



# General Assembly

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## Seventy-seventh session

Agenda item 68 (b)

### **Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

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

*Rapporteur:* Ms. Shalini **Gungaram** (Mauritius)

## **I. Introduction**

1. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-seventh session, under the item entitled “Promotion and protection of human rights”, the sub-item entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms” and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item jointly with sub-items (a), “Implementation of human rights instruments”; (c), “Human rights situations and reports of special rapporteurs and representatives”; and (d), “Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action”, and heard introductory statements, held interactive dialogues and a general discussion on item 68, “Promotion and protection of human rights”, as a whole, and considered proposals and took action on the sub-item at its 17th to 38th, 45th to 50th and 54th meetings, from 13 to 14, 17 to 21 and 25 to 28 October and on 4, 10, 11, 15 and 17 November 2022. An account of the Committee’s consideration is contained in the relevant summary records.<sup>1</sup>

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\* The report of the Committee on this item is being issued in five parts, under the symbols [A/77/463](#), [A/77/463/Add.1](#), [A/77/463/Add.2](#), [A/77/463/Add.3](#) and [A/77/463/Add.4](#).

<sup>1</sup> [A/C.3/77/SR.17](#), [A/C.3/77/SR.18](#), [A/C.3/77/SR.19](#), [A/C.3/77/SR.20](#), [A/C.3/77/SR.21](#), [A/C.3/77/SR.22](#), [A/C.3/77/SR.23](#), [A/C.3/77/SR.24](#), [A/C.3/77/SR.25](#), [A/C.3/77/SR.26](#), [A/C.3/77/SR.27](#), [A/C.3/77/SR.28](#), [A/C.3/77/SR.29](#), [A/C.3/77/SR.30](#), [A/C.3/77/SR.31](#), [A/C.3/77/SR.32](#), [A/C.3/77/SR.33](#), [A/C.3/77/SR.34](#), [A/C.3/77/SR.35](#), [A/C.3/77/SR.36](#), [A/C.3/77/SR.37](#), [A/C.3/77/SR.38](#), [A/C.3/77/SR.45](#), [A/C.3/77/SR.46](#), [A/C.3/77/SR.47](#), [A/C.3/77/SR.48](#), [A/C.3/77/SR.49](#), [A/C.3/77/SR.50](#) and [A/C.3/77/SR.54](#).



3. For the documents before the Committee under this sub-item, see document [A/77/463](#).

## II. Consideration of proposals

### A. Draft resolution [A/C.3/77/L.38](#)

4. At its 45th meeting, on 4 November 2022, the Committee had before it a draft resolution entitled “The right to privacy in the digital age” ([A/C.3/77/L.38](#)), which was submitted by Armenia, Austria, Belgium, Belize, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Finland, Georgia, Germany, Greece, Honduras, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, North Macedonia, Paraguay, Peru, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and Uruguay. Subsequently, Andorra, Antigua and Barbuda, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde, Colombia, Côte d’Ivoire, the Dominican Republic, El Salvador, France, Iceland, Ireland, Lebanon, Liechtenstein, Mexico, Monaco, Montenegro, Norway, Panama, Poland, the Republic of Korea, the Republic of Moldova, Rwanda, San Marino, Serbia and Ukraine joined in sponsoring the draft resolution.

5. At the same meeting, Albania, Angola, the Congo and Equatorial Guinea joined in sponsoring the draft resolution.

6. Also at the same meeting, the representative of Brazil made a statement.

7. Also at its 45th meeting, the Committee adopted draft resolution [A/C.3/77/L.38](#) (see para. 87, draft resolution I).

8. Before the adoption of the draft resolution, a statement was made by the representative of Germany. After the adoption, a statement was made by the representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland,

### B. Draft resolution [A/C.3/77/L.24](#)

9. At its 46th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled “The right to development” ([A/C.3/77/L.24](#)), which was submitted by China, Cuba (on behalf of the of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) and the Solomon Islands.

10. At the same meeting, the representative of Cuba made a statement on behalf of the Non-Aligned Movement.

11. Also at the same meeting, the Committee adopted draft resolution [A/C.3/77/L.24](#) by a recorded vote of 128 to 24, with 28 abstentions (see para. 87, draft resolution II). The voting was as follows:

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia,

Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Türkiye, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia and Zimbabwe.

*Against:*

Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands, New Zealand, Poland, Slovakia, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Albania, Andorra, Australia, Brazil, Canada, Chile, Cyprus, Georgia, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovenia, Spain, Uruguay.

12. Before the vote, statements in explanation of vote were made by the representatives of the United States of America and Armenia. After the vote, statements in explanation of vote were made by the representatives of Czechia (on behalf of the European Union) and New Zealand (also on behalf of Switzerland).

### **C. Draft resolution [A/C.3/77/L.25](#)**

13. At its 47th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled "Enhancement of international cooperation in the field of human rights" ([A/C.3/77/L.25](#)), which was submitted by China, Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) and the Russian Federation. Subsequently, El Salvador joined in sponsoring the draft resolution.

14. At the same meeting, the representative of Cuba made a statement on behalf of the Non-Aligned Movement.

15. Also at the same meeting, the Committee adopted draft resolution [A/C.3/77/L.25](#) (see para. 87, draft resolution III).

16. After the adoption of the draft resolution, a statement was made by the representative of the United States of America.

### **D. Draft resolution [A/C.3/77/L.26](#)**

17. At its 47th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled "Human rights and unilateral coercive measures" ([A/C.3/77/L.26](#)), which was submitted by China, Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) and the Russian Federation.

18. At the same meeting, the representative of Cuba made a statement on behalf of the Non-Aligned Movement.

19. Also at the same meeting, the Committee adopted draft resolution [A/C.3/77/L.26](#) by a recorded vote of 123 to 53, with 1 abstention (see para. 87, draft resolution IV). The voting was as follows:

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Brazil.

20. Before the vote, statements were made by the representatives of Venezuela (Bolivarian Republic of) (on behalf of the Group of Friends in Defence of the Charter of the United Nations) and Cuba (on behalf of the Non-Aligned Movement), and a statement in explanation of vote was made by the representative of the United States of America. After the vote, a statement in explanation of vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland, and a statement was made by the representative of Belarus.

## **E. Draft resolution [A/C.3/77/L.27](#)**

21. At its 47th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled "Promotion of a democratic and equitable international order" ([A/C.3/77/L.27](#)), which was submitted by Antigua and Barbuda, Belarus, Bolivia (Plurinational State of), the Central African Republic, China, Cuba, the Democratic

People's Republic of Korea, Ecuador, the Lao People's Democratic Republic, Namibia, Nicaragua, the Russian Federation, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Botswana, Burkina Faso, Djibouti, the Dominican Republic, Egypt, El Salvador, Eritrea, India, Libya, Madagascar, Malaysia, Saint Vincent and the Grenadines, South Africa, Sri Lanka and Uganda joined in sponsoring the draft resolution.

22. At the same meeting, Cameroon, the Comoros, Equatorial Guinea, Ethiopia, Mali, Nigeria, Pakistan, Saint Kitts and Nevis, the United Republic of Tanzania and Zimbabwe joined in sponsoring the draft resolution.

23. Also at the same meeting, the representative of Cuba made a statement.

24. Also at its 47th meeting, the Committee adopted draft resolution [A/C.3/77/L.27](#) by a recorded vote of 117 to 54, with 10 abstentions (see para. 87, draft resolution V). The voting was as follows:

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Brazil, Chile, Colombia, Costa Rica, Liberia, Mexico, Panama, Peru, Uruguay.

25. Before the vote, a statement in explanation of vote was made by the representative of the United States of America.

## F. Draft resolution [A/C.3/77/L.28](#)

26. At its 47th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled “Promotion of peace as a vital requirement for the full enjoyment of all human rights by all” ([A/C.3/77/L.28](#)), which was submitted by Antigua and Barbuda, Belarus, Bolivia (Plurinational State of), China, Cuba, the Democratic People’s Republic of Korea, Ecuador, the Lao People’s Democratic Republic, Namibia, Nicaragua, the Russian Federation, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Belize, Burkina Faso, the Central African Republic, Djibouti, the Dominican Republic, Egypt, El Salvador, Eritrea, India, Libya, Madagascar, the Philippines, Saint Vincent and the Grenadines, South Africa and Uganda joined in sponsoring the draft resolution.

27. At the same meeting, Cameroon, the Comoros, Equatorial Guinea, Mali, the Niger, Nigeria, Pakistan, Sierra Leone, the United Republic of Tanzania and Zimbabwe joined in sponsoring the draft resolution.

28. Also at the same meeting, the representative of Cuba made a statement.

29. Also at its 47th meeting, the Committee adopted draft resolution [A/C.3/77/L.28](#), by a recorded vote of 126 to 53, with 1 abstention (see para. 87, draft resolution VI). The voting was as follows:

### *In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

### *Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Brazil.

30. Before the vote, a statement in explanation of vote was made by the representative of the United States of America.

#### **G. Draft resolution [A/C.3/77/L.29](#)**

31. At its 47th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled “The right to food” ([A/C.3/77/L.29](#)), which was submitted by Antigua and Barbuda, Belarus, Bolivia (Plurinational State of), the Central African Republic, China, Colombia, Cuba, the Democratic People’s Republic of Korea, Ecuador, Equatorial Guinea, Honduras, Jordan, the Lao People’s Democratic Republic, Lebanon, Lesotho, Mongolia, Morocco, Namibia, Nicaragua, Portugal, the Russian Federation, Rwanda, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Andorra, Austria, Bangladesh, Barbados, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cabo Verde, the Congo, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, the Dominican Republic, Egypt, El Salvador, Estonia, Finland, Germany, Greece, Guyana, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mexico, Monaco, Montenegro, Myanmar, Nepal, the Netherlands, Norway, Panama, Peru, the Philippines, Poland, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Türkiye and Uganda joined in sponsoring the draft resolution.

32. At the same meeting, Albania, the Bahamas, Cameroon, Chad, the Comoros, Eritrea, Ethiopia, Guinea, Haiti, Japan, Mali, the Niger, Nigeria, Pakistan, Saint Kitts and Nevis, Senegal, the Sudan, Timor-Leste, the United Republic of Tanzania and Zimbabwe joined in sponsoring the draft resolution.

33. Also at the same meeting, the representative of Cuba made a statement.

34. Also at its 47th meeting, the Committee adopted draft resolution [A/C.3/77/L.29](#) (see para. 87, draft resolution VII).

35. Before the adoption of the draft resolution, a statement was made by the representative of Canada. After the adoption, a statement was made by the representative of the United States of America.

#### **H. Draft resolution [A/C.3/77/L.42](#) and amendment thereto contained in document [A/C.3/77/L.66](#)**

36. At its 48th meeting, on 11 November 2022, the Committee had before it a draft resolution entitled “Extrajudicial, summary or arbitrary executions” ([A/C.3/77/L.42](#)), which was submitted by Albania, Argentina, Armenia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Andorra, Australia, Bolivia (Plurinational State of), Bosnia and Herzegovina, the Dominican Republic, Guatemala, Liberia, the Marshall Islands,

Palau, Panama, Paraguay, Peru, Poland, the Republic of Moldova, Samoa, San Marino, Serbia and Switzerland joined in sponsoring the draft resolution.

37. At the same meeting, Colombia joined in sponsoring the draft resolution.

38. Also at the same meeting, the representative of Finland (on behalf of the Nordic countries) made a statement.

**Action on the amendment contained in document [A/C.3/77/L.66](#)**

39. At its 48th meeting, on 11 November 2022, the Chair drew the attention of the Committee to the amendment to draft resolution [A/C.3/77/L.42](#), as contained in document [A/C.3/77/L.66](#), which was submitted by Bahrain, Bangladesh, Belarus, Cameroon, Egypt, Iran (Islamic Republic of), Kuwait, Libya, Nigeria, Pakistan, the Russian Federation, Saudi Arabia, Senegal, the Sudan, Uganda and Yemen. Subsequently, Brunei Darussalam, China, Malaysia, Oman, Qatar and the United Arab Emirates joined in sponsoring the amendment.

40. At the same meeting, Djibouti and the Niger joined in sponsoring the amendment.

41. Also at the same meeting, the representative of Egypt made a statement in connection with the amendment.

42. Also at its 48th meeting, the Committee rejected the amendment by a recorded vote of 88 to 51, with 26 abstentions. The voting was as follows:

*In favour:*

Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Libya, Malaysia, Mali, Mauritania, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tajikistan, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nepal, Netherlands, New Zealand, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Türkiye, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:*

Angola, Bahamas, Botswana, Central African Republic, Congo, Côte d'Ivoire, Equatorial Guinea, Eswatini, Guinea, Guyana, Kazakhstan, Kenya, Kiribati, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Maldives,

Mozambique, Namibia, Paraguay, Philippines, Rwanda, Sri Lanka, Togo, Tunisia.

43. Before the vote, statements in explanation of vote were made by the representatives of Czechia (on behalf of the European Union, Albania, Bosnia and Herzegovina, Georgia, Montenegro, the Republic of Moldova, Serbia, Türkiye and Ukraine), Finland (on behalf of the Nordic countries), Argentina, Mexico, New Zealand (also on behalf of Australia, Canada, Iceland, Liechtenstein, Norway and Switzerland), the United Kingdom of Great Britain and Northern Ireland, the United States of America, Colombia, Jordan and the Syrian Arab Republic.

44. At the same meeting, the representative of Mozambique made a statement on a point of order.

**Action on draft resolution [A/C.3/77/L.42](#) as a whole**

45. At its 48th meeting, on 11 November 2022, the representative of Sweden made a statement on a point of order to which the Chair responded.

46. At the same meeting, the Committee adopted draft resolution [A/C.3/77/L.42](#) by a recorded vote of 131 to 1, with 45 abstentions (see para. 87, draft resolution VIII). The voting was as follows:

*In favour:*

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Cambodia, Canada, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Türkiye, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay.

*Against:*

Burundi.

*Abstaining:*

Algeria, Bahrain, Belarus, Botswana, Brunei Darussalam, Cameroon, Central African Republic, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Libya, Madagascar, Mauritania, Morocco, Mozambique, Nigeria, Oman, Qatar, Russian Federation, Rwanda, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Uganda, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

47. Before the vote, statements were made by the representatives of Sweden (on behalf of the Nordic countries), the Netherlands, the United States of America and Peru and statements in explanation of vote were made by the representatives of Saudi Arabia, Iran (Islamic Republic of), Yemen, Egypt, the Russian Federation and Pakistan. After the vote, statements in explanation of vote were made by the representatives of the Gambia, Senegal, Mali, Malaysia, Belarus, Nicaragua, the Philippines, China, Bangladesh, Indonesia the United Republic of Tanzania, Nigeria, Cuba and the Syrian Arab Republic and statements were made by the representative of Switzerland, as well as by the observer for the Holy See.

## **I. Draft resolution [A/C.3/77/L.31/Rev.1](#)**

48. At its 50th meeting, on 15 November 2022, the Committee had before it a draft resolution entitled “Human rights in the administration of justice” ([A/C.3/77/L.31/Rev.1](#)), which was submitted by Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, the Netherlands, North Macedonia, Peru, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and Uruguay. Subsequently, Albania, Andorra, Azerbaijan, Brazil, Chile, the Dominican Republic, El Salvador, Iceland, India, Norway, Palau, Panama, Paraguay, the Philippines, Poland, San Marino, Serbia, Thailand and Ukraine joined in sponsoring the draft resolution.

49. At the same meeting, the representative of Austria made a statement.

50. Also at the same meeting, the Committee adopted draft resolution [A/C.3/77/L.31/Rev.1](#) (see para. 87, draft resolution IX).

51. After the adoption of the draft resolution, statements were made by the representative of the United States of America and the observer for the Holy See.

## **J. Draft resolution [A/C.3/77/L.41](#)**

52. At its 48th meeting, on 11 November 2022, the Committee had before it a draft resolution entitled “Missing persons”, which was submitted by Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Morocco and Norway. Subsequently, Albania, Andorra, Antigua and Barbuda, Argentina, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Canada, the Central African Republic, Chile, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, El Salvador, Finland, Georgia, Germany, Greece, Honduras, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, the Netherlands, Panama, Paraguay, Peru, Portugal, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, the United States of America, Uzbekistan, Venezuela (Bolivarian Republic of) and Zambia joined in sponsoring the draft resolution.

53. At the same meeting, Equatorial Guinea, Jordan, Papua New Guinea, Tajikistan and Zimbabwe joined in sponsoring the draft resolution.

54. Also at the same meeting, the representative of Azerbaijan made a statement.

55. Also at its 48th meeting, the Committee adopted draft resolution [A/C.3/77/L.41](#) (see para. 87, draft resolution X).

56. Before the adoption of the draft resolution, a statement was made by the representative of Armenia.

## **K. Draft resolution [A/C.3/77/L.43](#)**

57. At its 48th meeting, on 11 November 2022, the Committee had before it a draft resolution entitled “Freedom of religion or belief” ([A/C.3/77/L.43](#)), submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden and the United States of America. Subsequently, Albania, Andorra, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d’Ivoire, the Dominican Republic, El Salvador, Georgia, Guatemala, Iceland, Israel, Japan, Liechtenstein, the Marshall Islands, New Zealand, Paraguay, Peru, the Philippines, the Republic of Korea, San Marino, Serbia, Switzerland, Thailand, Türkiye, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay joined in sponsoring the draft resolution.

58. At the same meeting, Equatorial Guinea, Kiribati, Norway, Sierra Leone, Uganda and Zimbabwe joined in sponsoring the draft resolution.

59. Also at the same meeting, the representative of Czechia (on behalf of the European Union) made a statement.

60. Also at its 48th meeting, the Committee adopted draft resolution [A/C.3/77/L.43](#) (see para. 87, draft resolution XI).

## **L. Draft resolution [A/C.3/77/L.44/Rev.1](#) and the amendment thereto contained in document [A/C.3/77/L.54](#)**

61. At its 49th meeting, on 11 November 2022, the Committee had before it a draft resolution entitled “Moratorium on the use of the death penalty” ([A/C.3/77/L.44/Rev.1](#)), which was submitted by Albania, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Andorra, Angola, Bolivia (Plurinational State of), the Congo, El Salvador, Israel, Kiribati, North Macedonia, San Marino, Serbia, Seychelles and Togo joined in sponsoring the draft resolution.

62. At the same meeting, Kyrgyzstan joined in sponsoring the draft resolution.

63. Also at the same meeting, the representative of Australia (also on behalf of Costa Rica) made a statement.

### **Action on the amendment contained in document [A/C.3/77/L.54](#)**

64. At the 49th meeting, on 11 November 2022, the Chair drew the attention of the Committee to an amendment to draft resolution [A/C.3/77/L.44/Rev.1](#), as contained in

document [A/C.3/77/L.54](#), which was submitted by Antigua and Barbuda, Bahrain, Bangladesh, Belarus, Belize, Botswana, Brunei Darussalam, Burundi, China, the Comoros, the Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Jamaica, Kuwait, the Lao People's Democratic Republic, Lesotho, Libya, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, the Sudan, the Syrian Arab Republic, Trinidad and Tobago, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe. Subsequently, India, Jordan, Malawi and Seychelles joined in sponsoring the amendment.

65. At the same meeting, Mauritania joined in sponsoring the draft resolution.

66. Also at the same meeting, the representative of Singapore made a statement.

67. Also at the 49th meeting, the representative of Singapore made a statement on a point of order to which the Chair responded.

68. At the same meeting, the Committee adopted the amendment by a recorded vote of 103 to 68, with 13 abstentions. The voting was as follows :

*In favour:*

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burundi, Cambodia, Cameroon, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Abstaining:*

Benin, Bolivia (Plurinational State of), Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Liberia, Micronesia (Federated States of), Nepal, Republic of Korea, Togo, Türkiye.

69. Before the vote, statements were made by the representatives of China, Botswana, Jamaica, Indonesia, Iran (Islamic Republic of), Egypt, Papua New Guinea,

Nigeria, Saudi Arabia and Singapore and statements in explanation of vote were made by the representatives of Czechia (on behalf of the European Union, North Macedonia, Montenegro, Serbia, Albania, the Republic of Moldova, Bosnia and Herzegovina and San Marino), Venezuela (Bolivarian Republic of), Canada, New Zealand, Sri Lanka, Micronesia (Federated States of), Argentina and Liechtenstein. After the vote, statements in explanation of vote were made by the representatives of Sierra Leone and Chile, and a statement was made by the representative of Belarus.

70. Also at the same meeting, the representative of Singapore made a statement on a point of order, to which the Secretary of the Committee responded, and the representative of Australia made a statement on a point of order to which the Chair responded.

**Action on draft resolution [A/C.3/77/L.44/Rev.1](#), as amended and as a whole**

71. At its 49th meeting, on 11 November 2022, the Committee adopted draft resolution [A/C.3/77/L.44/Rev.1](#), as amended, by a recorded vote of 126 to 37, with 24 abstentions (see para. 87, draft resolution XII). The voting was as follows:

*In favour:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Cambodia, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, Tunisia, Türkiye, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu.

*Against:*

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Grenada, India, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Lesotho, Libya, Maldives, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Syrian Arab Republic, Tonga, Trinidad and Tobago, United States of America, Yemen.

