

2. *Also welcomes* the work of the 5+5 Joint Military Committee and the results it has achieved on the ground after the signing of the ceasefire agreement in Geneva on 23 October 2020, and stresses the importance of supporting the full implementation of the agreement, including through the full and immediate withdrawal of all mercenaries and foreign forces without delay, as urged by the Security Council in its resolution 2570 (2021) of 16 April 2021;

3. *Calls upon* States to, in accordance with their obligations under international law, refrain from unilateral interference in the internal affairs of Libya, and to support the

⁶⁸ See [A/HRC/46/17](#).

efforts of the Government of National Unity in achieving security and stability and promoting human rights;

4. *Takes note* of United Nations reports, including the report of the Secretary-General on the work of the organization in 2021⁶⁹ and the reports on developments in Libya,⁷⁰ and in this context calls upon all parties to respect international humanitarian law and international human rights law;

5. *Reiterates* its welcome to the reports presented by the United Nations High Commissioner for Human Rights on the situation of human rights in Libya to the Human Rights Council at its fortieth and forty-third sessions,⁷¹ including an assessment of the effectiveness of the technical assistance and capacity-building measures received by Libya;

6. *Welcomes* the efforts of the Government of National Unity to unify State institutions, and commends its efforts to ensure the continuity and stability of oil production and export operations, which confirms the importance of the ability of the Libyan people to enjoy their resources and to guarantee the right to development;

7. *Also welcomes* 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 interim Government of National Unity in improving the living conditions of all Libyans, including internally displaced persons and irregular migrants;

8. *Looks forward* to strengthening the technical and humanitarian assistance programmes of the United Nations in Libya, to implementing the round of voluntary funding for 2022 for the Libya 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;

9. *Calls upon* the Government of National Unity to give priority to drawing up a national road map for the development of a strategy to guide and ensure that appropriate and conclusive action plans are in place for an effective response to the situation of internal displacement, and welcomes the cooperation of the Libyan authorities with the Secretary-General's High-level Panel on Internal Displacement;

10. *Acknowledges* the efforts made by the Government of National Unity to address the plight of internally displaced persons, and encourages it to continue its efforts to improve their situation, and calls for the voluntary, safe and dignified return of all internally displaced persons in a manner consistent with relevant obligations under international human rights law;

11. *Commends* the appointment by the Government of National Unity of a minister of State for internally displaced persons and human rights, and calls in this regard upon States to provide the minister with the necessary assistance and capacity-building;

12. *Encourages* the constructive cooperation between the Libyan authorities and the International Organization for Migration in facilitating voluntary return programmes with the aim of addressing the conditions of irregular migrants in shelters in Libya, with priority given to children and women, and welcomes the positive results achieved in coordination with the Government of National Unity and the support of Member States, including neighbouring States, and of regional organizations;

13. *Commends* the tangible steps taken by the High National Elections Commission in preparation for the organization of legislative and presidential elections on 24 December 2021, also commends the support provided by the Government of National Unity to the Commission, and calls upon the international community to provide the Commission with more capacity-building and technical support;

⁶⁹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 1 (A/76/1).*

⁷⁰ [S/2021/62](#), [S/2021/451](#) and [S/2021/752](#).

⁷¹ [A/HRC/40/46](#) and [A/HRC/43/75](#).

14. *Requests* the Government of National Unity and relevant United Nations and African Union bodies to take the measures necessary for the holding of free and fair parliamentary and presidential elections, and to take all means to ensure acceptance of its results in order to establish the principle of peaceful transfer of power and the success of United Nations support for the process in order to enhance the right of the Libyan people to choose their representatives;

15. *Calls upon* States to make a greater effort to track down smuggled and hidden Libyan assets and to find ways to ensure their prompt recovery in order to mitigate the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin, and recognizes the importance of effective cooperation between the international community and the Government of National Unity in ensuring the right of the Libyan State to manage its funds frozen abroad in accordance with Security Council resolutions, including in a legal framework, and of responding to requests for mutual legal assistance in preparation for their release and prompt recovery within a legal framework that allows for these assets to be used to improve stability, promote development, strengthen and protect human rights in Libya;