*Abstaining:*

Belarus, Burundi, Cameroon, Comoros, Cuba, Eswatini, Gabon, Guyana, Indonesia, Kenya, Lao People's Democratic Republic, Mauritania, Morocco, Niger, Nigeria, Papua New Guinea, South Sudan, Thailand, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

72. Before the vote, statements were made by the representatives of Mexico, Switzerland (also on behalf of New Zealand), Canada, Australia and the United Kingdom of Great Britain and Northern Ireland and statements in explanation of vote

were made by the representatives of Trinidad and Tobago, Singapore, Palau, Zambia and Yemen. After the vote, statements in explanation of vote were made by the representatives of India, Viet Nam, Ghana, Pakistan, Japan, Myanmar, Indonesia, Qatar, the United States of America, the Republic of Korea and Egypt and statements were made by the representatives of Czechia (on behalf of the European Union, North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Andorra, Georgia and San Marino), Costa Rica and Fiji, as well as by the observer for the Holy See.

#### **M. Draft resolution [A/C.3/77/L.46](#)**

73. At its 50th meeting, on 15 November 2022, the Committee had before it a draft resolution entitled “Human rights and extreme poverty” ([A/C.3/77/L.46](#)), which was submitted by Antigua and Barbuda, Argentina, Belgium, Belize, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, France, Guatemala, Honduras, Jordan, Malta, Monaco, Mongolia, Morocco, Panama, Paraguay, Peru, Slovenia, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Algeria, Andorra, Angola, Armenia, Australia, Austria, Bangladesh, Bosnia and Herzegovina, Cabo Verde, Cameroon, Canada, the Central African Republic, China, the Congo, Côte d’Ivoire, Croatia, Cyprus, Czechia, the Dominican Republic, Egypt, Estonia, Finland, Georgia, Germany, Greece, Guyana, Haiti, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kenya, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mexico, Montenegro, Mozambique, Nepal, the Netherlands, Nicaragua, Nigeria, North Macedonia, Norway, Palau, the Philippines, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Seychelles, Slovakia, South Africa, South Sudan, Spain, Sri Lanka, Sweden, Thailand, Timor-Leste, Togo, Türkiye, Ukraine, Venezuela (Bolivarian Republic of), Viet Nam and Zambia joined in sponsoring the draft resolution.

74. At the same meeting, Burkina Faso, Eritrea, Guinea, Malawi, Mali, Pakistan, Senegal, Solomon Islands, the Sudan, Uganda and the United Republic of Tanzania joined in sponsoring the draft resolution.

75. Also at the same meeting, the representative of Peru made a statement.

76. Also at its 50th meeting, the Committee adopted draft resolution [A/C.3/77/L.46](#) (see para. 87, draft resolution XIII).

77. After the adoption of the draft resolution, a statement was made by the representative of the United States of America.

#### **N. Draft resolution [A/C.3/77/L.39](#)**

78. At its 54th meeting, on 17 November 2022, the Committee had before it a draft resolution entitled “The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law” ([A/C.3/77/L.39](#)), which was submitted by Armenia, Austria, Azerbaijan, Colombia, Denmark, France, Germany, Hungary, Israel, Italy, Malta, Morocco, Portugal, Slovenia and the United States of America. Subsequently, Argentina, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Cabo Verde, Canada, the Central African Republic, Chad, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, the Dominican Republic, El Salvador, Estonia, Georgia, Greece, Guatemala, Ireland, Japan, Jordan, Latvia, Lebanon, Lithuania, Luxembourg, Mexico, Mongolia, Montenegro, the Netherlands, North Macedonia, Norway, Palau, Panama, Peru,

Poland, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Spain, Switzerland, Thailand, Tunisia, Türkiye, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zambia joined in sponsoring the draft resolution.

79. At the same meeting, Albania, Angola, Equatorial Guinea, Eswatini, Finland, Guinea, Kiribati, Libya, Malawi, the Niger, Nigeria, Senegal and Sweden joined in sponsoring the draft resolution.

80. Also at the same meeting, the representative of Morocco made a statement and orally revised the twelfth operative paragraph of the draft resolution.

81. Also at its 54th meeting, the Committee adopted draft resolution [A/C.3/77/L.39](#), as orally revised, (see para. 87, draft resolution XIV).

82. After the adoption of the draft resolution, as orally revised, the representative of Japan made a statement.

## **O. Draft resolution [A/C.3/77/L.47](#)**

83. At its 54th meeting, on 17 November 2022, the Committee had before it a draft resolution entitled “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief” ([A/C.3/77/L.47](#)), which was submitted by Egypt (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation). Subsequently, Australia, the Central African Republic, the Congo, Eritrea, Japan, Peru, Thailand and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

84. At the same meeting, Equatorial Guinea and Timor-Leste joined in sponsoring the draft resolution.

85. Also at the same meeting, the representative of Egypt (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation) made a statement.

86. Also at its 54th meeting, the Committee adopted draft resolution [A/C.3/77/L.47](#) (see para. 87, draft resolution XV).

### III. Recommendations of the Third Committee

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

#### Draft resolution I

#### The right to privacy in the digital age

*The General Assembly,*

*Reaffirming* the purposes and principles of the Charter of the United Nations, the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights<sup>1</sup> and relevant international human rights treaties, including the International Covenant on Civil and Political Rights<sup>2</sup> and the International Covenant on Economic, Social and Cultural Rights,<sup>3</sup> as well as the Vienna Declaration and Programme of Action,<sup>4</sup>

*Recalling* General Assembly resolutions [68/167](#) of 18 December 2013, [69/166](#) of 18 December 2014, [71/199](#) of 19 December 2016, [73/179](#) of 17 December 2018 and [75/176](#) of 16 December 2020 on the right to privacy in the digital age, and resolution [45/95](#) of 14 December 1990 on guidelines for the regulation of computerized personal data files, as well as Human Rights Council resolutions [28/16](#) of 26 March 2015,<sup>5</sup> [34/7](#) of 23 March 2017,<sup>6</sup> [37/2](#) of 22 March 2018,<sup>7</sup> [42/15](#) of 26 September 2019<sup>8</sup> and [48/4](#) of 7 October 2021<sup>9</sup> on the right to privacy in the digital age and resolutions [32/13](#) of 1 July 2016<sup>10</sup> and [38/7](#) of 5 July 2018<sup>11</sup> on the promotion, protection and enjoyment of human rights on the Internet,

*Recalling also* the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,<sup>12</sup>

*Taking note* of the reports of the Special Rapporteur of the Human Rights Council on the right to privacy,<sup>13</sup> the reports of the Special Rapporteur of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression<sup>14</sup> and the relevant reports of the Special Rapporteur of the Human Rights Council on the rights to freedom of peaceful assembly and of association,<sup>15</sup> as well as the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,<sup>16</sup>

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

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

<sup>3</sup> Ibid.

<sup>4</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>5</sup> See *Official Records of the General Assembly, Seventieth Session, Supplement No. 53 (A/70/53)*, chap. III, sect. A.

<sup>6</sup> Ibid., *Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. IV, sect. A.

<sup>7</sup> Ibid., *Seventy-third Session, Supplement No. 53 (A/73/53)*, chap. IV, sect. A.

<sup>8</sup> Ibid., *Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1)*, chap. III.

<sup>9</sup> Ibid., *Seventy-sixth Session, Supplement No. 53A (A/76/53/Add.1)*, chap. IV, sect. A.

<sup>10</sup> Ibid., *Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. V, sect. A.

<sup>11</sup> Ibid., *Seventy-third Session, Supplement No. 53 (A/73/53)*, chap. VI, sect. A.

<sup>12</sup> Resolution [70/125](#).

<sup>13</sup> [A/HRC/43/52](#), [A/HRC/46/37](#), [A/HRC/49/55](#), [A/75/147](#) and [A/76/220](#).

<sup>14</sup> [A/HRC/44/49](#), [A/HRC/50/29](#), [A/75/261](#) and [A/76/258](#).

<sup>15</sup> [A/HRC/44/50](#), [A/HRC/50/23](#), [A/HRC/50/42](#) and [A/75/184](#).

<sup>16</sup> [A/HRC/44/57](#), [A/75/329](#) and [A/76/434](#).

*Welcoming* the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, noting with interest the reports of the High Commissioner thereon,<sup>17</sup> and recalling the expert workshops on the right to privacy in the digital age held on 19 and 20 February 2018 and on 27 and 28 May 2020,

*Taking note* of the Secretary-General's strategy on new technologies and his Road Map for Digital Cooperation, and noting the discussions that take place annually in the Internet Governance Forum, which is a multi-stakeholder forum for the discussion of Internet governance issues and whose mandate was extended by the General Assembly in 2015 for another 10 years, and recognizing that effectively addressing the challenges relating to the right to privacy in the context of modern communications technology requires an ongoing, concerted multi-stakeholder engagement,

*Noting* that the rapid pace of technological development enables individuals all over the world to use new information and communications technologies that empower people, improve lives, strengthen justice and boost productivity, 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, 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, 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, in particular girls, persons with disabilities and older persons, as well as those in vulnerable situations,

*Recognizing* that new and emerging digital technologies, in particular assistive digital technologies, can especially contribute to the full enjoyment of human rights by persons with disabilities, and that these technologies should be designed in consultation with them and with appropriate safeguards to protect their rights, including their right to privacy,

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

*Noting* that children can be particularly vulnerable to abuses and violations of their right to privacy,

*Noting also* that States parties should implement the Convention on the Rights of the Child<sup>18</sup> in relation to the digital environment, including the importance of privacy to children's agency, dignity and safety, and for the exercise of their rights,

*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 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,

<sup>17</sup> [A/HRC/48/31](#) and [A/HRC/51/17](#).

<sup>18</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

*Recalling with appreciation* general comment No. 16 of the Human Rights Committee on article 17 of the International Covenant on Civil and Political Rights, on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation,<sup>19</sup> while also noting the vast technological leaps that have taken place since its adoption and the need to discuss the right to privacy in view of the challenges of the digital age,

*Recognizing* the need to further discuss and analyse, based on 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, the impact of surveillance on 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,

*Recognizing also* that the discussion on the right to privacy should be based upon existing international and domestic legal obligations, including international human rights law, as well as relevant commitments, and should not open the path for undue interference with an individual's human rights,

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

*Stressing* the importance of full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information and democratic participation,

*Recognizing* that the right to privacy is important for the enjoyment of other rights and can contribute to an individual's ability to participate in political, economic, social and cultural life, and noting with concern that violations or abuses of the right to be free from unlawful or arbitrary interference with the right to privacy might affect the enjoyment of other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to peaceful assembly and freedom of association,

*Noting* 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, social relationships, private preferences and identity,

*Expressing concern* that individuals, particularly children, 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 reuse, sale or multiple resale of their personal data, as the collection, processing, use, storage and sharing of personal data, including sensitive data, have increased significantly in the digital age,

*Noting* that general comment No. 16 of the Human Rights Committee recommends that States take effective measures to prevent the unlawful retention, processing and use of personal data stored by public authorities and business enterprises,

*Noting also* that the use of artificial intelligence can contribute to the promotion and protection of human rights and has the potential to transform governments and societies, economic sectors and the world of work and can also have various far-reaching implications, including with regard to the right to privacy,

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<sup>19</sup> *Official Records of the General Assembly, Forty-third Session, Supplement No. 40 (A/43/40), annex VI.*

*Noting with concern* that artificial intelligence or machine-learning technologies, without proper technical, regulatory, legal and ethical safeguards, may lead to decisions that have the potential to affect the enjoyment of human rights, including economic, social and cultural rights, and affect non-discrimination, and recognizing the need to apply international human rights law and data protection frameworks in the design, evaluation and regulation of these practices,

*Recognizing* that, while the use of artificial intelligence can have significant positive economic and social impacts, it requires and allows for the processing of large amounts of data, often relating to personal data, including biometric data and data on an individual's behaviour, social relationships, race or ethnicity, religion or belief, which can pose serious risks to the enjoyment of the right to privacy, especially when done without proper safeguards, in particular when employed for identification, tracking, profiling, facial recognition, classification, behaviour prediction or scoring of individuals,

*Noting* that the use of artificial intelligence may, without proper technical, regulatory, legal and ethical safeguards, pose the risk of reinforcing discrimination, including structural inequalities, and recognizing that racially and otherwise discriminatory outcomes should be prevented in the design, development, implementation and use of emerging digital technologies,

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

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

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

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

*Recognizing* that the same rights that people have offline must also be protected online, including the right to privacy,

*Noting* that the accelerated synchronization of online and offline spaces can affect individuals' enjoyment of their human rights, including their right to privacy,

*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 necessary steps

to adopt laws or other measures as may be necessary to give effect to the rights recognized in the Covenant,

*Expressing concern* about the spread of disinformation and misinformation, particularly on social media platforms, which can be designed and implemented so as to mislead, to spread racism, xenophobia, negative stereotyping and stigmatization, to violate and abuse human rights, including the right to privacy, to impede freedom of expression, including the freedom to seek, receive and impart information, and to incite all forms of violence, hatred, intolerance, discrimination and hostility, and emphasizing the important contribution of journalists, civil society and academia in countering this trend,

*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 and 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,

*Emphasizing* that States must respect international human rights obligations regarding the right to privacy when they intercept digital communications of individuals and/or collect personal data, when they share or otherwise provide access to data collected through, inter alia, information- and intelligence-sharing agreements and when they require disclosure of personal data from third parties, including business enterprises,

*Noting* the increase in the collection of sensitive biometric information from individuals, and stressing that States must comply with their human rights obligations and that business enterprises should respect the right to privacy and other human rights when collecting, processing, sharing and storing biometric information by, inter alia, adopting data protection policies and safeguards,

*Deeply concerned* at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

*Emphasizing* that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications and transactions, including measures for strong 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, and recognizing that States should promote such measures and refrain from employing unlawful or arbitrary surveillance techniques, which may include forms of hacking,

*Noting* that, while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

*Noting also*, in that respect, that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations

under international law, in particular international human rights, refugee and humanitarian law,

*Recognizing* that a lack of access to affordable and reliable technologies and services remains a critical challenge in many developing countries,

*Stressing* the need to address prevailing challenges to bridge the digital divides, both between and within countries, and the gender digital divide, and to harness information and communications technologies for development, and recalling the need to emphasize quality of access to bridge digital and knowledge divides, using a multidimensional approach that includes speed, stability, affordability, language, training, capacity-building, local content and accessibility for persons with disabilities, and to promote the full enjoyment of human rights, including the right to privacy,

*Stressing also* the need to ensure that national security and public health measures, including the use of technology to monitor and contain the spread of infectious diseases, are in full compliance with the obligations of States under international human rights law and adhere to the principles of lawfulness, legality, legitimacy with regard to the aim pursued, necessity and proportionality and the need to protect human rights, including the right to privacy, and personal data in the response to health or other emergencies,

*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 the recovery from global health emergencies, including the COVID-19 pandemic, and recalling in this regard the importance of protecting human health-related and other personal 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. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technologies as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;<sup>20</sup>

3. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy, with special regard given to the protection of children;

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

5. *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 human rights instruments;

<sup>20</sup> See resolution [70/1](#).

6. *Acknowledges* that the conception, design, use, deployment and further development of new and emerging technologies, such as those that involve artificial intelligence, may have an impact on the enjoyment of the right to privacy and other human rights, and that the risks to these rights can and should be avoided and minimized by adapting or adopting adequate regulation or other appropriate mechanisms, in accordance with applicable obligations under international human rights law, for the conception, design, development and deployment of new and emerging technologies, including artificial intelligence, by taking measures to ensure a safe, transparent, accountable, secure and high quality data infrastructure and by developing human rights-based auditing mechanisms and redress mechanisms and establishing human oversight;

7. *Calls upon* all States:

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

(b) To invite all relevant stakeholders to further discuss how emerging phenomena, such as the push for widespread adoption of blockchain, expanded and virtual reality technologies and the development of increasingly powerful neurotechnology, without proper safeguards, have an impact on the enjoyment of the right to privacy and the right to freedom of opinion and expression;

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

(d) To review, on a regular basis, their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, 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;

(e) To establish or maintain existing independent, effective, adequately resourced and impartial judicial, administrative and/or parliamentary domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data;

(f) To provide individuals whose right to privacy has been violated by unlawful or arbitrary surveillance with access to an effective remedy, consistent with international human rights obligations;

(g) To consider developing or maintaining and implementing adequate legislation, in consultation with all relevant stakeholders, including business enterprises, international organizations and civil society, with effective sanctions and appropriate remedies, that protects individuals against violations and abuses of the right to privacy, namely through the unlawful and arbitrary collection, processing, retention, sharing or use of personal data by individuals, Governments, business enterprises and private organizations;

(h) To consider developing or maintaining and implementing legislation, regulations and policies to ensure that all business enterprises, including social media enterprises and other online platforms, fully respect the right to privacy and other relevant human rights in 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 compensation and guarantees of non-repetition;

(i) To consider adopting or maintaining data protection legislation, regulation and policies, including on digital communication data, that comply with their international human rights obligations, which could include the establishment of national independent authorities with powers and resources to monitor data privacy practices, investigate violations and abuses and receive communications from individuals and organizations, and to provide appropriate remedies;

(j) To further develop or maintain, in this regard, preventive measures and remedies for violations and abuses of the right to privacy in the digital age that may affect all individuals, including where there are particular effects for women, as well as children;

(k) To consider developing, reviewing, implementing and strengthening gender-responsive policies that promote and protect the right of all individuals to privacy in the digital age;

(l) 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;

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

(n) To refrain from requiring business enterprises to take steps that interfere with the right to privacy in an arbitrary or unlawful way;

(o) To protect individuals from violations or abuses of the right to privacy, including those which are caused by arbitrary or unlawful data collection, processing, storage and sharing, profiling and the use of automated processes and machine learning;

(p) To take steps to enable business enterprises to adopt adequate voluntary transparency measures with regard to requests by State authorities for access to private user data and information;

(q) To consider developing or to maintain legislation, preventive measures and remedies addressing harm from the processing, use, sale or multiple resale or other corporate sharing of personal data without the individual's free, explicit, meaningful and informed consent;

(r) To ensure that digital or biometric identity programmes are designed, implemented and operated after appropriate technical, regulatory, legal and ethical safeguards are in place and in full compliance with the obligations of States under international human rights law;

8. *Calls upon* all business enterprises, in particular those 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,<sup>21</sup> including the right to privacy in the digital age, and to enhance efforts in this regard;

<sup>21</sup> [A/HRC/17/31](#), annex.

(b) To inform users in a clear, easily accessible and age-appropriate way about the collection, use, sharing and retention of their data that may affect their right to privacy, to refrain from doing so without their consent or a legal basis and to establish and to apply transparency policies that allow for the free, informed and meaningful consent of users, as appropriate;

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

(d) To ensure that respect for the right to privacy and other international human rights is incorporated into the design, operation, evaluation and regulation of automated decision-making and machine-learning technologies and to provide for compensation for the human rights abuses that they may cause or to which they may contribute;

(e) To ensure that individuals have access to their personal data and to adopt appropriate measures for the possibility to amend, correct, update, delete and withdraw consent for the data, in particular if the data are incorrect or inaccurate, or if the data were obtained illegally;

(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 or notification of any relevant entities 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 by exercising due diligence in assessing, preventing and mitigating the adverse human rights impacts of their deployment;

9. *Encourages* business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, which may include measures for encryption, pseudonymization and anonymity, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with the obligations of States under international human rights law, and to enact policies that recognize and protect the privacy of individuals' digital communications;

10. *Encourages* States and, where applicable, business enterprises to systematically conduct human rights due diligence throughout the life cycle of the artificial intelligence systems that they conceptualize, design, develop, deploy, sell, obtain or operate, including regular and comprehensive human rights impact assessments and the participation of all relevant stakeholders;

11. *Encourages* all relevant stakeholders to mainstream a gender perspective into the conceptualization, development and implementation of digital technologies and related policies and promote the participation of women in order to address violence and discrimination against women and girls in digital contexts, inter alia, by encouraging digital technology companies, including Internet service providers, to respect standards and implement transparent and accessible reporting mechanisms;

12. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists and media workers to freely exercise their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use by journalists and media workers of such technologies and to ensure that any

restrictions thereon comply with the obligations of States under international human rights law;

13. *Encourages* all relevant stakeholders to participate in informal dialogues about the right to privacy, and takes note with appreciation of the contribution of the Special Rapporteur of the Human Rights Council on the right to privacy to this process;

14. *Decides* to continue its consideration of the question at its seventy-ninth session.

## Draft resolution II

### The right to development

*The General Assembly,*

*Guided* by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

*Recalling* the Universal Declaration of Human Rights,<sup>1</sup> as well as the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>3</sup>

*Recalling also* the outcomes of all the major United Nations conferences and summits in the economic and social fields,

*Recalling further* the Declaration on the Right to Development, adopted by the General Assembly in its resolution [41/128](#) of 4 December 1986, which confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

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

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

*Stressing* the importance of the World Conference on Human Rights, held in Vienna in 1993, and that the Vienna Declaration and Programme of Action<sup>4</sup> reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights and the individual as the central subject and beneficiary of development,

*Welcoming* in this regard the upcoming thirtieth anniversary, in 2023, of the adoption of the Vienna Declaration and Programme of Action, and stressing the need to strengthen efforts towards its implementation,

*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,<sup>5</sup>

*Recognizing* the importance of the adoption of the 2030 Agenda for Sustainable Development,<sup>6</sup> reaffirming that the Declaration on the Right to Development informed the 2030 Agenda, along with other relevant international instruments, and underlining the fact that the Sustainable Development Goals can be realized only through a credible, effective and universal commitment to the means of implementation by all stakeholders,

*Recognizing also* the successful conclusion of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held in Quito from

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

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

<sup>3</sup> Ibid.

<sup>4</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>5</sup> Resolution [55/2](#).

<sup>6</sup> Resolution [70/1](#).