16. *Welcomes* the efforts of the Libyan authorities to prosecute crimes involving violations of international human rights law and international humanitarian law, and in this context stresses the importance of the international community providing technical assistance and capacity-building to the competent national authorities in cooperation with the fact-finding mission established by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/39 of 22 June 2020;

17. *Commends* all international and regional efforts to reach a comprehensive solution, through dialogue, that paves the way for the restoration of stability in Libya, and in this regard also commends the important role played by the African Union, its High-level Committee on Libya, the League of Arab States and the European Union;

18. *Expresses its great appreciation* for the regional efforts made in the three-track – political, economic and military – meetings and their positive outcomes, in particular the meetings facilitated and held in Morocco, and also the efforts made by economic and military committees in Hurgada, Egypt, to unify the economic and military institutions, the preparatory meetings for the Libyan Political Dialogue Forum in Tunisia in November 2020, and the meetings of foreign ministers of the neighbouring countries of Libya, in Algeria;

19. *Demands* that countries refrain from unilateral interference in the internal affairs of Libya in accordance with the relevant Security Council resolutions;

20. *Urges* the international community to take measures to prevent private security and military companies from carrying out activities that destabilize efforts to support stability in Libya;

21. *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 Unity and in support of the United Nations country team;

22. *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 Unity to continue its engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

23. *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, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

24. *Encourages* the Government of National Unity to address allegations of human rights violations, expresses deep concern at reports of torture, gender-based violence, including sexual violence, and harsh conditions in prisons and shelters, and requests the Government to expedite the establishment of its full and effective control over all prisons and detention centres in order to ensure that detainees are treated in accordance with its international obligations in the area of human rights, including, as appropriate, obligations relating to fair trial guarantees and the humane treatment of persons held in detention;

25. *Urges* the Government of National Unity to fulfil its obligations under international human rights law and international humanitarian law to have zero tolerance for perpetrators of human rights violations and to hold perpetrators accountable;

26. *Urges* all Libyans to confront hate speech in official and public discourse, which threatens democratic values, weakens the social fabric and undermines social stability, peace and security, and calls upon the international community to support the efforts made by the Government of National Unity to fight the spread of disinformation on social media platforms, a safe haven for malicious cyber activities, which spread false and misleading news and information designed to destabilize the country and the democratic process;

27. *Requests* the Government of National Unity, the international community and the United Nations to facilitate the full, effective, equal and meaningful participation of young persons, women and persons with disabilities in the legislative and presidential elections scheduled for 24 December 2021, without exclusion of any segment of society;

28. *Calls upon* the Libyan legislative branch to assume its responsibilities and support the consolidation of the rule of law by enacting laws and legislation that would allow for the scheduled legislative and presidential elections to be held, and to further the promotion and protection of human rights;

29. *Welcomes* the extension of the mandate of the United Nations Support Mission in Libya by the Security Council, and requests the Office of the High Commissioner, while continuing to work with the Mission, to continue to monitor and report on human rights violations and abuses throughout Libya, and to identify facts and circumstances of these abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

30. *Calls upon* the Government of National Unity and the international community to support victim-centred transitional justice efforts, as well as efforts to identify, protect and process mass graves to promote accountability and provide justice to families of missing and disappeared persons;

31. *Welcomes* the efforts made by the Government of National Unity to improve the humanitarian situation in Libya, and in this context calls for the strengthening of its cooperation with United Nations humanitarian agencies, implementing partners and other humanitarian organizations in order to ensure that humanitarian aid reaches those in need;