17 to 20 October 2016, that recognizes that the New Urban Agenda<sup>7</sup> is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome<sup>8</sup> and is informed by other instruments such as the Declaration on the Right to Development,

*Recalling* the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”,<sup>9</sup>

*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all human rights, including civil, cultural, economic, political and social rights, including the right to development, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and its outcome document,<sup>10</sup>

*Deeply concerned* that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

*Reaffirming* that democracy, development and respect for all human rights and fundamental freedoms for all 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, and in that context noting that the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached and that the international community should support the strengthening and promotion of democracy, development and respect for all human rights and fundamental freedoms for all in the entire world,

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

*Taking note* of the commitment declared by a number of specialized agencies, funds and programmes of the United Nations system 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, as well as into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

*Recalling* the outcomes adopted at the Tenth Ministerial Conference of the World Trade Organization, held in Nairobi from 15 to 19 December 2015,

*Calling for* a successful, development-oriented outcome of the trade negotiations of the World Trade Organization, in particular on the remaining issues of the Doha Development Round, as a contribution to the creation of international conditions permitting the full realization of the right to development,

*Recalling* the outcome of the fourteenth session of the United Nations Conference on Trade and Development, held in Nairobi from 17 to 22 July 2016, on

<sup>7</sup> Resolution [71/256](#), annex.

<sup>8</sup> Resolution [60/1](#).

<sup>9</sup> Resolution [66/288](#), annex.

<sup>10</sup> Resolution [69/2](#).

the theme “From decision to action: moving towards an inclusive and equitable global economic environment for trade and development”,<sup>11</sup>

*Recalling also* all its previous resolutions on the subject, the most recent of which was resolution 76/163 of 16 December 2021, as well as Human Rights Council resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998<sup>12</sup> on the urgent need to make further progress towards the realization of the right to development,

*Recalling further* Human Rights Council resolution 35/21 of 22 June 2017 on the contribution of development to the enjoyment of all human rights,<sup>13</sup>

*Recalling* the Eighteenth Summit of Heads of State and Government of Non-Aligned Countries, held in Baku, Republic of Azerbaijan, on 25 and 26 October 2019, and the previous summits and conferences 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 convention on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

*Reiterating its continuing support* for the New Partnership for Africa’s Development<sup>14</sup> as a development framework for Africa,

*Deeply concerned* about the negative impacts of the global economic and financial crises on the realization of the right to development,

*Recognizing* that the coronavirus disease (COVID-19) pandemic is one of the greatest global challenges in the history of the United Nations, and noting with deep concern its impact on health and the loss of life, mental health and well-being, as well as the negative impact on global humanitarian needs, the enjoyment of human rights and across all spheres of society, including on livelihoods, food security and nutrition, and education, the exacerbation of poverty and hunger, disruption to economies, trade, societies and environments, and the exacerbation of economic and social inequalities within and among countries,

*Recognizing also* that the poorest and most vulnerable are the hardest hit by the pandemic and that the impact of the crisis will reverse hard-won development gains and hamper progress towards achieving the Sustainable Development Goals, as well as progress with regard to the right to development,

*Deeply concerned* about the uneven access of developing countries to safe, quality, efficacious, effective, accessible and affordable vaccines against COVID-19, and emphasizing that the realization of the right to development would enhance the capacities of developing countries to have equal access to vaccines and other means to respond to and recover from the pandemic, as well as the need to strengthen the support for national, bilateral, regional and multilateral initiatives that aim to accelerate the development and production of and equitable access to COVID-19 diagnostics, therapeutics and vaccines,

<sup>11</sup> See TD/519, TD/519/Add.1, TD/519/Add.2 and TD/519/Add.2/Corr.1.

<sup>12</sup> See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A.

<sup>13</sup> See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. V, sect. A.

<sup>14</sup> A/57/304, annex.

*Recognizing* that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights,

*Recognizing also* that Member States should cooperate with one another in ensuring development and eliminating obstacles to development, that the international community should promote effective international cooperation, in particular to revitalize a global partnership for development, for the realization of the right to development and the elimination of obstacles to development and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

*Recognizing further* that poverty is an affront to human dignity,

*Recognizing* that extreme poverty and hunger are among the greatest global threats and require the collective commitment of the international community for their eradication, pursuant to Millennium Development Goal 1 and Sustainable Development Goals 1 and 2, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

*Recognizing also* that historical injustices, inter alia, have contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

*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 the greatest global challenge and an indispensable requirement for sustainable development, which requires a multifaceted and integrated approach, and committed to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

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

*Emphasizing also* that the right to development is vital for the full realization of the 2030 Agenda for Sustainable Development and should be central to its implementation,

*Encouraging* relevant bodies of the United Nations system, within their respective mandates, including the specialized agencies, funds and programmes of the United Nations system, 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 for Sustainable Development and to cooperate with the United Nations High Commissioner for Human Rights in the fulfilment of his mandate with regard to the implementation of the right to development,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights concerning the promotion and realization of the right to development;<sup>15</sup>

2. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level while urging all States to undertake at the national level the necessary policy formulation and to

<sup>15</sup> A/HRC/51/22.

institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

3. *Emphasizes* the relevant provisions of General Assembly resolution [60/251](#) of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development, including the 2030 Agenda for Sustainable Development, which seeks to build on the Millennium Development Goals and complete what they did not achieve, and also in this regard to lead the raising of the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level as and on a par with all other human rights and fundamental freedoms;

4. *Supports* the realization of the mandate of the Working Group on the Right to Development,<sup>16</sup> and recognizes the need for renewed efforts with a view to overcoming the existing political impasse within the Working Group and to fulfil at the earliest 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 of 30 March 2007;<sup>17</sup>

5. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session<sup>18</sup> 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;

6. *Takes note* of the report of the Working Group on its twenty-first session;<sup>19</sup>

7. *Notes* the presentation to the Working Group at its nineteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur,<sup>20</sup> which is a useful basis for further deliberations on the implementation and realization of the right to development;

8. *Calls upon* Member States to contribute to the efforts of the Working Group, including, inter alia, on the elaboration of a draft legally binding instrument on the right to development on the basis of the draft prepared by the Chair-Rapporteur, as decided by the Human Rights Council in its resolution [42/23](#) of 27 September 2019,<sup>21</sup> and in this regard notes the report of the Chair-Rapporteur entitled “Draft convention on the right to development”,<sup>22</sup> submitted to the Working Group at its twenty-first session;

9. *Stresses* that it is important that the Chair-Rapporteur and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

<sup>16</sup> See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

<sup>17</sup> Ibid., *Sixty-second Session, Supplement No. 53* (A/62/53), chap. III, sect. A.

<sup>18</sup> See [E/CN.4/2002/28/Rev.1](#), sect. VIII.A.

<sup>19</sup> [A/HRC/48/64](#).

<sup>20</sup> [A/HRC/WG.2/17/2](#).

<sup>21</sup> See *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 53A* (A/74/53/Add.1), chap. III.

<sup>22</sup> [A/HRC/WG.2/21/2](#).

(b) To also promote effective partnerships such as the New Partnership for Africa's Development and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Sustainable Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all 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, and also while urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority, including in the context of the response to and the recovery from the COVID-19 pandemic, through equitable and fair access for all countries, particularly the most vulnerable countries and countries in special situations, to vaccines and medicines as global public goods, sharing the benefits of scientific progress, financial and technological support and debt relief;

(e) To mainstream the right to development into the policies and operational activities of the specialized agencies, funds and programmes of the United Nations system, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

10. *Encourages* the Human Rights Council to continue to consider how to ensure follow-up to the work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

11. *Takes note* of the convening, in 2022, of the fifth and sixth sessions the Expert Mechanism on the Right to Development, established by the Human Rights Council in its resolution 42/23, and noting the annual report of the Expert Mechanism;<sup>23</sup>

12. *Takes note with appreciation* of the report of the Special Rapporteur of the Human Rights Council on the right to development,<sup>24</sup> in which the Special Rapporteur examines the response to and recovery from the COVID-19 pandemic from the perspective of the right to development at the international level;

13. *Stresses* that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation and hence should not result in a reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments, and encourages Member States and other

<sup>23</sup> A/HRC/51/36.

<sup>24</sup> A/77/174.

relevant stakeholders to incorporate the right to development into the design, financing and implementation of cooperation processes;

14. *Urges* Member States, the Office of the United Nations High Commissioner for Human Rights and other relevant specialized agencies, funds and programmes of the United Nations system to provide the Special Rapporteur on the right to development with all the assistance and support necessary for the fulfilment of his mandate;

15. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set out in those outcome documents;

16. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, a lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

17. *Further reaffirms* that development contributes significantly to the enjoyment of all human rights by all, and calls upon all countries to realize people-centred development of the people, by the people and for the people;

18. *Calls upon* all States to spare no effort in promoting and protecting all human rights for all, including the right to development, in particular while implementing the 2030 Agenda for Sustainable Development and responding to and recovering from the COVID-19 pandemic, as it is conducive to the overall enjoyment of human rights;

19. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

20. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with one another to that end;

21. *Also reaffirms* its commitment to international cooperation and multilateralism and its strong support for the central role of the United Nations system in the global response to the COVID-19 pandemic;

22. *Further reaffirms* its resolution [74/274](#) of 20 April 2020, in which it recognized the importance of international cooperation and effective multilateralism in helping to ensure that all States have in place effective national protective measures, access to and flow of vital medical supplies, therapeutics, medicines and vaccines, in order to minimize negative effects in all affected States and to avoid relapses of the COVID-19 pandemic;

23. *Calls upon* Member States and relevant stakeholders to strengthen international cooperation, as well as their support for multilateral efforts and for the central role of the United Nations system, in order to mobilize a coordinated global response to the COVID-19 pandemic and its adverse social, economic and financial impact on all societies that contributes to the realization of the right to development and leaves no one behind;

24. *Expresses concern* about the increasing cases of human rights violations and abuses by some transnational corporations and other business enterprises, underlines the need to ensure that appropriate protection, justice and remedies are provided to the victims of human rights violations and abuses resulting from their activities, and underscores the fact that these entities must contribute to the means of implementation for the realization of the right to development;

25. *Reaffirms* the need for an international environment that is conducive to the realization of the right to development;

26. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels, including in the context of the response to and the recovery from the COVID-19 pandemic;

27. *Reaffirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable, and recognizes that globalization has brought disparities between and within countries and that issues such as trade and trade liberalization, the transfer of technology, infrastructure development and market access should be managed effectively in order to mitigate the challenges of poverty and underdevelopment and to make the right to development a reality for everyone;

28. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

29. *Expresses its deep concern*, in this regard, about the negative impact on the realization of the right to development owing to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the effects of international energy, food and financial crises, as well as the increasing challenges posed by global climate change and the loss of biodiversity, which have increased vulnerabilities and inequalities and have adversely affected development gains, in particular in developing countries;

30. *Encourages* Member States to give particular consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, and emphasizes that the 2030 Agenda promotes respect for all human rights, including the right to development;

31. *Recalls* the commitment in the United Nations Millennium Declaration of halving the number of people living in poverty by 2015, notes with concern that some developing countries have failed to achieve the Millennium Development Goals, and in this regard invites Member States and the international community to take proactive measures aimed at creating a conducive environment to contribute to the effective implementation of the 2030 Agenda for Sustainable Development, in particular increasing international cooperation, including partnership and commitment, between developed and developing countries towards achieving the Sustainable Development Goals;

32. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to the least developed countries, and encourages developing

countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

33. *Recognizes* the need to address market access for developing countries, including in the sectors of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

34. *Calls once again for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization, the implementation of commitments on implementation-related issues and concerns, a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational, the avoidance of new forms of protectionism, and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

35. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

36. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

37. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between the education of women and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

38. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

39. *Recalls* the Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030, adopted on 8 June 2021 at the high-level meeting of the General Assembly on HIV and AIDS,<sup>25</sup> and underscores the importance of enhanced international cooperation to support the efforts of Member States to achieve health goals, including the target of ending the AIDS epidemic by 2030, implement universal access to health-care services and address health challenges;

40. *Also recalls* the political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases<sup>26</sup> and the political declaration of the high-level meeting of the General Assembly on the fight against tuberculosis,<sup>27</sup> both adopted on 10 October 2018, with their particular

<sup>25</sup> Resolution [75/284](#), annex.

<sup>26</sup> Resolution [73/2](#).

<sup>27</sup> Resolution [73/3](#).

focus on development and other challenges and social and economic determinants and impacts, particularly for developing countries;

41. *Further recalls* the political declaration of the high-level meeting on universal health coverage entitled “Universal health coverage: moving together to build a healthier world”, as adopted in its resolution 74/2 of 10 October 2019, in which it was reaffirmed that health is a precondition for and an outcome and indicator of the social, economic and environmental dimensions of sustainable development and the implementation of the 2030 Agenda for Sustainable Development;

42. *Recalls* the Convention on the Rights of Persons with Disabilities,<sup>28</sup> which entered into force on 3 May 2008, and General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and, while recognizing persons with disabilities as agents and beneficiaries of development, stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in support of national efforts in the realization of the right to development;

43. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007, and in this regard recalls the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014;

44. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

45. *Emphasizes* the urgent need to take concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption,<sup>29</sup> particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

46. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring the effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office with the necessary resources;

47. *Reaffirms* the 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 the international development, financial and trade institutions and to reflect those activities in detail in his next report to the Human Rights Council;

48. *Calls upon* the specialized agencies, funds and programmes of the United Nations system to mainstream the right to development into their operational programmes and objectives, and stresses the need for the international financial and

<sup>28</sup> United Nations, *Treaty Series*, vol. 2515, No. 44910.

<sup>29</sup> *Ibid.*, vol. 2349, No. 42146.

multilateral trading systems to mainstream the right to development into their policies and objectives;

49. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, the specialized agencies, funds and programmes of the United Nations system, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

50. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including the specialized agencies, funds and programmes of the United Nations system, 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 for Sustainable Development, to contribute further to the work of the Working Group on the Right to Development and the Special Rapporteur on the right to development and to cooperate with the High Commissioner in the fulfilment of his mandate with regard to the implementation of the right to development;

51. *Requests* the Secretary-General to submit a report to the General Assembly at its seventy-eighth session and an interim report to the Human Rights Council on the implementation of the present resolution, including on efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, taking into account the context of the response to and the recovery from the COVID-19 pandemic, through equitable and fair access for all countries, in particular the most vulnerable countries and countries in special situations, to safe, quality, efficacious, effective, accessible and affordable vaccines and medicines as global public goods, as well as to promote global extensive immunization against COVID-19, sharing the benefits of scientific progress, financial and technological support and debt relief, and invites the Chair-Rapporteur of the Working Group and the Special Rapporteur to present an oral report with a similar scope and to engage in an interactive dialogue with the Assembly at its seventy-eighth session.

### **Draft resolution III**

## **Enhancement of international cooperation in the field of human rights**

*The General Assembly,*

*Reaffirming its commitment* to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,<sup>1</sup> for enhancing genuine cooperation among Member States in the field of human rights,

*Recalling* its resolution [70/1](#) of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the General Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

*Recalling also* its adoption of the United Nations Millennium Declaration on 8 September 2000,<sup>2</sup> its resolution [76/159](#) of 16 December 2021, Human Rights Council resolution [50/4](#) of 7 July 2022<sup>3</sup> and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

*Recalling further* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declarations of the high-level meetings of the General Assembly to commemorate the tenth<sup>4</sup> and twentieth<sup>5</sup> anniversaries of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Recognizing also* that the promotion and protection of human rights should be based on the principle 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,

*Underlining* that cooperation is not just a matter of relations of good-neighbourliness, coexistence or reciprocity, but rather of a willingness to look beyond mutual interests in order to advance the general interest,

*Stressing* the importance of international cooperation for improving the living conditions of all in every country, including, in particular, in developing countries,

*Reaffirming* that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

<sup>1</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>2</sup> Resolution [55/2](#).

<sup>3</sup> See *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 53 (A/77/53)*, chap. VIII, sect. A.

<sup>4</sup> Resolution [66/3](#).

<sup>5</sup> Resolution [76/1](#).

*Reiterating* the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

*Recognizing* that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

*Emphasizing* that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

*Emphasizing also* the need for further progress in the promotion and encouragement of respect for all human rights and fundamental freedoms for all through, inter alia, international cooperation,

*Underlining* the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

*Recalling* the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,<sup>6</sup>

*Welcoming* the upcoming thirtieth anniversary, in 2023, of the adoption of the Vienna Declaration and Programme of Action by the World Conference on Human Rights, and stressing the need to strengthen efforts towards its implementation,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for all human rights and fundamental freedoms for all through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of peace, tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Also reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

5. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and 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;

6. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the

<sup>6</sup> See [E/CN.4/2001/2-E/CN.4/Sub.2/2000/46](#), chap. II, sect. A.

objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

7. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

8. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms for all should be guided by the principles of universality, non-selectivity, cooperation and genuine dialogue, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

9. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

10. *Also emphasizes* the need for a cooperative and constructive approach on the part of all stakeholders to resolving human rights issues in international forums;

11. *Further emphasizes* the role of international cooperation in support of national efforts and in increasing the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

12. *Calls upon* Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms for all, and encourages non-governmental organizations to contribute actively to this endeavour;

13. *Urges* States to take measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

14. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

15. *Encourages* all Member States and the United Nations system to explore and foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

16. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as on obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

17. *Decides* to continue its consideration of the question at its seventy-eighth session.

## Draft resolution IV

### Human rights and unilateral coercive measures

*The General Assembly,*

*Recalling* all its previous resolutions on this subject, the most recent of which was resolution [76/161](#) of 16 December 2021, and Human Rights Council decision 18/120 of 30 September 2011<sup>1</sup> and resolutions [24/14](#) of 27 September 2013,<sup>2</sup> [27/21](#) of 26 September 2014,<sup>3</sup> [30/2](#) of 1 October 2015,<sup>4</sup> [36/10](#) of 28 September 2017,<sup>5</sup> [37/21](#) of 23 March 2018,<sup>6</sup> [40/3](#) of 21 March 2019,<sup>7</sup> [43/15](#) of 22 June 2020,<sup>8</sup> [46/5](#) of 23 March 2021<sup>9</sup> and [49/6](#) of 31 March 2022,<sup>10</sup> as well as previous resolutions of the Council and the Commission on Human Rights,

*Reaffirming* the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution [3281 \(XXIX\)](#) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

*Recalling* the reports of the Secretary-General on the implementation of General Assembly resolutions [52/120](#) of 12 December 1997<sup>11</sup> and [55/110](#) of 4 December 2000,<sup>12</sup>

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

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

*Recalling* the Final Document of the Sixteenth Ministerial Conference and Commemorative Meeting of the Movement of Non-Aligned Countries, held in Bali, Indonesia, from 23 to 27 May 2011,<sup>13</sup> the Final Document of the Eighteenth Summit of Heads of State or Government of Non-Aligned Countries, held in Baku, Azerbaijan, on 25 and 26 October 2019,<sup>14</sup> and the documents adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn unilateral coercive measures and their continued application, persevere with efforts to effectively reverse them, urge other States to do likewise, as called for by the General Assembly and other organs of the United Nations, and request States applying those measures or laws to revoke them fully and immediately,

<sup>1</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum ([A/66/53/Add.1](#) and [A/66/53/Add.1/Corr.1](#)), chap. III.

<sup>2</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 53A* ([A/68/53/Add.1](#)), chap. III.

<sup>3</sup> *Ibid.*, *Sixty-ninth Session, Supplement No. 53A* and corrigenda ([A/69/53/Add.1](#), [A/69/53/Add.1/Corr.1](#) and [A/69/53/Add.1/Corr.2](#)), chap. IV, sect. A.

<sup>4</sup> *Ibid.*, *Seventieth Session, Supplement No. 53A* ([A/70/53/Add.1](#)), chap. III.

<sup>5</sup> *Ibid.*, *Seventy-second Session, Supplement No. 53A* ([A/72/53/Add.1](#)), chap. III.

<sup>6</sup> *Ibid.*, *Seventy-third Session, Supplement No. 53* ([A/73/53](#)), chap. IV, sect. A.

<sup>7</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53* ([A/74/53](#)), chap. IV, sect. A.

<sup>8</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53* ([A/75/53](#)), chap. IV, sect. A.

<sup>9</sup> *Ibid.*, *Seventy-sixth Session, Supplement No. 53* ([A/76/53](#)), chap. V, sect. A.

<sup>10</sup> *Ibid.*, *Seventy-seventh Session, Supplement No. 53* ([A/77/53](#)), chap. VI, sect. A.

<sup>11</sup> [A/53/293](#) and [A/53/293/Add.1](#).

<sup>12</sup> [A/56/207](#) and [A/56/207/Add.1](#).

<sup>13</sup> [A/65/896-S/2011/407](#), annex I.

<sup>14</sup> [A/74/548](#), annex.

*Recalling also* that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights<sup>15</sup> and also severely threatens the freedom of trade,

*Bearing in mind* all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,<sup>16</sup> the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,<sup>17</sup> the Quito Declaration on Sustainable Cities and Human Settlements for All and the Quito implementation plan for the New Urban Agenda, adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) on 20 October 2016,<sup>18</sup> and in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, the 2030 Agenda for Sustainable Development,

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

*Expressing concern* about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

*Recognizing* that unilateral coercive measures disproportionately affect people in vulnerable situations, and in this regard expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities,

*Deeply concerned* that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented, with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*Bearing in mind* all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

<sup>15</sup> See A/CONF.157/24 (Part I), chap. III

<sup>16</sup> Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

<sup>17</sup> Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

<sup>18</sup> Resolution 71/256, annex.

*Reaffirming* that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development<sup>19</sup> and the 2030 Agenda for Sustainable Development,

*Recognizing* that the coronavirus disease (COVID-19) pandemic is one of the greatest global challenges in the history of the United Nations, and noting with deep concern its impact on health and the loss of life, mental health and well-being, as well as the negative impact on global humanitarian needs, the enjoyment of human rights and across all spheres of society, including on livelihoods, food security and nutrition, and education, the exacerbation of poverty and hunger, disruption to economies, trade, societies and environments, and the exacerbation of economic and social inequalities within and among countries,

*Recognizing also* that the poorest and those who may be vulnerable or in vulnerable situations, within and among countries, are the hardest hit by the pandemic and that the impact of the crisis will reverse hard-won development gains and hamper progress towards achieving the Sustainable Development Goals, as well as progress with regard to the right to development,

*Deeply concerned* about the situation of States facing both unilateral coercive measures, which are not in accordance with international law or the Charter, and the impact of the COVID-19 pandemic, and recognizing that such States have to overcome additional obstacles derived from the application of unilateral coercive measures in order to respond to and recover from the pandemic,

*Recognizing* the negative impact of unilateral coercive measures, which are not in accordance with international law or the Charter, on global efforts to respond to and recover from the COVID-19 pandemic and on the capacities of targeted countries to have equal access to safe, quality, efficacious, effective, accessible and affordable vaccines and other means to respond to and recover from the COVID-19 pandemic,

*Concerned* about the fact that the frequency, type, target and scope of application of unilateral coercive measures, which are not in accordance with international law or the Charter, have expanded enormously in the international arena,

*Recalling* article 1, paragraph 2, common to the International Covenant on Civil and Political Rights<sup>20</sup> and the International Covenant on Economic, Social and Cultural Rights,<sup>21</sup> which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

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

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights<sup>22</sup> and other international human rights instruments, in particular the right of individuals and peoples to development;

<sup>19</sup> Resolution 41/128, annex.

<sup>20</sup> See resolution 2200 A (XXI), annex.

<sup>21</sup> Ibid.

<sup>22</sup> Resolution 217 A (III).

2. *Strongly urges* States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of sustainable economic and social development, particularly in developing countries;

3. *Condemns* the inclusion of Member States in unilateral lists under false pretexts, which are contrary to international law and the Charter, including false allegations of terrorism sponsorship, considering such lists as instruments for political or economic pressure against Member States, particularly developing countries;

4. *Urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

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

6. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures, with all their extraterritorial effects, as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women, the elderly and persons with disabilities;

7. *Expresses grave concern* that, in some countries, the situation of children is adversely affected by unilateral measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

8. *Reaffirms* that essential goods such as food and medicines, including vaccines, should not be used as tools for political coercion, in particular in the context of global health challenges, such as the COVID-19 pandemic, and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Also reaffirms* its resolution [74/274](#) of 20 April 2020, in which it recognized the importance of international cooperation and effective multilateralism in helping to ensure that all States have in place effective national protective measures, access to and flow of vital medical supplies, medicines and vaccines, in order to minimize negative effects in all affected States and to avoid relapses of the COVID-19 pandemic;

10. *Recognizes* the role of extensive immunization against COVID-19 as a global public good for health in preventing, containing and stopping transmission in order to bring the pandemic to an end, through safe, quality, efficacious, effective, accessible and affordable vaccines for all, including countries affected by unilateral coercive measures, which are not in accordance with international law or the Charter;

11. *Welcomes* the appeal made by the Secretary-General, on 26 March 2020, on the waiving of sanctions that undermine countries' capacity to respond to the COVID-19 pandemic and the statement made by the United Nations High Commissioner for Human Rights, on 23 March, on the need to ease or suspend sectoral sanctions in the light of their potentially debilitating impact on the health sector and human rights;

12. *Reaffirms its commitment* to international cooperation and multilateralism and its strong support for the central role of the United Nations system in the global response to and recovery from the COVID-19 pandemic;

13. *Emphasizes* that the COVID-19 pandemic has revealed the short- and long-term impacts of unilateral coercive measures, which are not in accordance with international law or the Charter, on the enjoyment of all categories of civil, economic, social and cultural rights;

14. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

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

16. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

17. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment and extraterritorial application of national laws that are not in conformity with international law, in its task concerning the implementation of the right to development;

18. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

19. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development,<sup>23</sup> and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of national laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the open-ended Working Group on the Right to Development of the Human Rights Council;

<sup>23</sup> Resolution 70/1.

20. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,<sup>24</sup> States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

21. *Reaffirms* paragraph 30 of the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries;

22. *Recalls* the decision of the Human Rights Council, in its resolution 27/21, to appoint a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and welcomes the work done in delivering her mandate;

23. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights;<sup>25</sup>

24. *Recalls* the decision taken by the Human Rights Council, in its resolution 45/5, to extend, for a period of three years, the mandate of the Special Rapporteur as set out in Council resolution 27/21;

25. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur, and also requests them, in discharging their functions in relation to the promotion and protection of human rights, to pay due attention and to give urgent consideration to the present resolution;

26. *Recalls* that the Human Rights Council took note of the research-based progress report of its Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability;<sup>26</sup>

27. *Also recalls* the contribution of the first biennial panel discussion on the issue of unilateral coercive measures and human rights organized by the Human Rights Council in 2015 to increase awareness of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries, and invites the Council to follow up on the discussion at the fourth panel discussion, in 2021;

28. *Invites* the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to continue paying attention to and explore ways to address the negative impact of the application of unilateral coercive measures;

29. *Reiterates its support* for the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

<sup>24</sup> A/C.2/59/3, annex, chap. I, sect. A.

<sup>25</sup> A/77/296.

<sup>26</sup> A/HRC/28/74.

30. *Takes note with interest* of the proposals contained in the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and requests the Special Rapporteur to include in her report to the General Assembly at its seventy-eighth session more information on the process regarding the discussions of her proposals at the Human Rights Council;

31. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights organize a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, including in the context of the COVID-19 pandemic, in the States targeted;

32. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-eighth session a report on the implementation of the present resolution and on the negative impact of unilateral coercive measures on the full enjoyment of human rights, including in the context of the COVID-19 pandemic and the access of targeted countries to vaccines;

33. *Invites* Governments to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on the implications and negative effects of unilateral coercive measures on the full enjoyment of human rights;

34. *Decides* to examine the question on a priority basis at its seventy-eighth session under the sub-item entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms” of the item entitled “Promotion and protection of human rights”.

## Draft resolution V

### Promotion of a democratic and equitable international order

*The General Assembly,*

*Recalling* its previous resolutions on the promotion of a democratic and equitable international order, including resolution 76/165 of 16 December 2021, and Human Rights Council resolutions 18/6 of 29 September 2011,<sup>1</sup> 33/3 of 29 September 2016,<sup>2</sup> 36/4 of 28 September 2017,<sup>3</sup> 39/4 of 27 September 2018,<sup>4</sup> 42/8 of 26 September 2019,<sup>5</sup> 45/4 of 6 October 2020,<sup>6</sup> 48/8 of 8 October 2021<sup>7</sup> and 51/11 of 6 October 2022,<sup>8</sup>

*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 protection of all human rights for all should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and with full respect for, inter alia, 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<sup>9</sup> 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 practise 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, including pandemics and other health-related global challenges, as well as 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,

<sup>1</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.

<sup>2</sup> Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

<sup>3</sup> Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

<sup>4</sup> Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.

<sup>5</sup> Ibid., *Seventy-fourth Session, Supplement No. 53A* (A/74/53/Add.1), chap. III.

<sup>6</sup> Ibid., *Seventy-fifth Session, Supplement No. 53A* (A/75/53/Add.1), chap. III.

<sup>7</sup> Ibid., *Seventy-sixth Session, Supplement No. 53A* (A/76/53/Add.1), chap. III.

<sup>8</sup> Ibid., *Seventy-seventh Session, Supplement No. 53A* (A/77/53/Add.1), chap. III.

<sup>9</sup> Resolution 217 A (III).

*Concerned* about the continued 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 respect for the principle of equal rights and self-determination of peoples, 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 for all,

*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 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,

*Welcoming* in this regard the upcoming thirtieth anniversary, in 2023, of the adoption of the Vienna Declaration and Programme of Action<sup>10</sup> by the World Conference on Human Rights, and stressing the need to strengthen efforts towards its implementation,

*Noting with concern* that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

*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 broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

<sup>10</sup> A/CONF.157/24 (Part I), chap. III.

*Deeply concerned* that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

*Recognizing* that the coronavirus disease (COVID-19) pandemic is one of the greatest global challenges in the history of the United Nations, and noting with deep concern its impact on health and the loss of life, mental health and well-being, as well as the negative impact on global humanitarian needs, the enjoyment of human rights and across all spheres of society, including on livelihoods, food security and nutrition, and education, the exacerbation of poverty and hunger, disruption to economies, trade, societies and environments, and the exacerbation of economic and social inequalities within and among countries, which is reversing hard-won development gains and hampering progress towards achieving the 2030 Agenda for Sustainable Development<sup>11</sup> and all its Goals and targets,

*Reaffirming its commitment* to international cooperation and multilateralism and its strong support for the central role of the United Nations system, recognizing the key leadership role of the World Health Organization in the global response to the COVID-19 pandemic, and recognizing also that a democratic and equitable international order enhances the capacities of all countries to respond to and recover from the pandemic and other global challenges,

*Recognizing* the role of extensive immunization against COVID-19 as a global public good for health in preventing, containing and stopping transmission in order to bring the pandemic to an end, through global access to vaccines that are safe, of quality, efficacious, effective and affordable for all countries,

*Deeply concerned* about the uneven access of developing countries to safe, quality, efficacious, effective and affordable vaccines against COVID-19, and emphasizing that a multilateral approach, based on a democratic and equitable international order, enhances the capacities of all countries, in particular developing countries, to have equal access to vaccines and other means to respond to and recover from the pandemic,

*Recognizing* that a democratic and equitable order requires the reform of international financial institutions, in order to widen and strengthen the level of participation of developing countries in the international decision-making process, and a more transparent and open financial system, as well as adequate measures against illicit financial flows, such as tax fraud, tax evasion, illegal capital flight, money-laundering and the proceeds of corruption, and for improving tax transparency worldwide,

*Stressing* that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

*Stressing also* the need for adequate financing of, technology transfer to and capacity-building in developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

<sup>11</sup> Resolution 70/1.

*Having listened* to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

*Recalling* Human Rights Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council of 18 June 2007,<sup>12</sup> and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

*Emphasizing* the importance of the 2030 Agenda for the promotion of a democratic and equitable international order,

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

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Takes note* of the report of the Independent Expert of the Human Rights Council on the promotion of a democratic and equitable international order;<sup>13</sup>

4. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity,<sup>14</sup> and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

5. *Reaffirms* that democracy includes respect for all human rights and fundamental freedoms for all 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 re-emphasizes the need for universal adherence to and implementation of the rule of law at both the national and international levels;

6. *Affirms* 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 freely pursue their economic, social and cultural development;

(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;

<sup>12</sup> See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53 (A/62/53)*, chap. IV, sect. A.

<sup>13</sup> [A/HRC/51/32](#).

<sup>14</sup> See [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I.

(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 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 humankind 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, including addressing pandemics and other health-related global challenges, as well as threats to international peace and security, which should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as 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 for all;

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

10. *Urges* all actors on the international scene to build an international order based on inclusion, social justice, equality and equity, human dignity, solidarity, mutual understanding and 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;

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, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights, and reaffirms that every State has an inalienable right to choose its political, economic, social and cultural system, without interference in any form by other States;

13. *Reaffirms* the need to continue working urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations, in accordance with relevant previous General Assembly resolutions, programmes of action and major conferences and summits in the economic, social and related areas;

14. *Also reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights for all and to prevent the continuation of human rights violations resulting therefrom throughout the world;

15. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

16. *Calls upon* Member States to continue to support international cooperation and multilateral efforts, under the leadership of the United Nations system and in particular the World Health Organization, and to work with all relevant actors to mobilize a coordinated global response to the COVID-19 pandemic and its adverse social, economic and financial impact on all societies that contributes to a more democratic and equitable international order;

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

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

19. *Calls upon* all Governments to cooperate with and assist the Independent Expert in his task, to supply all necessary information requested by him and to consider responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate more effectively;

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

21. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

22. *Requests* the Secretary-General 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;

23. *Requests* the Independent Expert to submit to the General Assembly at its seventy-eighth session a report on the implementation of the present resolution, and on the role of a democratic and equitable international order in facilitating the recovery of developing countries from the COVID-19 pandemic, including their equal access to safe, quality, efficacious, effective and affordable vaccines;

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

## **Draft resolution VI**

### **Promotion of peace as a vital requirement for the full enjoyment of all human rights by all**

*The General Assembly,*

*Recalling* its resolutions [65/222](#) of 21 December 2010, [67/173](#) of 20 December 2012, [69/176](#) of 18 December 2014, [73/170](#) of 17 December 2018 and [75/177](#) of 16 December 2020 and Human Rights Council resolutions [20/15](#) of 5 July 2012,<sup>1</sup> [23/16](#) of 13 June 2013,<sup>2</sup> [27/17](#) of 25 September 2014,<sup>3</sup> [30/12](#) of 1 October 2015,<sup>4</sup> [35/4](#) of 22 June 2017<sup>5</sup> and [41/4](#) of 11 July 2019,<sup>6</sup> entitled “Promotion of the right to peace”,

*Recalling also* its resolution [39/11](#) of 12 November 1984, entitled “Declaration on the Right of Peoples to Peace”, and the United Nations Millennium Declaration,<sup>7</sup>

*Determined* to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

*Bearing in mind* that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

*Underlining*, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace and security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

*Reaffirming* the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

*Emphasizing* its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

*Reaffirming* the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

*Reaffirming its commitment* to peace and security and justice and the continuing development of friendly relations and cooperation among States,

*Rejecting* the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

*Reaffirming* the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and

<sup>1</sup> See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigenda ([A/67/53](#), [A/67/53/Corr.1](#) and [A/67/53/Corr.2](#)), chap. IV, sect. A.

<sup>2</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 53* ([A/68/53](#)), chap. V, sect. A.

<sup>3</sup> *Ibid.*, *Sixty-ninth Session, Supplement No. 53A* and corrigenda ([A/69/53/Add.1](#), [A/69/53/Add.1/Corr.1](#) and [A/69/53/Add.1/Corr.2](#)), chap. IV, sect. A.

<sup>4</sup> *Ibid.*, *Seventieth Session, Supplement No. 53A* ([A/70/53/Add.1](#)), chap. III.

<sup>5</sup> *Ibid.*, *Seventy-second Session, Supplement No. 53* ([A/72/53](#)), chap. V, sect. A.

<sup>6</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53* ([A/74/53](#)), chap. V, sect. A.

<sup>7</sup> Resolution [55/2](#).

non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

*Reaffirming also* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*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,<sup>8</sup>

*Recognizing* that peace and development are mutually reinforcing, including in the prevention of armed conflict,

*Affirming* that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of those rights,

*Underlining* the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

*Recalling* 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<sup>9</sup> can be fully realized,

*Convinced* of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

*Convinced also* that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

*Convinced further* that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Reaffirms* the Declaration on the Right to Peace,<sup>10</sup> adopted by the General Assembly on 19 December 2016, and invites States, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof;

2. *Also reaffirms* that the peoples of our planet have a sacred right to peace;

3. *Further reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

4. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

5. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

6. *Emphasizes* that the preservation and promotion of peace demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international

<sup>8</sup> Resolution 2625 (XXV), annex.

<sup>9</sup> Resolution 217 A (III).

<sup>10</sup> Resolution 71/189, annex.

relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms for all, including the right to development and the right of peoples to self-determination;

8. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

9. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are party and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, the specialized agencies of the United Nations system and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

12. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its seventy-ninth session under the item entitled "Promotion and protection of human rights".

## Draft resolution VII

### The right to food

*The General Assembly,*

*Reaffirming* the Charter of the United Nations and its importance for the promotion and protection of all human rights and fundamental freedoms for all,

*Reaffirming also* previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

*Recalling* the Universal Declaration of Human Rights,<sup>1</sup> which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition,<sup>2</sup> the United Nations Millennium Declaration,<sup>3</sup> in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development,<sup>4</sup> in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

*Recognizing* that achieving the Sustainable Development Goals can help to ensure the end of hunger in all its forms by 2030 and to achieve food security,

*Recalling* the provisions of the International Covenant on Economic, Social and Cultural Rights,<sup>5</sup> in which the fundamental right of every person to be free from hunger is recognized,

*Bearing in mind* the importance of the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,<sup>6</sup>

*Reaffirming* the importance of the recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,<sup>7</sup>

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

*Reaffirming* the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted in Rome on 16 November 2009,<sup>8</sup>

*Recalling* the proclamation by the General Assembly at its seventy-second session of 2019–2028 as the United Nations Decade of Family Farming and the close links between family farming, the promotion and conservation of historical, cultural

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

<sup>2</sup> *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

<sup>3</sup> Resolution 55/2.

<sup>4</sup> Resolution 70/1.

<sup>5</sup> See resolution 2200 A (XXI), annex.

<sup>6</sup> A/57/499, annex.

<sup>7</sup> E/CN.4/2005/131, annex.

<sup>8</sup> See Food and Agriculture Organization of the United Nations, document WSFS 2009/2.

and natural heritage, traditional customs and culture, halting the loss of biodiversity and the improvement of the living conditions of people living in rural areas,

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

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

*Reiterating*, as set out in the Rome Declaration on World Food Security, the Declaration of the World Food Summit and the Rome Declaration on Nutrition,<sup>9</sup> that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter and that endanger food and nutrition security,

*Expressing appreciation* for the work of the United Nations system, in particular the Food and Agriculture Organization of the United Nations and the World Food Programme, aimed at ending hunger and achieving food security and improved nutrition,

*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action, as well as in the Rome Declaration on Nutrition and the Framework for Action,<sup>10</sup> and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food and nutrition security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

*Recognizing* that, despite the efforts made and the fact that some positive results have been achieved, the problems of hunger, food insecurity and malnutrition have a global dimension, that there has not been sufficient progress in reducing hunger and malnutrition and that these problems are increasing dramatically in some regions in the absence of urgent, determined and concerted action,

*Recognizing also* the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for Indigenous Peoples and others living in rural areas,

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

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<sup>9</sup> World Health Organization, document EB136/8, annex I.

<sup>10</sup> Ibid., annex II.

*Noting with great concern* that millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, and noting also that poverty, armed conflicts, drought and the volatility of commodity prices are among the factors causing or exacerbating famine and severe food insecurity and that additional efforts, including international support, to respond, prevent and prepare for increasing global food insecurity are urgently needed,

*Noting* the unprecedented surge in international food commodity prices which, according to the Food Price Index of the Food and Agriculture Organization of the United Nations, reached their highest peak in March 2022 since its inception in 1990, in particular the rise in global prices of vegetable oil and grain, including wheat, further affecting people in vulnerable situations,

*Recalling* its resolution 76/264 of 23 May 2022, entitled “State of global food insecurity”, in which the General Assembly welcomed the initiative by the Secretary-General to establish a Global Crisis Response Group on Food, Energy and Finance, with a Steering Committee chaired by the Deputy Secretary-General, while also taking note of other relevant initiatives aimed at promoting food security and improved nutrition, including for those in vulnerable situations,

*Noting* the rise in fertilizer prices and the shortages caused by supply chain disruptions, affecting crop yields and threatening future agricultural productivity and production, especially of wheat, maize, millet, rice, sunflower oil and essential food,

*Noting also* the rise in energy and fuel prices, which is increasing food commodity prices, narrowing fiscal space at a time when the coronavirus disease (COVID-19) pandemic has exacerbated pre-existing debt vulnerabilities and exposed fragilities in the global financial architecture, with many developing countries at high risk of or already in debt distress,

*Recognizing* that the COVID-19 pandemic is one of the greatest global challenges in the history of the United Nations, and noting with deep concern its impact on health and the loss of life, mental health and well-being, as well as the negative impact on global humanitarian needs, the enjoyment of human rights and across all spheres of society, including on livelihoods, food security and nutrition, and education, the exacerbation of poverty and hunger, disruption to economies, trade, societies and environments, and the exacerbation of economic and social inequalities within and among countries, which is reversing hard-won development gains and hampering progress towards achieving the 2030 Agenda and all its Goals and targets,

*Recognizing also* that the poorest and those who may be vulnerable or in vulnerable situations are the hardest hit by the pandemic and that the impact of the crisis will reverse hard-won development gains and the fulfilment of the right to food for all, and hamper progress towards achieving the Sustainable Development Goals, including Goal 2, which aims to end hunger, achieve food security and improved nutrition and promote sustainable agriculture,

*Recognizing further* that the COVID-19 global pandemic requires a global response based on unity, solidarity and multilateral cooperation,

*Expressing its deep concern over* the negative effects of armed conflicts on the enjoyment of the right to food,

*Recognizing* that armed conflict impacts on food security can be direct, such as displacement from land, livestock grazing areas and fishing grounds or destruction of food stocks and agricultural assets, or indirect, such as disruptions to food systems and markets, leading to increased food prices or decreased household purchasing power, or decreased access to supplies that are necessary for food preparation, including water and fuel,

*Stressing* the obligation of all States and parties to an armed conflict to protect civilians, in accordance with international humanitarian law, and calling upon Member States, the United Nations and other relevant organizations to take further steps to provide a coordinated emergency response to the food and nutrition needs of affected populations, while aiming to ensure that such steps are supportive of national strategies and programmes aimed at improving food security and nutrition,

*Reaffirming* that starvation of civilians as a method of combat is prohibited under international humanitarian law and that it is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works,

*Resolved* to act to ensure that the promotion, protection and fulfilment of all human rights and the human rights perspective are taken into account at the national, regional and international levels in measures to address the realization of the right to food,

*Stressing* the possible benefits of international trade to improve food and nutrition availability,

*Stressing also* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts and tackle water scarcity, as well as in programmes, practices and policies to scale up sustainable agroecological practices,

*Recognizing* the importance of sustainable food systems that are fit to meet environmental, economic and social challenges, in order to guarantee food security and nutrition for all,

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

*Concerned* that the adverse impacts of climate change and natural disasters are harming agricultural productivity, food production and cropping patterns, thus contributing to food availability shortfalls, and that such impacts are expected to increase with future climate change,

*Emphasizing* that a multisectoral approach that integrates nutrition across all sectors, including agriculture, health, water and sanitation, social protection and education, as well as a gender perspective, is critical to achieving global food security and improved nutrition and the realization of the right to food,

*Recalling* the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security<sup>11</sup> by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

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<sup>11</sup> Food and Agriculture Organization of the United Nations, document CL 144/9 (C 2013/20), appendix D.