32. *Notes with appreciation* the Libya Stability Initiative announced by the Government of National Unity in June 2021, under Libyan leadership, with the support of the United Nations and friendly States to assist Libyans realize their aspirations and choose their future, for a new era of sustainable peace and cooperation between the peoples of the region based on solid foundations for security and prosperity and in accordance with relevant Security Council resolutions and the outcomes of the second Berlin Conference on Libya;

33. *Expresses great appreciation* for the continuation of the diplomatic missions of Turkey and Italy, and of other States, to work inside Libya despite the exceptional circumstances of the time, as well as for the States that recently reopened their diplomatic missions in Libya, and calls upon the international community to join these States and to

reopen their diplomatic missions in Libya as soon as possible in support of stability in Libya and furthering the international cooperation between Libya and its partners;

34. *Acknowledges* the decision by Tunisia, Egypt and Malta to open their airspace and to resume international commercial flights to and from Libya, which will help to alleviate the suffering and restrictions on movement of the Libyan people and contribute to the realization of the rights to freedom of movement and to leave any country, as stipulated by the Universal Declaration of Human Rights;

35. *Renews* its request to the Office of the High Commissioner to provide more comprehensive and sustainable technical assistance and capacity-building to the Libyan judicial authorities, to empower the Government of National Unity to protect and promote human rights, to prevent human rights violations and abuses and to ensure accountability, in accordance with the State's priorities;

36. *Encourages* the special procedures of the Human Rights Council to visit Libya and to report to the Council on the situation there, and also to report thereon by means of public statements;

37. *Invites* the High Commissioner to continue to work closely with the Government of National Unity, relevant United Nations bodies, the African Union and other relevant international and regional organizations;

38. *Commends* the efforts of the High Commissioner, pursuant to Human Rights Council resolution 43/39, to establish and dispatch a fact-finding mission to Libya, and to appoint experts to implement the mandate of that mission;

39. *Also commends* the cooperation of the Government of National Unity with the fact-finding mission and its members for facilitating their mandate and tasks;

40. *Decides* to extend the mandate of the fact-finding mission for nine months to allow for the implementation of its mandate, considering the exceptional circumstances that the mission has faced since its establishment owing to the COVID-19 pandemic and the liquidity crisis that the United Nations faced at the time;

41. *Requests* the fact-finding mission to present a follow-up report of its findings to the Human Rights Council at its forty-ninth session, with the participation of the Special Representative of the Secretary-General for Libya, to be followed by an interactive dialogue, and to present to the Council at its fiftieth session a comprehensive report on the situation of human rights in Libya, including on efforts to prevent, and ensure accountability for, violations and abuses of human rights, with recommendations for follow-up, to be followed by an interactive dialogue;

42. *Requests* the Libyan authorities to continue to grant the members of the fact-finding mission 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;

43. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

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

45th meeting
11 October 2021

[Adopted without a vote.]

B. Decisions

48/101. Outcome of the universal periodic review: Namibia

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 Namibia on 3 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Namibia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷² 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.⁷³

28th meeting
30 September 2021

[Adopted without a vote.]

48/102. Outcome of the universal periodic review: Niger

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 Niger on 3 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Niger, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁴ 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.⁷⁵

28th meeting
30 September 2021

[Adopted without a vote.]

48/103. Outcome of the universal periodic review: Mozambique

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,

⁷² [A/HRC/48/4](#).

⁷³ [A/HRC/48/4/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁷⁴ [A/HRC/48/5](#).

⁷⁵ [A/HRC/48/5/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

Having conducted the review of Mozambique on 4 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mozambique, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁶ 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.⁷⁷

29th meeting
30 September 2021

[Adopted without a vote.]

48/104. Outcome of the universal periodic review: Estonia

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 Estonia on 4 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Estonia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁸ 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.⁷⁹

29th meeting
30 September 2021

[Adopted without a vote.]

48/105. Outcome of the universal periodic review: Belgium

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 Belgium on 5 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Belgium, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁰ 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.⁸¹

29th meeting
30 September 2021

[Adopted without a vote.]

⁷⁶ [A/HRC/48/6](#).

⁷⁷ [A/HRC/48/6/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁷⁸ [A/HRC/48/7](#).

⁷⁹ [A/HRC/48/7/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁸⁰ [A/HRC/48/8](#).

⁸¹ [A/HRC/48/8/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

48/106. Outcome of the universal periodic review: Paraguay

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 Paraguay on 5 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Paraguay, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸² 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.⁸³

*29th meeting
30 September 2021*

[Adopted without a vote.]

48/107. Outcome of the universal periodic review: Denmark

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 Denmark on 6 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Denmark, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁴ 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.⁸⁵

*30th meeting
1 October 2021*

[Adopted without a vote.]

48/108. Outcome of the universal periodic review: Somalia

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 Somalia on 6 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

⁸² [A/HRC/48/9](#).

⁸³ [A/HRC/48/9/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁸⁴ [A/HRC/48/10](#).

⁸⁵ [A/HRC/48/10/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

Adopts the outcome of the review of Somalia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁶ 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.⁸⁷

30th meeting
1 October 2021

[Adopted without a vote.]

48/109. Outcome of the universal periodic review: Palau

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 Palau on 7 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Palau, comprising the report thereon of the Working Group on the Universal Periodic Review,⁸⁸ 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.⁸⁹

30th meeting
1 October 2021

[Adopted without a vote.]

48/110. Outcome of the universal periodic review: Solomon Islands

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Solomon Islands on 10 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Solomon Islands, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁰ 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.⁹¹

30th meeting
1 October 2021

[Adopted without a vote.]

⁸⁶ [A/HRC/48/11](#).

⁸⁷ [A/HRC/48/11/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁸⁸ [A/HRC/48/12](#).

⁸⁹ *Ibid.*; see also [A/HRC/48/2](#), part two, chap. VI.

⁹⁰ [A/HRC/48/13](#).

⁹¹ [A/HRC/48/13/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

48/111. Outcome of the universal periodic review: Seychelles

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 Seychelles on 10 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Seychelles, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹² 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.⁹³

*31st meeting
1 October 2021*

[Adopted without a vote.]

48/112. Outcome of the universal periodic review: Latvia

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 Latvia on 11 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Latvia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁴ 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.⁹⁵

*31st meeting
1 October 2021*

[Adopted without a vote.]

48/113. Outcome of the universal periodic review: Singapore

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 Singapore on 12 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

⁹² [A/HRC/48/14](#).

⁹³ [A/HRC/48/14/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁹⁴ [A/HRC/48/15](#).

⁹⁵ [A/HRC/48/15/Add.1](#) and [Corr.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

Adopts the outcome of the review of Singapore, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁶ 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.⁹⁷

*31st meeting
1 October 2021*

[Adopted without a vote.]

48/114. Outcome of the universal periodic review: Sierra Leone

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 Sierra Leone on 12 May 2021 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Sierra Leone, comprising the report thereon of the Working Group on the Universal Periodic Review,⁹⁸ 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.⁹⁹

*31st meeting
1 October 2021*

[Adopted without a vote.]

⁹⁶ [A/HRC/48/16](#).

⁹⁷ [A/HRC/48/16/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

⁹⁸ [A/HRC/48/17](#).

⁹⁹ [A/HRC/48/17/Add.1](#); see also [A/HRC/48/2](#), part two, chap. VI.

C. President's statements

PRST 48/1. Reports of the Advisory Committee

At the 41st meeting, held on 7 October 2021, the President of the Human Rights Council made the following statement:

“The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its twenty-fifth and twenty-sixth sessions,¹⁰⁰ and notes that the Advisory Committee has made four research proposals.¹⁰¹”

¹⁰⁰ [A/HRC/AC/25/2](#) and [A/HRC/AC/26/2](#).

¹⁰¹ See [A/HRC/AC/26/2](#), annex III.