*Recalling also* the Principles for Responsible Investment in Agriculture and Food Systems,<sup>12</sup> which were endorsed by the Committee on World Food Security at its forty-first session, held from 13 to 18 October 2014,

*Stressing* the importance of the Second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, and of its outcome documents, the Rome Declaration on Nutrition and the Framework for Action,

*Stressing also* the need to increase official development assistance devoted to sustainable agriculture and nutrition,

*Recognizing* that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

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

*Noting* the cultural values of dietary and eating habits in different cultures, and recognizing that food plays an important role in defining the identity of individuals and communities and is a cultural component that describes and gives value to a territory and its inhabitants,

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

*Recognizing also* the role of the Committee on World Food Security as an inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards the elimination of hunger and ensuring food security and nutrition for all human beings,

*Taking note with appreciation* of the United Nations Food Systems Summit, convened by the Secretary-General and held on 23 and 24 September 2021, and of the Nutrition for Growth Summit, held in Tokyo on 7 and 8 December 2021,

*Acknowledging* the contribution of parliamentarians nationally and regionally to the reduction of hunger and malnutrition and ultimately to the realization of the right to food, and in this regard recognizing the convening of the first Global Parliamentary Summit against Hunger and Malnutrition, held in Madrid on 29 and 30 October 2018,

*Recalling* the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, and recalling the commitment therein to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all, endorsed by the General Assembly in its resolution [66/288](#) of 27 July 2012,

*Recalling also* the Sendai Framework for Disaster Risk Reduction 2015–2030<sup>13</sup> and its guiding principles, which, inter alia, recognize the importance of promoting regular disaster preparedness and response and recovery exercises, with a view to ensuring rapid and effective response to disasters and related displacement, including access to essential food and non-food relief supplies, as appropriate to local needs, as

<sup>12</sup> Food and Agriculture Organization of the United Nations, document C 2015/20, appendix D.

<sup>13</sup> Resolution [69/283](#), annex II.

well as of fostering collaboration across global and regional mechanisms and institutions for the implementation and coherence of instruments and tools relevant to disaster risk reduction, such as for climate change adaptation, biodiversity, sustainable development, poverty eradication, environment, agriculture, health, food and nutrition and others, as appropriate,

*Recalling further* the proclamation at its seventieth session of 2016–2025 as the United Nations Decade of Action on Nutrition, and stressing the opportunity the Decade represents to bring together initiatives and efforts to eradicate hunger and prevent all forms of malnutrition,

*Acknowledging* the work done by the High-level Task Force on Global Food and Nutrition Security established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

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

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

3. *Expresses its concern* at the fact that the effects created by the world food crisis still continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the impacts of the world financial and economic crisis, and at the particular effects of the crisis on many net food-importing countries, especially the least developed countries;

4. *Expresses particular concern* at the impact of the COVID-19 pandemic on the fulfilment of all human rights for all, including the right to food, underlines that the pandemic is exacerbating existing high levels of acute food insecurity, and calls upon Member States and other relevant stakeholders to consider the fulfilment of the right to food as part of the response to and recovery from the pandemic by, inter alia, keeping food and agriculture supply chains functioning, ensuring the continued trade in and movement of food and livestock, products and inputs essential for agricultural and food production to markets, minimizing food loss and waste, supporting workers and farmers, including women farmers, in agriculture and food supply chains to continue their essential work, including cross-border, in a safe manner, mobilizing and allocating adequate resources and enhancing institutional and training capacities for an accelerated implementation of sustainable agriculture and food systems, providing continued access to adequate, safe, affordable and nutritious food, and providing adequate social safety nets and assistance to minimize the negative effects of loss of livelihoods and increasing food prices on food insecurity and malnutrition;

5. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Security and Nutrition in the World 2022: Repurposing food and agricultural policies to make healthy diets more affordable*, the number of hungry people in the world is growing, the vast majority of hungry people live in developing countries and over 2.3 billion people in the world experience moderate or severe food insecurity;

6. *Considers it alarming* that, as estimated by the Food and Agriculture Organization of the United Nations, in 2021, the number of people who did not have

access to adequate food rose by 112 million, to 3.1 billion, and that between 702 million and 828 million people faced hunger in 2021;

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

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

9. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue to mainstream a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity and malnutrition to continue to integrate a gender perspective into their relevant policies, programmes and activities;

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

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

12. *Calls upon* all States and, if appropriate, relevant international organizations to take measures and support programmes that are aimed at combating undernutrition in mothers, in particular during pregnancy and breastfeeding, and in children, and the irreversible effects of chronic undernutrition in early childhood, in particular from birth to the age of 2 years;

13. *Also calls upon* all States and, where appropriate, relevant international organizations to implement policies and programmes to reduce and eliminate preventable mortality and morbidity, as a result of malnutrition, of children under 5 years of age, and in this regard urges States to disseminate the technical guidance prepared by the Office of the United Nations High Commissioner for Human Rights,

in collaboration with the World Health Organization,<sup>14</sup> and to apply it, as appropriate, in the design, implementation, evaluation and monitoring of laws, policies, programmes, budgets and mechanisms for remedy and redress aimed at eliminating preventable mortality and morbidity of children under 5 years of age;

14. *Encourages* all States to take steps, with a view to progressively achieving the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

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

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

17. *Recognizes* the critical contribution made by the fisheries sector to the realization of the right to food and to food security and the contribution of small-scale fishers to the local food security of coastal communities;

18. *Also recognizes* that 70 per cent of hungry people live in rural areas, where nearly half a billion family farmers are located, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access for their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the provision of the right to food;

19. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;<sup>15</sup>

20. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity<sup>16</sup> and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture<sup>17</sup> as a matter of priority;

<sup>14</sup> A/HRC/27/31; see also Human Rights Council resolution 33/11 (see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II).

<sup>15</sup> United Nations, *Treaty Series*, vol. 1954, No. 33480.

<sup>16</sup> *Ibid.*, vol. 1760, No. 30619.

<sup>17</sup> *Ibid.*, vol. 2400, No. 43345.

21. *Recognizes* the important role of Indigenous Peoples and their traditional knowledge and seed supply systems, as well as the important role of new technologies, in the conservation of biodiversity and in aiming to ensure food security and improved nutrition;

22. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples,<sup>18</sup> acknowledges that many Indigenous organizations and representatives of Indigenous Peoples have expressed in different forums their deep concerns over the obstacles and challenges they face in achieving the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among Indigenous Peoples and the continuous discrimination against them;

23. *Also recalls* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held on 22 and 23 September 2014,<sup>19</sup> and the commitment to developing, in conjunction with the Indigenous Peoples concerned and where appropriate, policies, programmes and resources to support Indigenous Peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

24. *Notes* the need to further examine various concepts, such as "food sovereignty", and their relation to food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

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

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

27. *Takes note with appreciation* of the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

28. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

29. *Calls for* a successful, development-oriented outcome of the trade negotiations of the World Trade Organization, in particular on the remaining issues of the Doha Development Round, as a contribution to the creation of international conditions permitting the full realization of the right to food;

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

31. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying

<sup>18</sup> Resolution [61/295](#), annex.

<sup>19</sup> Resolution [69/2](#).

additional sources of financing for the fight against hunger and poverty, as well as non-communicable diseases;

32. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Goal 2 of the 2030 Agenda for Sustainable Development and other food and nutrition-related targets;

33. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, alongside the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

34. *Urges* States to give priority in their development strategies and expenditures to the realization of the right to food;

35. *Stresses* the importance of international cooperation and development assistance as an effective contribution to the sustainable expansion and improvement of agriculture and, in particular, its environmental sustainability, food production, breeding projects on diversity of crops and livestock and institutional innovations such as community seed banks, farmer field schools and seed fairs, and to the provision of humanitarian food assistance in activities related to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

36. *Calls upon* Member States and relevant stakeholders to strengthen international cooperation, as well as their support for multilateral efforts and for the central role of the United Nations system, in order to mobilize a coordinated global response to the COVID-19 pandemic and its adverse social, economic and financial impact on all societies, including on the right to food, that contributes to the full realization of this right for all and leaves no one behind;

37. *Stresses* that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner that is supportive of food security;

38. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across different regions, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions;

39. *Calls upon* Member States, the United Nations, humanitarian and development organizations and other relevant actors to urgently and effectively respond to, prevent and prepare for rising global food insecurity affecting millions of people, especially those who are facing famine or the immediate risk of famine, including by enhancing humanitarian and development cooperation and providing urgent funding to respond to the needs of the affected population, and calls upon Member States and parties to armed conflicts to respect international humanitarian law and ensure safe and unhindered humanitarian access;

40. *Calls upon* States to heed the urgent United Nations humanitarian appeal to assist countries facing drought, starvation and famine with emergency aid and urgent funding;

41. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

42. *Takes note with appreciation* of the interim report of the Special Rapporteur,<sup>20</sup> which is focused on emerging issues concerning the realization of the right to food, in particular in the context of the ongoing COVID-19 pandemic and its impact on food security and nutrition;

43. *Recognizes* the importance of giving due consideration to the adverse impacts of climate change and to the full realization of the right to food, recalls the Paris Agreement, adopted at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris from 30 November to 13 December 2015,<sup>21</sup> and also recalls the holding of the twenty-second session of the Conference of the Parties in Marrakech, Morocco, from 7 to 18 November 2016;

44. *Also recognizes* the impacts of climate change and of the El Niño phenomenon on agricultural production and food security around the world and the importance of designing and implementing actions to reduce its effects, in particular on vulnerable populations, such as rural women, bearing in mind the role that they play in supporting their households and communities in achieving food and nutrition security, generating income and improving rural livelihoods and overall well-being;

45. *Reiterates its support* for the realization of the mandate of the Special Rapporteur, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for its effective fulfilment;

46. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),<sup>22</sup> in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person, indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

47. *Takes note with appreciation* of the work done by the Committee on World Food Security in order to contribute to achieving and guaranteeing global food security;

48. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant),<sup>23</sup>

<sup>20</sup> A/77/177.

<sup>21</sup> See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

<sup>22</sup> See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and E/2000/22/Corr.1), annex V.

<sup>23</sup> Ibid., 2003, *Supplement No. 2* (E/2003/22), annex IV.

in which the Committee noted, inter alia, the importance of ensuring sustainable access to water resources for human consumption and agriculture in realization of the right to adequate food;

49. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a useful tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals and to support national Governments in the implementation of food security and nutrition policies, programmes and legal frameworks;

50. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

51. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-eighth session an interim report on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food that are within his mandate, in particular in the context of the response to and recovery from the COVID-19 pandemic;

52. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

53. *Decides* to continue the consideration of the question at its seventy-eighth session under the item entitled “Promotion and protection of human rights”.

## Draft resolution VIII Extrajudicial, Summary or Arbitrary Executions

*The General Assembly,*

*Recalling* the Universal Declaration of Human Rights,<sup>1</sup> which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights<sup>2</sup> and other relevant human rights conventions,

*Reaffirming* the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 44/5 of 16 July 2020,<sup>3</sup>

*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949,<sup>4</sup> which, alongside international human rights law, provide important legal frameworks of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

*Recalling* all its resolutions on the subject of extrajudicial, summary or arbitrary executions as well as the resolutions of the Commission on Human Rights and the Human Rights Council on the subject, and emphasizing the importance of their full and effective implementation,

*Recognizing* the positive role that governments, regional human rights systems, national human rights institutions, civil society and human rights defenders play in the protection against arbitrary deprivation of life,

*Acknowledging* the importance of the 2030 Agenda for Sustainable Development<sup>5</sup> and its implementation for the promotion and protection of the enjoyment by all persons of human rights, gender equality and the empowerment of all women and girls, access to justice for all and democracy, including effective, accountable and inclusive institutions at all levels,

*Recognizing* the work of the treaty bodies and special procedure mandate holders that have addressed human rights issues related to extrajudicial, summary or arbitrary executions within the framework of their respective mandates,

*Noting with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions, especially with regard to the gender-related killing of women and girls, also known as femicide,

*Noting* the importance of keeping accurate records to enable the identification of dead bodies or human remains and the prompt, effective, exhaustive, thorough, independent, impartial and transparent investigation of deaths of persons, which may have been unlawful, including determining their identity,

*Noting also* that enforced disappearances can end in extrajudicial, summary or arbitrary executions, recalling the importance in this regard of the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>6</sup> and calling upon all States which have not yet done so to consider signing and ratifying or acceding to the Convention,

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

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

<sup>3</sup> See *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. V, sect. A.

<sup>4</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

<sup>5</sup> Resolution 70/1.

<sup>6</sup> United Nations, *Treaty Series*, vol. 2716, No. 48088.

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

*Noting with alarm* the growing number of civilians and persons hors de combat killed in situations of armed conflict and internal strife and strongly condemning such executions when they take place, and that women and girls and persons with disabilities are disproportionately affected by conflict, as recognized in Security Council resolution [1325 \(2000\)](#) of 31 October 2000 on women and peace and security, Council resolution [2475 \(2019\)](#) of 20 June 2019 on the protection of persons with disabilities in conflict and other resolutions on the matter,

*Noting with deep concern* the continuing instances of the arbitrary deprivation of life, resulting from, inter alia, the imposition and implementation of capital punishment when carried out in a manner that violates international law,

*Recalling* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)<sup>7</sup> and the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>8</sup>

*Deeply concerned* about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to peaceful assembly, freedom of religion or belief and freedom of expression and against human rights defenders in all regions of the world,

*Deeply concerned also* about extrajudicial, summary or arbitrary killings, including killings of children, committed by non-State actors, including terrorist groups and criminal organizations, which may amount to abuses of international human rights law and violations of international humanitarian law,

*Acknowledging* that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,<sup>9</sup> and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes, as set out by the General Assembly in its resolutions [60/1](#) of 16 September 2005 and [63/308](#) of 14 September 2009,

*Convinced* of the need for effective action to address the root causes of, prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of international human rights law, particularly the right to life, as well as of international humanitarian law,

*Recognizing* the potential role of new, accessible technologies in widening the space for the promotion and protection of human rights, including the right to life, and in helping to monitor and to prevent persecution and discrimination and therefore contribute to the prevention of extrajudicial, summary and arbitrary executions and accountability,

*Underlining* the need to ensure that the development and use of new technologies, including artificial intelligence, contribute to the promotion and protection of and respect for human rights, including the right to life, and that their use does not result in discriminatory outcomes or constitute a violation of human rights,

<sup>7</sup> Resolution [65/229](#), annex.

<sup>8</sup> Resolution [70/175](#), annex.

<sup>9</sup> United Nations, *Treaty Series*, vol. 2187, No. 38544.

1. *Reiterates its strong condemnation* of all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

3. *Reiterates* that all States:

(a) Must conduct prompt, effective, exhaustive, thorough, independent, impartial and transparent investigations, exercising due diligence, in line with international standards and forensic best practices, and in this regard takes note of the Revised United Nations Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions,<sup>10</sup> with reference to as much forensic expertise as necessary, into all suspected cases of extrajudicial, summary or arbitrary executions, identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, grant adequate compensation within a reasonable time to the victims or their families and adopt all measures, including legal and judicial measures, necessary to put an end to impunity;

(b) Conduct such investigations, bearing in mind the need for gender equality in access to justice, particularly with regard to the gender-related killing of women and girls, also known as femicide, and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions submitted to the Human Rights Council at its thirty-fifth session<sup>11</sup> regarding a gender-sensitive approach to extrajudicial, summary or arbitrary killings, which points to the links between the arbitrary deprivation of life and systemic discrimination, such as gender-based and racial discrimination, and the greater rates of homicide among Indigenous women and girls and women and girls with disabilities, and extrajudicial, summary or arbitrary executions of refugees and migrants and humanitarian workers, and prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions,<sup>12</sup> fully consistent with their obligations under international law;

4. *Calls upon* Governments, and invites intergovernmental and non-governmental organizations, to actively support and pay greater attention to the work of national-level commissions of inquiry into extrajudicial, summary or arbitrary executions, with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

5. *Calls upon* all States, in order to prevent extrajudicial, summary or arbitrary executions, to comply with their obligations under the relevant provisions of international human rights instruments, and also calls upon States which retain the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights, articles 37 and 40 of the Convention on the Rights of the Child<sup>13</sup> and articles 12, 13 and 14 of the Convention on the Rights of Persons with Disabilities,<sup>14</sup> bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions [1984/50](#) of 25 May 1984 and [1989/64](#) of 24 May 1989 and taking into account the recommendations of the Special Rapporteur in reports to the Council and the General

<sup>10</sup> *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (United Nations publication, Sales No. E.17.XIV.3).

<sup>11</sup> [A/HRC/35/23](#).

<sup>12</sup> Economic and Social Council resolution [1989/65](#), annex.

<sup>13</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>14</sup> *Ibid.*, vol. 2515, No. 44910.

Assembly, including the report submitted to the Assembly at its sixty-seventh session,<sup>15</sup> regarding the need to respect all safeguards and restrictions, including limitation to the most serious crimes, stringent respect of due process and fair trial safeguards and the right to seek pardon or commutation of sentence;

6. *Emphasizes* that to prevent extrajudicial, summary or arbitrary executions States should take necessary steps to adopt such laws or other measures as may be necessary to give effect to the right to life in accordance with international law and that everyone has the right to recognition everywhere as a person before the law;

7. *Urges* all States:

(a) To take all measures required by international human rights law and international humanitarian law to prevent loss of life, in particular that of children, during detention, arrest, public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State, including private security providers, act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials<sup>16</sup> and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;<sup>17</sup>

(b) To ensure the effective protection of the right to life of all persons, to conduct, when required by obligations under international law, prompt, exhaustive and impartial investigations into all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities or because of their sexual orientation or gender identity, killings of persons affected by terrorism or hostage-taking or living under foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of Indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour and killings committed for discriminatory reasons on any basis, to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

8. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate, respond to and ensure combat against impunity for deaths in custody, including in institutions;

9. *Encourages* States, taking into account the relevant recommendations of the United Nations and of regional human rights systems, to review, where necessary, their domestic laws and practices with regard to the use of force in law enforcement in order to ensure that these laws and practices are in conformity with their international obligations and commitments;

<sup>15</sup> [A/67/275](#).

<sup>16</sup> Resolution [34/169](#), annex.

<sup>17</sup> See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

10. *Emphasizes* that, to prevent extrajudicial, summary or arbitrary executions, States should take effective measures to ensure that the use of force by law enforcement officials is in conformity with international obligations and the principles of legality, precaution, necessity, proportionality and accountability, as well as their national legislation;

11. *Reaffirms* that the same human rights that people have offline must also be protected online, in order to help to prevent extrajudicial, summary or arbitrary executions;

12. *Encourages* States, in order to support the protection of the right to life, to make appropriate protective equipment and less-lethal weapons available to their officials exercising law enforcement duties, while pursuing efforts to regulate and establish protocols for the training and use of less-lethal weapons and in this regard strengthening international cooperation, bearing in mind that even less-lethal weapons can result in risk to life or serious injury;

13. *Also encourages* States to accelerate the work on fulfilling the 2030 Agenda for Sustainable Development, bearing in mind the importance of the full enjoyment of human rights and access to justice for all and effective, accountable and inclusive institutions at all levels, as well as the systematic mainstreaming and integration of a gender perspective;

14. *Urges* all States to ensure that all persons deprived of their liberty are treated humanely and with full respect for international law and that their treatment, including judicial guarantees and conditions, conforms to, as appropriate, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), as well as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and, where applicable, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,<sup>18</sup> as well as other pertinent international instruments;

15. *Welcomes*:

(a) The International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, noting the growing awareness of the Court worldwide, as highlighted during the twentieth anniversary of the adoption of the Rome Statute of the Court, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences;

(b) The fact that 123 States have ratified or acceded to and 137 States have signed the Rome Statute, and calls upon all those States that have not ratified or acceded to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court<sup>19</sup> to give serious consideration to doing so;

16. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, urges States to intensify efforts to establish and implement effective witness protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools, including gender-responsive tools, designed to encourage and facilitate greater attention to the protection of witnesses;

<sup>18</sup> United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

<sup>19</sup> *Ibid.*, vol. 2271, No. 40446.

17. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and capacity-building and to support projects with a view to training or educating military forces, law enforcement officers, government officials and forensic specialists, as well as private personnel acting on behalf of the State, in international humanitarian and human rights law connected with their work, to include a gender, disability and child rights perspective, as well as information on the role of journalists and media workers, in such training and to require, where appropriate, that all private security providers have vetting and training procedures in place, including mandatory appropriate weapons training, that include human rights norms and principles, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

18. *Urges* States to promote and apply an approach that respects human rights obligations and is gender-responsive in the design, development and use of new technologies on the basis of a multi-stakeholder approach and to regulate new and existing technologies in a manner that ensures that the development and use of such technologies promote, protect and respect human rights, including the right to life, and makes sure that new technologies are not discriminatory and are not used to violate human rights;

19. *Recognizes* the need for international and multi-stakeholder cooperation in building capacity and ensuring technical assistance to address technological change and to bridge digital divides in order for all States, especially developing countries and the least developed countries, to benefit from opportunities and to address extrajudicial, arbitrary or summary executions properly;

20. *Strongly urges* all States to take the necessary measures to ensure the safety and security of national and international humanitarian personnel;

21. *Requests* the Secretary-General to continue, in close collaboration with the High Commissioner and in conformity with the mandate of the High Commissioner, established by the General Assembly in its resolution [48/141](#) of 20 December 1993, to ensure that personnel specialized in international humanitarian and human rights law, including in provisions related to gender equality and the empowerment of all women and girls, form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

22. *Takes note with appreciation* of the reports of the Special Rapporteur to the General Assembly<sup>20</sup> and the Human Rights Council, and invites States to take due consideration of the recommendations contained therein;

23. *Commends* the important role that the Special Rapporteur plays in the elimination and prevention of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the mandate, to collect information, including data disaggregated by sex, age and disability, from all concerned, to respond effectively to reliable information that comes before the Special Rapporteur, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, for example, in reports, as well as to identify relevant issues, provide advice and recommendations and share experiences and best practices to prevent extrajudicial, summary and arbitrary executions;

24. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary or arbitrary executions could amount to genocide

<sup>20</sup> See [A/76/264](#) and [A/77/270](#).

and crimes against humanity or war crimes, and urges the Special Rapporteur to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

25. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

26. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that the mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

27. *Expresses its appreciation* to those States that have received the Special Rapporteur, asks them to examine the Special Rapporteur's recommendations carefully, invites them to inform the Special Rapporteur of the actions taken on those recommendations, and urges other States to cooperate in a similar way;

28. *Once again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14, 15 and 16 of the International Covenant on Civil and Political Rights appear not to have been respected;

29. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable the mandate to be carried out effectively, including through country visits;

30. *Requests* the Special Rapporteur to submit to the General Assembly, at its seventy-eighth and seventy-ninth sessions, a report on the situation worldwide with regard to extrajudicial, summary or arbitrary executions and recommendations for more effective action to combat this phenomenon;

31. *Decides* to continue its consideration of the question at its seventy-ninth session.

## Draft resolution IX

### Human Rights in the Administration of Justice

*The General Assembly,*

*Bearing in mind* the principles of the Universal Declaration of Human Rights<sup>1</sup> and the provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,<sup>2</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>3</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto,<sup>4</sup> the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>5</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>6</sup> the Convention on the Rights of the Child<sup>7</sup> and the Convention on the Rights of Persons with Disabilities,<sup>8</sup> as well as all other relevant international treaties,

*Calling attention* to the numerous international standards in the field of the administration of justice,

*Recalling* all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolution [75/185](#) of 16 December 2020 and Human Rights Council resolutions [37/22](#) of 23 March 2018<sup>9</sup> and [42/11](#) of 26 September 2019,<sup>10</sup>

*Recalling also* its resolution [74/306](#) of 11 September 2020, recognizing the primary responsibility of Governments to adopt and implement responses to the coronavirus disease (COVID-19) pandemic that are specific to their national context, and that emergency measures, policies and strategies put in place by countries to address and mitigate the impacts of COVID-19 must be targeted, necessary, transparent, non-discriminatory, time-bound, proportionate and in accordance with their obligations under applicable international human rights law, and reaffirming the obligation of States in this regard, in accordance with article 4 of the International Covenant on Civil and Political Rights,

*Taking note with appreciation* of the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,<sup>11</sup>

*Reaffirming* the importance of international standards and norms in crime prevention and criminal justice, including in relation to drug-related crimes, as recognized by Member States in the outcome document of the thirtieth special session of the General Assembly, entitled “Our joint commitment to effectively addressing and countering the world drug problem”,<sup>12</sup>

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

<sup>2</sup> See resolution [2200 A \(XXI\)](#), annex; and United Nations, *Treaty Series*, vol. 1642, No. 14668.

<sup>3</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>4</sup> United Nations, *Treaty Series*, vols. 1465 and 2375, No. 24841.

<sup>5</sup> *Ibid.*, vol. 2716, No. 48088.

<sup>6</sup> *Ibid.*, vol. 1249, No. 20378.

<sup>7</sup> *Ibid.*, vol. 1577, No. 27531.

<sup>8</sup> *Ibid.*, vol. 2515, No. 44910.

<sup>9</sup> See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53 (A/73/53)*, chap. IV, sect. A.

<sup>10</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1)*, chap. III.

<sup>11</sup> [A/77/213](#).

<sup>12</sup> Resolution [S-30/1](#), annex.

*Welcoming* the work of all special procedures of the Human Rights Council that address human rights in the administration of justice in the discharge of their mandates,

*Taking note* of the work of the human rights treaty body mechanisms on human rights in the administration of justice, inter alia, of general comments No. 21 (1992) on humane treatment of persons deprived of their liberty,<sup>13</sup> No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial<sup>14</sup> and No. 35 (2014) on liberty and security of person,<sup>15</sup> adopted by the Human Rights Committee, general comments No. 13 (2011) on the right of the child to freedom from all forms of violence<sup>16</sup> and No. 24 (2019) on children's rights in the child justice system,<sup>17</sup> adopted by the Committee on the Rights of the Child, general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system,<sup>18</sup> adopted by the Committee on the Elimination of Racial Discrimination, general recommendation No. 33 (2015) on women's access to justice,<sup>19</sup> adopted by the Committee on the Elimination of Discrimination against Women, and general comments No. 1 (2014) on equal recognition before the law,<sup>20</sup> No. 6 (2018) on equality and non-discrimination<sup>21</sup> and No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention,<sup>22</sup> adopted by the Committee on the Rights of Persons with Disabilities,

*Noting with appreciation* the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peace Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

*Taking note with appreciation* of the International Principles and Guidelines on Access to Justice for Persons with Disabilities, which are the product of joint work by the Special Rapporteur on the rights of persons with disabilities, the Committee on the Rights of Persons with Disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility,

*Recalling* the adoption of the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>23</sup> adopted at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021,

*Encouraging* continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of child justice, and

<sup>13</sup> *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40), annex VI.B.*

<sup>14</sup> *Ibid.*, *Sixty-second Session, Supplement No. 40 (A/62/40)*, vol. I, annex VI.

<sup>15</sup> [CCPR/C/GC/35](#).

<sup>16</sup> *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 41 (A/67/41), annex V.*

<sup>17</sup> [CRC/C/GC/24](#).

<sup>18</sup> *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, chap. IX.

<sup>19</sup> [CEDAW/C/GC/33](#).

<sup>20</sup> [CRPD/C/GC/1](#) and [CRPD/C/GC/1/Corr.1](#).

<sup>21</sup> [CRPD/C/GC/6](#).

<sup>22</sup> [CRPD/C/GC/7](#).

<sup>23</sup> Resolution [76/181](#), annex.

noting in this regard the panel discussion on “Upholding the human rights of prisoners, including women prisoners and offenders: enhancing technical cooperation and capacity-building in the implementation of the Nelson Mandela Rules and the Bangkok Rules”, held during the forty-fourth session of the Human Rights Council,

*Recognizing* the needs of women and girls in detention or imprisonment, including their health-care needs, and noting the importance of gender- and age-sensitive justice systems and a victim- and survivor-centred approach in addressing all forms of violence, including sexual and gender-based violence,

*Convinced* that the independence and impartiality of the judiciary and the integrity of the judicial system, as well as an independent legal profession, are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

*Recalling* that every State should provide an effective framework of remedies to redress human rights grievances or violations and to challenge the lawfulness of detention before a court,

*Emphasizing* that the equal right to access to justice for all, which could include access to legal aid, forms an important basis for strengthening the rule of law through the administration of justice,

*Underlining* the importance of implementing the 2030 Agenda for Sustainable Development,<sup>24</sup> and recognizing the role of the relevant Sustainable Development Goals for eliminating discrimination in the administration of justice,

*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

*Recognizing* the rapid advances in the design, development and use of digital technologies in various aspects of criminal justice systems, including the pretrial stage, during trials as well as after convictions,

*Encouraging* law enforcement, criminal justice and other relevant institutions to effectively and appropriately employ new and advanced technologies as tools against crime with adequate and effective safeguards to prevent the misuse and abuse of these technologies in this regard,

*Recognizing* the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms,

*Concerned* about the negative impact of overincarceration and overcrowding on the enjoyment of human rights, and acknowledging that overincarceration constitutes one of the major underlying causes of overcrowding,

*Emphasizing* that the penitentiary system should provide the possibility of reform and social rehabilitation of the offender in all appropriate cases, and that punishment should be dealt with in the larger framework of a criminal justice system that provides the possibility of reinsertion and reintegration of the offender into society,

*Recalling* that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring,

<sup>24</sup> Resolution [70/1](#).

as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

*Underlining* that, where persons are in vulnerable situations or marginalized, prejudice and discrimination in the administration of justice may result in their overincarceration and overrepresentation throughout the criminal justice system, and recognizing the need for States to take measures, within the justice system, particularly the criminal justice system, to prevent discrimination, inter alia, against persons with disabilities and persons belonging to national or ethnic, religious and linguistic minorities and to increase their effective participation within the system,

*Aware* of the need for special vigilance with regard to the specific situation of children, juveniles, women, persons with disabilities, older persons, Indigenous Peoples, refugees, internally displaced persons and migrants, persons belonging to national or ethnic, religious and linguistic minorities and people who are in vulnerable situations in the administration of justice, in particular while they are deprived of their liberty, and their risk of facing various forms of violence, abuse, injustice and humiliation,

*Reaffirming* that children who are victims and witnesses of crime and violence are particularly vulnerable and require special protection, assistance and support appropriate to their age, level of maturity and needs, in order to prevent further hardship and trauma that may result from their participation in the criminal justice process,

*Recognizing* the specific situation and needs of children formerly associated with armed forces or armed groups when accused of crimes under international law allegedly committed while they were children associated with armed forces or armed groups,

*Reaffirming* that the best interests of the child shall be a primary consideration in all actions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to the sentencing of the parents, or, where applicable, legal guardians or primary caregivers,

1. *Takes note with appreciation* of the most recent report of the Secretary-General on human rights in the administration of justice, including on the situation of women and girls;<sup>25</sup>

2. *Also takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on violence, death and serious injury in situations of deprivation of liberty,<sup>26</sup> as well as previous reports on human rights in the administration of justice submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice, and invites States to assess their national legislation and practice against those standards;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Expresses concern* that persons with disabilities may experience disproportionately high levels of unlawful and arbitrary deprivation of liberty, and recalls that persons with disabilities should not be deprived of their liberty unlawfully or arbitrarily, and that if persons with disabilities are deprived of their liberty through

<sup>25</sup> A/77/364.

<sup>26</sup> A/HRC/42/20.

any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law, including by provision of reasonable accommodation;

6. *Appeals* to Governments to include, in their efforts to implement the 2030 Agenda for Sustainable Development and in their national development plans, the effective administration of justice and equal access to justice for all as an integral part of the development process, with a view to promoting and protecting human rights, and to allocate adequate resources for effective, fair, humane and accountable justice systems, including the provision of legal aid services, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Reaffirms* the importance of mainstreaming a gender perspective into the criminal justice system by promoting measures that address the specific needs of both offenders and victims, including the protection of women and girls from revictimization in criminal justice proceedings;

8. *Urges* States, bearing in mind national priorities, to ensure the full, equal and meaningful participation of women at all levels, including in institutions of governance and in the judicial system, and to secure their empowerment and full and equal access to justice without discrimination, including through taking legislative and practical measures to eliminate barriers, dismantle related stereotypes and ensure the equality of women and girls in the administration of justice and maximum protection for women and girls deprived of their liberty from all forms of violence;

9. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, and through the encouragement of independence, accessibility, accountability and transparency in the judiciary, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

10. *Reaffirms* that no one should be unlawfully or arbitrarily deprived of liberty, and notes that any deprivation should observe the principles of necessity and proportionality in this regard;

11. *Calls upon* States to apply individual criminal responsibility and to refrain from detaining persons based solely on their family ties with an alleged offender;

12. *Also calls upon* States to ensure that anyone who is deprived of liberty through arrest or detention has prompt access to a competent court with the effective power to determine the lawfulness of the detention and to order release if the detention or imprisonment is determined not to be lawful and prompt access to legal counsel, which could include legal aid schemes, in accordance with their international obligations and commitments;

13. *Calls upon* all States to consider establishing, maintaining or enhancing independent national mechanisms with the mandate to monitor all places of detention, including by making unannounced visits, and to hold private interviews without witnesses with all persons deprived of liberty, inter alia, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

14. *Emphasizes* the importance of States' keeping under systematic review rules, instructions, methods and practices on interviewing, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or

imprisonment under their jurisdiction, including by taking into account, as appropriate, the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles);

15. *Calls upon* States to ensure a proper file and data management system on prisoners that allows the tracking of the number of persons deprived of their liberty, their detention period, offences or grounds for detention, and developments regarding the prison population, and encourages States to collect other up-to-date, comprehensive and disaggregated data, including on women's and children's needs and challenges in accessing justice, that allow for the identification and prevention of discrimination in the administration of justice and overincarceration;

16. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

17. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty, including in police custody, that amount to cruel, inhuman or degrading treatment or punishment;

18. *Calls upon* States to investigate promptly, effectively and impartially all alleged human rights violations suffered by persons deprived of their liberty, in particular cases involving death, torture and cruel, inhuman or degrading treatment or punishment, to provide effective remedy to the victims, in accordance with their international obligations and commitments, and to ensure that detention administrations fully cooperate with the investigating authority and preserve all evidence;

19. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, which should be a measure of last resort and for as short a period as possible, inter alia, by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance, which could include legal aid schemes;

20. *Encourages* States to address overcrowding in detention facilities, bearing in mind the various impacts of COVID-19 on persons deprived of their liberty, by taking effective measures, including through enhancing the availability and use of alternatives to pretrial detention and custodial sentences, bearing in mind the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency as well as the capacity of the criminal justice system and its facilities, bearing in mind the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;

21. *Urges* States to take all measures, including those related to the use of digital technologies, necessary to prevent and eliminate discrimination in law and in practice against persons who are in vulnerable situations or marginalized in the administration of justice that may also result in their overincarceration and overrepresentation throughout the criminal justice process;

22. *Also urges* States to pay special attention to the conditions of detention or imprisonment of persons who are in vulnerable situations or marginalized and to their particular needs;

23. *Continues to encourage* States to pay due attention to the Bangkok Rules when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the High Commissioner, the United Nations Office on Drugs and Crime and all other relevant organizations to take those rules into consideration in their activities;

24. *Encourages* States to review penal policies that can contribute to overincarceration and overcrowding, in particular regarding so-called “zero-tolerance policies”, such as the application of mandatory pretrial detention and mandatory minimum sentences, especially for minor and/or non-violent crimes;

25. *Recognizes* that all children and juveniles alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with their rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, taking into account also the age, gender, social circumstances and development needs of such children, and calls upon States parties to the Convention on the Rights of the Child and States parties to the Optional Protocols to the Convention<sup>27</sup> to abide strictly by their principles and respective provisions;

26. *Takes note with appreciation* of the global study on children deprived of liberty<sup>28</sup> and the leadership of the Special Representative of the Secretary-General on Violence against Children in the follow-up to the study in cooperation with the other entities in the United Nations inter-agency task force and the non-governmental organization panel, and in this regard encourages Member States, United Nations agencies, funds, programmes and offices, as well as other relevant stakeholders, to consider the follow-up to and recommendations of the global study;

27. *Encourages* States that have not yet integrated children’s issues into their overall rule of law efforts to do so and to develop and implement a comprehensive and coordinated justice policy for children that prioritizes prevention and early intervention to prevent and address juvenile delinquency and to address risks and causes for children’s contact with the juvenile and/or criminal justice system by providing necessary support through child protection systems that encompass social protection, education and physical and mental health, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, in cases where a child commits a crime, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

28. *Stresses* the importance of including reintegration strategies for former child offenders in justice policies, in particular through the provision of gender-sensitive education and life skills programmes, as well as treatment and services for substance abuse and mental health needs, in line with relevant commitments and obligations under international human rights law, with a view to their assuming a constructive role in society;

29. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system, including within the informal justice system, where it exists, and to consider applying the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime

<sup>27</sup> United Nations, *Treaty Series*, vols. 2171, 2173 and 2983, No. 27531.

<sup>28</sup> [A/74/136](#).

Prevention and Criminal Justice,<sup>29</sup> as appropriate, in the design, implementation, monitoring and evaluation of laws, policies, programmes, budgets and mechanisms aimed at eliminating violence against children in the field of crime prevention and criminal justice, and encourages States to support and to benefit, as appropriate, from the programme proposed by the United Nations Office on Drugs and Crime and the United Nations Children's Fund in this regard;

30. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release nor corporal punishment is imposed for offences committed by persons under 18 years of age, and encourages States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;

31. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect notes the recommendation of the Committee on the Rights of the Child to increase the minimum age of criminal responsibility to at least 14 years as the absolute minimum age, and to continue to increase it to a higher age level;<sup>30</sup>

32. *Also encourages* States to gather relevant information, including through data collection and research, concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

33. *Stresses* the importance of paying greater attention to the impact on children of imprisonment or other sentences imposed upon their parents, while noting with interest the convening of and reports on all relevant meetings and panel discussions on these issues held by the Human Rights Council;<sup>31</sup>

34. *Calls upon* States to take effective and appropriate measures to remove all barriers preventing persons with disabilities from having effective access to justice on an equal basis with others and without discrimination;

35. *Encourages* States to ensure equal access to justice for persons with disabilities through the provision of accessible information and communications, physical accessibility to relevant premises, gender- and age-appropriate accommodations that take into account their will and legal counselling, and, where applicable, free or subsidized and accessible legal aid, and to deploy efforts to enable the meaningful and equal participation of persons with disabilities throughout all stages of the judicial process;

36. *Calls upon* States to ensure effective access to justice for persons with disabilities when investigating, prosecuting and punishing persons responsible for human rights violations and abuses committed against them, including by providing effective remedies, taking into consideration, on an equal basis with others, the specific circumstances of the person with disabilities, as well as by implementing systemic changes, legal and policy reforms and capacity-building where needed in order to ensure non-repetition;

37. *Invites* States to provide for tailored and interdisciplinary human rights training, including anti-racist, anti-discriminatory, multicultural, disability-inclusive, gender-sensitive and child rights training, as well as on the implications of the use of

<sup>29</sup> Resolution 69/194, annex.

<sup>30</sup> See CRC/C/GC/24.

<sup>31</sup> A/HRC/21/31 and A/HRC/25/33.

digital technologies in the field of criminal justice in this regard, to all judges, lawyers, prosecutors, social workers, immigration, correction and police officers and other professionals concerned, including personnel deployed in international field presences;

38. *Also invites* States, upon their request, to benefit from technical advice and assistance provided by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

39. *Invites* the Office of the High Commissioner and the United Nations Office on Drugs and Crime to reinforce their technical assistance to States, upon request and in accordance with their respective mandates, to strengthen the national capacity-building of States in the field of the administration of justice, in particular in post-conflict situations, and in this context to strengthen cooperation with relevant United Nations entities;

40. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to further streamline and strengthen system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Unit in the Executive Office of the Secretary-General and the global focal point arrangement for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations;

41. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

42. *Also invites* States, when reviewing progress made in the implementation of the 2030 Agenda for Sustainable Development, to consider the possibility of looking into the causes and effects of overincarceration and overcrowding, including, where persons are in vulnerable situations or marginalized, with regard to non-discrimination and persons who are in vulnerable situations or marginalized in the administration of justice;

43. *Invites* relevant special procedure mandate holders of the Human Rights Council, as well as relevant treaty bodies, to give special attention to questions relating to the effective protection of human rights in the administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

44. *Requests* the Secretary-General to submit to the General Assembly at its seventy-ninth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, including on the application of digital technologies in the administration of justice, and on the activities undertaken by the United Nations system as a whole;

45. *Decides* to continue its consideration of the question of human rights in the administration of justice at its seventy-ninth session under the item entitled "Promotion and protection of human rights".

## Draft resolution X

### Missing persons

*The General Assembly,*

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

*Guided also* by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949<sup>1</sup> and the Additional Protocols thereto of 1977,<sup>2</sup> as well as international standards and instruments of human rights, in particular the Universal Declaration of Human Rights,<sup>3</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>4</sup> the International Covenant on Civil and Political Rights,<sup>5</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>6</sup> the Convention on the Rights of the Child<sup>7</sup> and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,<sup>8</sup>

*Recalling* the accession by 68 States to the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>9</sup> and calling upon States that have not yet done so to consider signing, ratifying or acceding to it as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances,

*Recalling also* all previous relevant resolutions on missing persons adopted by the General Assembly, as well as the resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council, and Security Council resolution [2474 \(2019\)](#) of 11 June 2019,

*Recalling further* General Assembly resolution [75/184](#) of 16 December 2020 as well as all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the right to the truth,

*Noting with deep concern* the growing number of armed conflicts in various parts of the world, often resulting in serious violations of international humanitarian law and international human rights law,

*Noting* that the issue of persons reported missing in connection with international or non-international armed conflicts, in particular those who are victims of violations of international humanitarian law and international human rights law, continues to have a negative impact on efforts to put an end to those conflicts and inflicts grievous suffering on the families of missing persons, and stressing in this regard the need to address the issue from, inter alia, a humanitarian and rule of law perspective,

*Expressing its concern* about the dramatic increase since 2014 in persons reported missing in connection with armed conflict, and recognizing that it is critical for States to address the issue holistically, from prevention to the tracing, location, identification and return of missing persons,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

<sup>2</sup> Ibid., vol. 1125, Nos. 17512 and 17513.

<sup>3</sup> Resolution [217 A \(III\)](#).

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

<sup>5</sup> Ibid.

<sup>6</sup> United Nations, *Treaty Series*, vol. 1249, No. 20378.

<sup>7</sup> Ibid., vol. 1577, No. 27531.

<sup>8</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>9</sup> United Nations, *Treaty Series*, vol. 2716, No. 48088.

*Considering* that the problem of missing persons may raise questions of international humanitarian law and international human rights law, as appropriate,

*Bearing in mind* that cases of missing persons involve conduct that may constitute criminal offences, and stressing the importance of ending impunity for violations of international humanitarian law and international human rights law with respect to missing persons,

*Expressing its deep concern* that thousands of migrants continue to die or go missing each year along perilous routes on land and at sea, in transit and destination countries, and recalling in this regard the adoption of the Progress Declaration of the International Migration Review Forum<sup>10</sup> which, inter alia, requested the Secretary-General to include actionable recommendations on strengthening cooperation on missing migrants and providing humanitarian assistance,

*Cognizant* that States that are parties to an armed conflict have a responsibility for countering the phenomenon of missing persons, taking all appropriate measures to prevent persons from going missing, including, when appropriate, effectively investigating the conditions relating to persons going missing and determining the fate of missing persons, and for recognizing their accountability as regards implementing the relevant mechanisms, policies and laws, while noting the importance for States to take steps to ensure the forensic recovery and identification of remains, where possible,

*Noting* that accountability, including the promotion of truth, justice, reparations and guarantees of non-recurrence, is one of the key components of addressing the issue of missing persons,

*Bearing in mind* the effective search for and identification of missing persons using forensic sciences and other emerging technologies, and recognizing that great technological progress has been made in this field, including DNA forensic analysis, which can significantly assist efforts to identify missing persons and to investigate violations of international humanitarian law and international human rights law,

*Recognizing* that the establishment and effective work of competent national institutions can play a crucial role in clarifying the fate of missing persons in connection with armed conflict,

*Bearing in mind* that the question of missing persons entails consequences not only for the victims themselves, but also for their families, especially women, children and older persons, and in this regard recognizing the importance of addressing the legal situation of missing persons in connection with armed conflict, supporting their family members through national policies that include a gender perspective, as appropriate, and ensuring their participation in relevant processes related to actions taken in response to cases of missing persons, as well as their access to information and effective remedies,

*Noting*, in this regard, the progress made by coordination mechanisms, established in different parts of the world, aiming at exchanging information and identifying missing persons, which have contributed to informing families of the fate and whereabouts of their missing relatives,

*Recognizing* that respect for and implementation of international humanitarian law can reduce the number of cases of missing persons in armed conflict, and in this regard stressing the importance of encouraging greater understanding of and respect for international humanitarian law,

<sup>10</sup> Resolution 76/266, annex.

*Stressing* the importance of measures to prevent persons from going missing in connection with armed conflict, which may include enacting national legislation, ensuring the registration of detainees and notification upon their detention and allowing them to correspond with their families, ensuring the right to be treated with humanity and respecting the human rights of all detainees and persons unaccounted for, providing appropriate training for armed forces, producing and providing proper means of identification, the establishment of information bureaux, grave registration services and registers of deaths, ensuring accountability in cases of missing persons and complying with obligations under international humanitarian law regarding persons deprived of their liberty,

*Noting* that the adequate, respectful and dignified management of the dead and good practices in casualty recording can complement efforts to prevent persons from going missing and help to clarify the fate and whereabouts of persons unaccounted for in armed conflict,

*Stressing* the need to raise public awareness of the problem of missing persons in connection with armed conflict as an important concern, as well as relevant provisions of international humanitarian law and human rights law,

*Noting* the Agreement on the Status and Functions of the International Commission on Missing Persons, which established the Commission as an international organization,

*Noting with appreciation* the ongoing international and regional efforts to address the question of missing persons and the initiatives undertaken by international and regional organizations in this field,

*Noting* the launch of the Global Alliance for the Missing with the aim of collectively bringing to bear diplomatic, political and financial capacities and influence to improve the prevention of, and response to, the issue of missing persons,

*Taking note* of the report of the Secretary-General,<sup>11</sup>

1. *Urges* States to strictly observe and to respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and, where applicable, in the Additional Protocols thereto of 1977;

2. *Calls upon* States parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict, to account for persons reported missing as a result of such a situation and, in cases of missing persons, to take such measures, as appropriate, in order to ensure thorough, prompt, impartial and effective investigations and the prosecution of offences linked to missing persons, consistent with their obligations under international law, with a view to full accountability;

3. *Calls upon* States to take measures to prevent persons from going missing in connection with armed conflict, including by fully implementing their obligations and commitments under relevant international law;

4. *Urges* States to avoid harm to civilians as an important factor in preventing persons from going missing in connection with armed conflict, including in minimizing the military use of civilian infrastructure, in accordance with applicable international law;

5. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflict and the importance of ensuring their

<sup>11</sup> [A/77/245](#).

participation in relevant processes related to actions taken in response to cases of missing persons;

6. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for persons who have been reported missing by an adverse party and ensure that all relevant information on those who died as a result of armed conflict is recorded;

7. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict, without any adverse distinction, and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death;

8. *Recognizes* the need for appropriate means of identification and for the collection, protection and management of data on missing persons and unidentified remains, consistent with applicable international and national law, and urges all concerned States to cooperate with each other and with other concerned actors working in this area by, inter alia, providing all relevant information related to missing persons, including on their fate and whereabouts;

9. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children and to reunite them with their families;

10. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all such legal and practical measures and coordination mechanisms as may be necessary, based on humanitarian considerations only;

11. *Urges* States that are parties to an armed conflict to cooperate, consistent with their international obligations, in order to effectively solve cases of missing persons, including by providing mutual assistance in terms of information-sharing, victim assistance, location and identification of missing persons and recovery, identification and return of human remains and, if possible, by identifying, mapping and preserving burial sites;

12. *Invites* States to encourage interaction between competent organizations and institutions, such as national commissions on missing persons, which play a crucial role in clarifying the fate of persons missing in connection with armed conflict and providing support to the families of the missing;

13. *Urges* States, and encourages intergovernmental and non-governmental organizations, to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflict without any adverse distinction and to provide appropriate assistance, as requested by the concerned States, and welcomes in this regard the establishment and efforts of commissions and working groups on missing persons;

14. *Calls upon* States, without prejudice to their efforts to determine the fate of persons reported missing in connection with armed conflict, to take appropriate steps with regard to the legal situation of missing persons and the individual needs and accompaniment of their family members, with particular attention to the needs of women, children and older persons, in such fields as

social welfare, psychological and psychosocial support, financial matters, family law and property rights;

15. *Invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to further their engagement in order to follow forensic best practices as they apply to preventing and resolving cases of missing persons in connection with armed conflict;

16. *Also invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to exchange best practices and technical recommendations and to promote cooperation, as appropriate, including between mechanisms related to missing persons, pertaining, inter alia, to the search for and clarification of the fate and whereabouts of missing persons, the use and development of digital tools, forensic analysis and identification and addressing the needs of families;

17. *Further invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives, in accordance with relevant applicable laws and regulations;

18. *Stresses* the need to address the issue of missing persons as a part of peace and peacebuilding processes, with reference to all justice and rule of law mechanisms, including the judiciary, parliamentary commissions and truth-finding mechanisms, on the basis of transparency, accountability and public involvement and participation;

19. *Welcomes* the progress made in clarifying the fate of missing persons in connection with armed conflict;

20. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflict in their forthcoming reports to the General Assembly;

21. *Requests* the Secretary-General to continue to seek further the views of Member States and relevant agencies and to submit to the Human Rights Council at its relevant session and to the General Assembly at its seventy-ninth session a comprehensive report on the implementation of the present resolution, including relevant practical recommendations;

22. *Invites* the President of the General Assembly to convene an informal biennial meeting of the General Assembly, from the seventy-ninth session onward, and requests the Secretary-General to brief the Assembly during such meetings on the comprehensive report on the implementation of the present resolution, to be followed by a dialogue;

23. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

24. *Decides* to consider the question at its seventy-ninth session.

## Draft resolution XI

### Freedom of religion or belief

*The General Assembly,*

*Recalling* article 18 of the International Covenant on Civil and Political Rights,<sup>1</sup> article 18 of the Universal Declaration of Human Rights<sup>2</sup> and other relevant human rights provisions,

*Recalling also* its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

*Recalling further* its previous resolutions on freedom of religion or belief and on the elimination of all forms of intolerance and of discrimination based on religion or belief, including its resolution 76/156 of 16 December 2021 and Human Rights Council resolution 49/5 of 31 March 2022,<sup>3</sup>

*Recognizing* the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of freedom of religion or belief,

*Noting* the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,<sup>4</sup>

*Considering* that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief, as a universal human right, should be fully respected and guaranteed,

*Seriously concerned* by continuing acts of intolerance and violence based on religion or belief against individuals, including against persons belonging to religious communities and religious minorities around the world, and by the increasing number and intensity of such incidents, which are often of a criminal nature and may have international characteristics,

*Deeply concerned* by the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,

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

<sup>1</sup> See resolution 2200 A (XXI), annex.

<sup>2</sup> Resolution 217 A (III).

<sup>3</sup> See *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 53 (A/77/53)*, chap. VI, sect. A.

<sup>4</sup> A/HRC/22/17/Add.4, appendix.

*Concerned* that State and non-State actors sometimes tolerate or encourage acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities,

*Concerned also* by the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief and by the implementation of existing laws in a discriminatory manner,

*Convinced* of the need to urgently address the rapid rise in various parts of the world of religious extremism that affects the human rights of individuals, in particular persons belonging to religious communities and religious minorities, the situations of violence and discrimination that affect many individuals, particularly women and children, on the basis of or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the principles set out in the Charter of the United Nations and in other relevant instruments of the United Nations,

*Seriously concerned* about all attacks on religious places, sites and shrines that violate international law, in particular international human rights law and international humanitarian law, including any deliberate destruction of relics and monuments, and including also those carried out in connection with incitement to national, racial or religious hatred,

*Emphasizing* that States, regional organizations, national human rights institutions, non-governmental organizations, religious bodies, the media and civil society as a whole have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

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

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

2. *Emphasizes* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. *Strongly condemns* violations of freedom of thought, conscience and religion or belief, as well as all forms of intolerance, discrimination and violence based on religion or belief;

4. *Recognizes with deep concern* the overall rise in instances of discrimination, intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, antisemitism and Christianophobia and prejudices against persons of other religions or beliefs;

5. *Reaffirms* that terrorism cannot and should not be associated with any religion or belief, as this may have adverse consequences for the enjoyment of the

right to freedom of religion or belief of all members of the religious communities concerned;

6. *Strongly condemns* continuing violence and acts of terrorism targeting individuals, including persons belonging to religious minorities, on the basis of or in the name of religion or belief, and underlines the importance of a comprehensive and inclusive community-based preventive approach, involving a wide set of actors, including civil society and religious communities;

7. *Recalls* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, intimidation and harassment against a person or a group of persons belonging to a religious minority, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Emphasizes* that freedom of religion or belief, freedom of opinion and expression, the right to peaceful assembly and the right to freedom of association are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

9. *Strongly condemns* any advocacy of hatred based on religion or belief that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

10. *Expresses concern* at the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

11. *Recognizes with concern* the challenges that persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as well as women, are facing as regards their ability to freely exercise their right to freedom of religion or belief;

12. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

13. *Expresses deep concern* at continued obstacles to the enjoyment of the right to freedom of religion or belief, as well as the increasing number of instances of intolerance, discrimination and violence based on religion or belief, including:

(a) Acts of violence and intolerance directed against individuals based on their religion or belief, including religious persons and persons belonging to religious minorities and other communities in various parts of the world;

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

(c) Incidents of hatred, discrimination, intolerance and violence based on religion or belief, which may be associated with or manifested by the derogatory

stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(d) Attacks on or the destruction of religious places, sites and shrines that violate international law, in particular international human rights law and international humanitarian law, as they have more than material significance for the dignity and lives of persons holding spiritual or religious beliefs;

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

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

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

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction by, inter alia, providing access to justice, including by facilitating legal assistance and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely choose and practise one's religion or belief is violated, paying particular attention to persons belonging to religious minorities;

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

(c) To ensure that no one within their territory and subject to their jurisdiction is deprived of the right to life, liberty and security of person because of religion or belief, to provide adequate protection to persons at risk of violent attack on the grounds of their religion or belief, to ensure that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(d) To end violations of the human rights of women and girls and to devote particular attention to appropriate measures modifying or abolishing existing laws, regulations, customs and practices that discriminate against them, including in the exercise of their right to freedom of thought, conscience and religion or belief, and to foster practical ways to ensure gender equality;

(e) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination based on religion or belief;

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

(g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from

disclosing information concerning their religious affiliation in such documents against their will;

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

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

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

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

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

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

15. *Welcomes and encourages* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including freedom of religion or belief, and stresses the importance of unhindered participation in the media and in public discourse for all persons, regardless of their religion or belief;

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

17. *Welcomes and encourages* the continuing efforts of all actors in society, including national human rights institutions, non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,<sup>5</sup> and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

<sup>5</sup> Resolution 36/55.

18. *Recommends* that States, the United Nations and other actors, including national human rights institutions, non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration in as many different languages as possible and promote its implementation;

19. *Takes note with appreciation* of the work and the interim report on freedom of thought of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;<sup>6</sup>

20. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all information and follow-up necessary for the effective fulfilment of her mandate;

21. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge her mandate;

22. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its seventy-eighth session;

23. *Decides* to consider the question of the elimination of all forms of religious intolerance at its seventy-eighth session under the item entitled “Promotion and protection of human rights”.

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<sup>6</sup> See [A/77/514](#).

## Draft resolution XII

### Moratorium on the use of the death penalty

*The General Assembly,*

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

*Reaffirming* the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Civil and Political Rights<sup>2</sup> and the Convention on the Rights of the Child,<sup>3</sup>

*Recalling* the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,<sup>4</sup> and in this regard welcoming the increasing number of accessions to and ratifications of the Second Optional Protocol,

*Recalling also* its 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, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

*Recalling further* all relevant decisions and resolutions of the Human Rights Council, the most recent of which was resolution [48/9](#) of 8 October 2021,<sup>5</sup>

*Mindful* that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

*Convinced* that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

*Noting* ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty, and also, in this regard, the decision by the Human Rights Council in its resolution [26/2](#) of 26 June 2014<sup>6</sup> to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty,

*Recognizing* the role of national human rights institutions and civil society in contributing to ongoing local and national debates and regional initiatives on the death penalty,

*Noting* the long-term reductions in reported executions, as well as the increase in commutations of death sentences, and welcoming all measures taken by States towards limiting the application of the death penalty,

*Emphasizing* the need to ensure that persons facing the death penalty have access to justice without discrimination of any kind, including access to legal counsel, that they are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law, and to improve conditions in

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

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

<sup>3</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>4</sup> Ibid., vol. 1642, No. 14668.

<sup>5</sup> See *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53A (A/76/53/Add.1)*, chap. IV, sect. A.

<sup>6</sup> Ibid., *Sixty-ninth Session, Supplement No. 53 (A/69/53)*, chap. V, sect. A.

prisons in accordance with international standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>7</sup>

*Noting with deep concern* that, as shown in recent reports of the Secretary-General, frequently, poor and economically vulnerable persons, foreign nationals, persons exercising their human rights and persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to the death penalty and the discriminatory application of the death penalty, to women,<sup>8</sup>

*Noting* that transparent reporting and access to information regarding the use of the death penalty and criminal prosecutions can expose discriminatory practices or impact in the imposition and application of the death penalty, and recalling that, particularly in cases of capital punishment, States must guarantee transparency in order to ensure that all persons benefit from due process guarantees,

*Noting also* the negative impact that the imposition of the death penalty has on the rights of children and youth whose parents or parental caregivers face the death penalty, as well as other family members,

*Noting further* the technical cooperation among Member States, as well as the role of relevant United Nations entities and human rights mechanisms, in supporting State efforts to establish moratoriums on the death penalty,

*Bearing in mind* the work of the treaty bodies and special procedure mandate holders that have addressed human rights issues related to the death penalty within the framework of their respective mandates,

*Welcoming* the considerable movement towards the abolition of the death penalty globally and the fact that many States with different legal systems, traditions, cultures and religious backgrounds are applying a moratorium, including long-standing moratoriums, either in law or in practice, on the use of the death penalty,

1. *Reaffirms* the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations;

2. *Expresses its deep concern* about the continued application of the death penalty;

3. *Welcomes* the report of the Secretary-General on the implementation of resolution 75/183 and the recommendations contained therein;<sup>9</sup>

4. *Also welcomes* the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, as well as steps taken to limit its application, including by commuting death sentences;

5. *Further welcomes* initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making;

6. *Welcomes* the decisions made by an increasing number of States from all regions, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

7. *Calls upon* all States:

(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum

<sup>7</sup> Resolution 70/175, annex.

<sup>8</sup> See, inter alia, A/73/260 and A/75/309.

<sup>9</sup> A/77/274.

standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To comply with their obligations under article 36 of the 1963 Vienna Convention on Consular Relations,<sup>10</sup> particularly the obligation of a receiving State to, without delay, inform a sending State that a national of that State has been arrested or committed to prison or to custody pending trial or is detained in any other manner, if the person concerned so requests; and the obligation of a receiving State to inform the person concerned without delay of their rights under article 36;

(c) To make available relevant information, disaggregated by sex, age, disability, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the location of their detention, and the number of executions carried out, the number of death sentences reversed or commuted on appeal or in which amnesty or pardon has been granted, and according to which procedure, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

(d) To ensure that any trial leading to the imposition of the death penalty complies with internationally recognized fair trial guarantees, such as a fair and public trial and the right to legal assistance, including adequate access to legal counsel at every stage of the proceedings, without discrimination of any kind, including for persons belonging to minorities and foreign nationals, bearing in mind that namely failure to respect fair trial guarantees in proceedings resulting in the imposition of the death penalty could constitute a violation of the right to life;

(e) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below 18 years of age or whose age above 18 years at the time of the commission of the crime cannot be accurately determined, on pregnant women or on persons with mental or intellectual disabilities;

(f) To reduce the number of offences for which the death penalty may be imposed, including by considering removing the mandatory application of the death penalty;

(g) To ensure that those facing the death penalty can exercise their right to apply for pardon or commutation of their death sentence by ensuring that clemency procedures are fair and transparent and that prompt information is provided at all stages of the process;

(h) 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 the location of their detention, a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child;

(i) To provide access for persons sentenced to death to information related to the method of execution, in particular the precise procedures to be followed;

(j) To ensure that the death penalty is not applied on the basis of discriminatory laws, including laws which target individuals for exercising their human rights, or as a result of discriminatory or arbitrary application of the law;

(k) To improve conditions in detention for those on trial for capital crimes or on death row, by ensuring that all prisoners are treated with humanity and with respect

<sup>10</sup> United Nations, *Treaty Series*, vol. 596, No. 8638.

for their inherent dignity, and complying with international standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular by evaluating, promoting, protecting and improving their physical and mental health;

(l) To establish a moratorium on executions with a view to abolishing the death penalty;

8. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

9. *Encourages* States which have a moratorium to maintain it and to share their experience in this regard;

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

11. *Requests* the Secretary-General to report to the General Assembly at its seventy-ninth session on the implementation of the present resolution;

12. *Decides* to continue consideration of the matter at its seventy-ninth session under the item entitled "Promotion and protection of human rights".

## Draft resolution XIII

### Human rights and extreme poverty

*The General Assembly,*

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

*Reaffirming* the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>2</sup> the International Covenant on Civil and Political Rights,<sup>3</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>4</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>5</sup> the Convention on the Rights of the Child,<sup>6</sup> the Convention on the Rights of Persons with Disabilities<sup>7</sup> and all other human rights instruments adopted by the United Nations,

*Recalling* its resolution [47/196](#) of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, as well as its resolution [75/175](#) of 16 December 2020 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and an obstacle to the fulfilment of all human rights and that urgent national and international action was therefore required to eliminate them,

*Recalling also* its resolution [52/134](#) of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

*Recalling further* Human Rights Council resolutions 2/2 of 27 November 2006,<sup>8</sup> 7/27 of 28 March 2008,<sup>9</sup> 8/11 of 18 June 2008,<sup>10</sup> [12/19](#) of 2 October 2009,<sup>11</sup> [15/19](#) of 30 September 2010,<sup>12</sup> [17/13](#) of 17 June 2011,<sup>13</sup> [26/3](#) of 26 June 2014,<sup>14</sup> [35/19](#) of 22 June 2017<sup>15</sup> and [44/13](#) of 16 July 2020<sup>16</sup> on human rights and extreme poverty, and in this regard underlining the imperative need for their full and effective implementation,

*Recalling* Human Rights Council resolution [21/11](#) of 27 September 2012,<sup>17</sup> by which the Council adopted the guiding principles on extreme poverty and human rights<sup>18</sup> as a useful tool for States in the formulation and implementation of poverty

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

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

<sup>3</sup> Ibid.

<sup>4</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

<sup>5</sup> Ibid., vol. 1249, No. 20378.

<sup>6</sup> Ibid., vol. 1577, No. 27531.

<sup>7</sup> Ibid., vol. 2515, No. 44910.

<sup>8</sup> See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53 (A/62/53)*, chap. I, sect. A.

<sup>9</sup> Ibid., *Sixty-third Session, Supplement No. 53 (A/63/53)*, chap. II, sect. A.

<sup>10</sup> Ibid., chap. III, sect. A.

<sup>11</sup> Ibid., *Sixty-fifth Session, Supplement No. 53 and corrigendum (A/65/53 and A/65/53/Corr.1)*, chap. I, sect. A.

<sup>12</sup> Ibid., *Supplement No. 53A (A/65/53/Add.1)*, chap. II.

<sup>13</sup> Ibid., *Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>14</sup> Ibid., *Sixty-ninth Session, Supplement No. 53 (A/69/53)*, chap. V, sect. A.

<sup>15</sup> Ibid., *Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. V, sect. A.

<sup>16</sup> Ibid., *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. V, sect. A.

<sup>17</sup> Ibid., *Sixty-seventh Session, Supplement No. 53A (A/67/53/Add.1)*, chap. II.

<sup>18</sup> [A/HRC/21/39](#).

reduction and eradication policies, as appropriate, and encouraging States to implement the guiding principles,

*Reaffirming* its resolution [70/1](#) of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

*Recognizing* that the coronavirus disease (COVID-19) pandemic is one of the greatest global challenges in the history of the United Nations, and noting with deep concern its impact on health and the loss of life, mental health and well-being, as well as the negative impact on global humanitarian needs, the enjoyment of human rights and across all spheres of society, including on livelihoods, food security and nutrition, and education, the exacerbation of poverty and hunger, disruption to economies, trade, societies and environments, and the exacerbation of economic and social inequalities within and among countries, which is reversing hard-won development gains and hampering progress towards achieving the 2030 Agenda for Sustainable Development and all its Goals and targets,

*Recalling* that the Sustainable Development Goals and targets seek to build on the Millennium Development Goals and complete what they did not achieve, and that they seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls,

*Reaffirming* its resolution [69/313](#) of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

*Reaffirming also* the objectives and goals of the Third United Nations Decade for the Eradication of Poverty (2018–2027) to accelerate global actions for a world without poverty and to support, in an efficient and coordinated manner, the internationally agreed development goals related to poverty eradication, including the Sustainable Development Goals and their objective of leaving no one behind and reaching the furthest behind first,

*Reaffirming further* the Vienna Declaration and Programme of Action,<sup>19</sup> which states the right to development, as established in the Declaration on the Right to Development,<sup>20</sup> as a universal and inalienable right and an integral part of fundamental human rights,

*Acknowledging* the significant progress made in several parts of the world in combating extreme poverty, however, deeply concerned that progress towards ending extreme poverty has been reversed by three to four years at the global level and by eight to nine years in low-income countries, because of the effects of the COVID-19 pandemic in all countries of the world, regardless of their economic, social and cultural situation, and is particularly severe in developing countries, and that it

<sup>19</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>20</sup> Resolution [41/128](#), annex.

extends to and manifests itself in, among other things, social exclusion, hunger, discrimination, vulnerability to trafficking in persons, and disease, lack of adequate shelter, lack of access to basic services, including access to safe drinking water and sanitation, and the prevalence of illiteracy and hopelessness,

*Remaining deeply concerned* that progress has been uneven, inequality has increased, the total number of persons living in extreme poverty remains unacceptably high and a net increase of 89 million people in extreme poverty by the end of 2022 is expected compared with pre-pandemic projections, and the non-income dimensions of poverty and deprivation, such as access to inclusive and equitable quality education or basic health services, and relative poverty remain major concerns,

*Recognizing* the need to tackle health inequities and inequalities within and among countries through political commitment, policies and international cooperation, including those that address social, economic and environmental determinants of health,

*Deeply concerned* that gender inequality, gender-based violence and discrimination exacerbate extreme poverty, disproportionately impacting women and girls, and that the disproportionate impact of the COVID-19 pandemic on the social and economic situation of women and girls is deepening already existing inequalities and risks slowing down the progress towards achieving gender equality and the empowerment of women and girls made in recent decades, while recognizing the important role and contribution of women and girls in eradicating poverty, and acknowledging the mutually reinforcing links between the achievement of gender equality and the empowerment of all women and girls and the eradication of poverty in all its forms and dimensions, including extreme poverty,

*Recognizing* the importance of supporting countries in their efforts to eradicate poverty in all its forms and dimensions, including extreme poverty, and to promote the empowerment of the poor and of people in vulnerable situations, including women, children, young people, Indigenous Peoples, local communities, older persons, persons with disabilities, migrants, refugees, internally displaced persons, persons belonging to national, ethnic, religious and linguistic minorities and people of African descent,

*Concerned* by the challenges faced today, including those derived from the ongoing impact of the financial and economic crisis, food insecurity, volatile food prices and other ongoing concerns over global food security, epidemics and large movements of refugees and migrants, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by the resulting increase in the number of people living in extreme poverty, and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

*Bearing in mind* that, in order to break the cycle of intergenerational poverty and vulnerability, promote the well-being of all persons of all ages, including persons with disabilities, boost development efforts, contribute to better outcomes for children and address the feminization of poverty, positive action needs to be taken, including in the form of policies, at the national and international levels, that address existing inequalities in the distribution of services, resources and infrastructure, as well as access to food, health care, education and decent work in cities and other human settlements,

*Recognizing* that the eradication of extreme poverty is a major challenge within the process of globalization that requires the coordination and continuation of inclusive policies through decisive national action and international cooperation, and recognizing also in this context the role of the private sector, including the corporate sector, in the eradication of extreme poverty,

*Recalling* the Guiding Principles on Business and Human Rights,<sup>21</sup> endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,<sup>22</sup> which established a framework to prevent and address the adverse human rights impact of business activities, based on the three pillars of the United Nations “Protect, Respect and Remedy” Framework, and recognizing in this regard the efforts made to implement the Guiding Principles by some States, business enterprises, international organizations and members of civil society,

*Recognizing* that social protection systems make a critical contribution to the realization of human rights for all, in particular for those who are in vulnerable or marginalized situations and are trapped in poverty and subject to discrimination,

*Recognizing also* that persistent and growing inequalities within and among countries are a major challenge to poverty eradication, particularly affecting those who are living in extreme poverty and in vulnerable situations,

*Stressing* the necessity of better understanding and addressing the multidimensional causes and consequences of extreme poverty,

*Reaffirming* that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of all human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

*Stressing* that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

*Underlining* the priority and urgency given by Heads of State and Government to the eradication of extreme poverty, as expressed in the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

*Reaffirming* that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and that they contribute to the eradication of extreme poverty,

1. *Reaffirms* that extreme poverty, deep inequality and exclusion constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty and exclusion and that it is essential for people living in and affected by poverty and in situations of vulnerability to be empowered to organize themselves and to participate in all aspects of political, economic, social, cultural and civic life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, the United Nations system and international financial institutions, the private sector, including the corporate sector, civil society and community-based social organizations, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

<sup>21</sup> A/HRC/17/31, annex.

<sup>22</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

4. *Also emphasizes* that all business enterprises, both transnational corporations and other business enterprises, have a responsibility to respect all human rights, and recognizes that proper regulation, including through national legislation, of transnational corporations and other business enterprises and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms;

5. *Further emphasizes* the need to accord due consideration and priority to poverty eradication within the United Nations development agenda, while stressing the importance of addressing the causes and systemic challenges of poverty through integrated, coordinated and coherent strategies at the national, intergovernmental and inter-agency levels, consistent with the outcomes of the major United Nations conferences and summits in the economic, social and related fields;

6. *Calls upon* Member States to design recovery strategies based on risk-informed, sustainable financing policies, supported by integrated national financing frameworks in accordance with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,<sup>23</sup> to enact the policies necessary to address the economic crisis and depression resulting from the COVID-19 pandemic, begin economic recovery and minimize the negative effects of the pandemic on livelihoods, including targeted measures for poverty eradication, social protection for formal and informal sector workers, increased access to finance and capacity-building for micro-, small and medium-sized enterprises, financial inclusion mechanisms, strong fiscal stimulus packages and supportive monetary policies, and calls upon donors and other stakeholders to support countries that lack the capacity to implement such measures, in particular least developed countries, landlocked developing countries and small island developing States, as well as low- and middle-income countries;

7. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights, renders democracy and popular participation fragile and can also create barriers to full and effective participation in political and public life, in particular for women and girls and persons with disabilities;

8. *Recognizes* the need to respect and to realize human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

9. *Reaffirms* the commitments contained in the 2030 Agenda for Sustainable Development,<sup>24</sup> in particular to leave no one behind, to reach the furthest behind and the most vulnerable and to achieve Sustainable Development Goal 1, including by sparing no effort to fight against and eradicate extreme poverty, which is currently measured as people living on less than 2.15 United States dollars a day, for all people everywhere by 2030;

10. *Also reaffirms* its full commitment to the 2030 Agenda for Sustainable Development as the blueprint for building back better after the COVID-19 pandemic, and calls upon Member States to ensure that efforts to implement the 2030 Agenda for all, by reaching all its Goals and targets, are strengthened and accelerated in this decade of action for building more sustainable, peaceful, just, equitable, inclusive and resilient societies where no one is left behind and to make sustainable long-term investments to eradicate poverty in all its forms, including extreme poverty, as well

<sup>23</sup> Resolution [69/313](#).

<sup>24</sup> Resolution [70/1](#).

as address inequalities and human rights abuses or violations, which have greatly exacerbated vulnerabilities and increased the negative effects of the COVID-19 pandemic, and address climate change and the environmental crisis in order to build a better future for all;

11. *Further reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;<sup>25</sup>

12. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the gains made towards the achievement of the Sustainable Development Goals, and in this regard takes note of the Social Protection Floors Recommendation, 2012 (No. 202), of the International Labour Organization;

13. *Encourages* States, when designing, implementing, monitoring and evaluating social protection programmes, to ensure gender mainstreaming and the promotion and protection of all human rights in accordance with their obligations under international human rights law, throughout this process;

14. *Calls upon* States to implement gender-responsive social protection policies, as well as fiscal policies that contribute to promoting gender equality and the empowerment of all women and girls by, inter alia, facilitating greater access to and inclusion in social protection and financial and business services, including credit, for women, in particular women heads of household;

15. *Encourages* States to take all measures necessary to eliminate discrimination against all persons, in particular those living in poverty, to refrain from adopting any laws, regulations or practices denying or limiting the enjoyment of all human rights and fundamental freedoms, including economic, social and cultural rights, and to ensure that people, in particular those living in poverty, have equal access to justice;

16. *Calls upon* Member States, in taking measures to eliminate discrimination, to ensure that their legal frameworks, where relevant, are non-discriminatory on the basis of socioeconomic status and to address the need to effectively remove the obstacles that people in poverty face in areas such as housing, employment, education, health and other social services;

17. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation, recognizing their contributions to the efforts of developing countries to collaborate in the eradication of poverty, and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

18. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those derived from the ongoing impact of the financial and economic crisis, food insecurity, volatile food prices and other ongoing concerns over global food security, epidemics and the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing cooperation to help to build national capacities;

19. *Reaffirms* the critical role of quality education and lifelong learning for all in achieving poverty eradication and other development goals, as envisaged in the

<sup>25</sup> See resolution [60/1](#).

2030 Agenda for Sustainable Development, in particular free, equitable and quality primary and secondary education and training for eradicating illiteracy, efforts towards expanded secondary and higher education as well as vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, also reaffirms in this context the Dakar Framework for Action, adopted at the World Education Forum on 28 April 2000,<sup>26</sup> and the Incheon Declaration: Education 2030 – towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015,<sup>27</sup> and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme poverty, in supporting the Education for All programmes as tools for achieving Sustainable Development Goal 4 by 2030;

20. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme poverty and human rights, and also invites his Office to pursue further work in this area;

21. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations, to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector, including the corporate sector, and international financial institutions to proceed likewise;

22. *Takes note with appreciation* of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11, as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate;

23. *Encourages* Governments, relevant United Nations bodies, funds and programmes and the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations and non-State actors, and the private sector, including the corporate sector, to consider the guiding principles in the formulation and implementation of their policies and measures concerning persons affected by extreme poverty;

24. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the guiding principles, as appropriate;

25. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the 2030 Agenda for Sustainable Development and the Sustainable Development Goals set out therein into their work;

26. *Takes note* of the work undertaken by the Special Rapporteur of the Human Rights Council on extreme poverty and human rights, including his reports submitted to the General Assembly at its seventy-sixth<sup>28</sup> and seventy-seventh sessions,<sup>29</sup> and notes the work of the Secretary-General to address the issues referred to therein;

27. *Decides* to consider the question further at its seventy-ninth session, under the sub-item entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms” of the item entitled “Promotion and protection of human rights”.

<sup>26</sup> See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

<sup>27</sup> See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum 2015, Incheon, Republic of Korea, 19–22 May 2015* (Paris, 2015).

<sup>28</sup> [A/76/177](#).

<sup>29</sup> [A/77/157](#).

## Draft resolution XIV

### The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law

*The General Assembly,*

*Reaffirming its commitment* to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>1</sup>

*Recalling* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,<sup>2</sup> in which the Conference reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights,

*Reaffirming* its resolutions [65/207](#) of 21 December 2010, [67/163](#) of 20 December 2012, [69/168](#) of 18 December 2014, [71/200](#) of 19 December 2016, [72/186](#) of 19 December 2017 and [75/186](#) of 16 December 2020 on the role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law,

*Recalling* the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), welcomed by the General Assembly in its resolution [48/134](#) of 20 December 1993 and annexed thereto,

*Acknowledging* the principles on the protection and promotion of the Ombudsman institution (the Venice Principles),

*Recalling* its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolutions [66/169](#) of 19 December 2011, [68/171](#) of 18 December 2013, [70/163](#) of 17 December 2015, [74/156](#) of 18 December 2019 and [76/170](#) of 16 December 2021, as well as Human Rights Council resolutions [23/17](#) of 13 June 2013,<sup>3</sup> [27/18](#) of 25 September 2014,<sup>4</sup> [33/15](#) of 29 September 2016,<sup>5</sup> [39/17](#) of 28 September 2018,<sup>6</sup> [45/22](#) of 6 October 2020<sup>7</sup> and [51/31](#) of 7 October 2022,<sup>8</sup>

*Reaffirming* the functional and structural differences between national human rights institutions, on the one hand, and Ombudsman and mediator institutions, on the other, and underlining in this regard that reports on the implementation of General Assembly resolutions on the role of the Ombudsman and mediator institutions by the Office of the United Nations High Commissioner for Human Rights should be stand-alone reports,

*Noting with appreciation* that some Ombudsman or mediator institutions have been designated as national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>9</sup>

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

<sup>2</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>3</sup> See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. V, sect. A.

<sup>4</sup> *Ibid.*, *Sixty-ninth Session, Supplement No. 53A* and corrigenda ([A/69/53/Add.1](#), [A/69/53/Add.1/Corr.1](#) and [A/69/53/Add.1/Corr.2](#)), chap. IV, sect. A.

<sup>5</sup> *Ibid.*, *Seventy-first Session, Supplement No. 53A* and corrigendum ([A/71/53/Add.1](#) and [A/71/53/Add.1/Corr.1](#)), chap. II.

<sup>6</sup> *Ibid.*, *Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. III.

<sup>7</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53A (A/75/53/Add.1)*, chap. III.

<sup>8</sup> *Ibid.*, *Seventy-seventh Session, Supplement No. 53A (A/77/53/Add.1)*, chap. II, sect. A.

<sup>9</sup> United Nations, *Treaty Series*, vol. 2375, No. 24841.

*Acknowledging* the long history of Ombudsman institutions and the subsequent extensive developments throughout the world in creating and strengthening Ombudsman and mediator institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in the promotion and protection of human rights and fundamental freedoms, promoting good governance and respect for the rule of law by addressing the imbalance of power between the individual and the providers of public services,

*Welcoming* the rapidly growing interest throughout the world in the creation and strengthening of Ombudsman and mediator institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in support of national complaint resolution,

*Encouraging* Member States to establish independent Ombudsman and mediator institutions and to strengthen existing institutions, including by ensuring their independence, consistent with relevant principles, including the Venice Principles, and to consider seeking the assistance of the Office of the United Nations High Commissioner for Human Rights in this regard,

*Recognizing* that the role of Ombudsman and mediator institutions, whether they are national human rights institutions or not, is the promotion and protection of human rights and fundamental freedoms, promotion of good governance and respect for the rule of law, as a separate and additional function, but also as an integral part to all other aspects of their work,

*Underlining* the importance of autonomy and independence from the executive or judicial branches of Government, its agencies or political parties, of Ombudsman and mediator institutions, where they exist, in order to enable them to consider all issues related to their fields of competence, without real or perceived threat to their procedural ability or efficiency and without fear of reprisal, intimidation or recrimination in any form, whether online or offline, that may threaten their functioning or the physical safety and security of their officials,

*Noting with serious concern* that Ombudsman and mediator institutions, where they exist, may be under threat, whether to their autonomy or credibility, to their budgets or to the physical safety and security of their officials,

*Considering* the role of Ombudsman and mediator institutions in promoting good governance in public administrations and improving their relations with citizens, in promoting respect for human rights and fundamental freedoms and in strengthening the delivery of public services, by promoting the rule of law, good governance, transparency, accountability, and fairness,

*Considering also* the important role of the existing Ombudsman and mediator institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

*Acknowledging* the importance of affording these institutions, as appropriate, the necessary mandate, including the authority to assess, monitor and, where provided for by national legislation, investigate matters on their own initiative, as well as protection to allow action to be taken independently and effectively against unfairness towards any person or group and the importance of State support for the autonomy, competence and impartiality of the Ombudsman and of the process,

*Stressing* the importance of the financial and administrative independence and stability of these institutions, and noting with satisfaction the efforts of those States that have provided their Ombudsman and mediator institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role,

*Stressing also* that these institutions, where they exist, can play an important role in advising Governments with respect to drafting or amending existing national laws and policies, ratifying relevant international instruments and bringing national legislation and national practices into line with their States' international human rights obligations,

*Stressing further* the importance of international cooperation between Ombudsman offices and mediators, and recalling the role played by regional and international associations of Ombudsman and mediator institutions in promoting cooperation and sharing best practices,

*Encouraging* the Ombudsman and mediator institutions to share best practices on their work and functioning, and to continue engaging actively with the Office of the United Nations High Commissioner for Human Rights, the International Ombudsman Institute, the Global Alliance of National Human Rights Institutions and other regional networks and associations to exchange experiences, lessons learned and best practices,

*Noting with satisfaction* the active continuing work of the global network of Ombudsmen, the International Ombudsman Institute, and the close cooperation with the active regional Ombudsman and mediator associations and networks, namely, the Association of Mediterranean Ombudsmen, the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of la Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network Initiative, the Pacific Ombudsman Alliance, the Eurasian Ombudsman Alliance, and other active Ombudsman and mediator associations and networks,

1. *Takes note* of the report of the Secretary-General;<sup>10</sup>

2. *Strongly encourages* Member States:

(a) To consider the creation or the strengthening of independent and autonomous Ombudsman and mediator institutions at the national level and, where applicable, at the regional or local level, consistent with the principles on the protection and promotion of the Ombudsman institution (the Venice Principles), either as national human rights institutions or alongside them;

(b) To endow Ombudsman and mediator institutions, where they exist, with the necessary constitutional and legislative framework, as well as State support and protection, adequate financial allocation for staffing and other budgetary needs, a broad mandate across all public services, the powers necessary to ensure that they have the tools they need to select issues, resolve maladministration, investigate thoroughly and communicate results, and all other appropriate means, in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights and the promotion of good governance and respect for the rule of law;

(c) Where they exist, to take the appropriate steps to ensure that the means of appointment of the Ombudsman or mediator respect the full independence and State recognition of, as well as respect for, the Ombudsman and mediator institutions and their work;

(d) To provide for the clear mandate of Ombudsman and mediator institutions, where they exist, to enable the prevention and appropriate resolution of any unfairness

<sup>10</sup> A/77/248.

and maladministration and the promotion and protection of human rights, and to report on their activities, as may be appropriate, both generally and on specific issues;

(e) To ensure that the Ombudsman and mediator institutions and their staff have appropriate protections from unwarranted and arbitrary abuses of legal process in respect of matters carried out in connection with their lawful duties and obligations;

(f) To take the appropriate steps to ensure that adequate protection exists for Ombudsman and mediator institutions, where they exist, against coercion, reprisals, intimidation or threat, including from other authorities, and that these acts are promptly and duly investigated and the perpetrators held accountable;

(g) To give due consideration to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)<sup>11</sup> when assigning to the Ombudsman or the mediator institution the role of national preventive mechanisms and national monitoring mechanisms;

(h) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of Ombudsman and mediator institutions;

(i) To share and exchange best practices on the work and functioning of their Ombudsman and mediator institutions, in collaboration with the Office of the United Nations High Commissioner for Human Rights and with the International Ombudsman Institute and other international and regional Ombudsman organizations;

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions, including those of the Ombudsman and the mediator, which is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Encourages* Member States to ensure adequate protection for their respective Ombudsman and mediator institutions against coercion, reprisals, intimidation or threat;

5. *Also encourages* Member States to ensure that adequate funding is provided to their respective Ombudsman and mediator institutions to enable them to discharge their mandates in an independent and efficient manner;

6. *Recognizes* that the practical effectiveness of the chosen framework for such national institutions should be monitored and assessed, consistent with internationally accepted and recognized standards, and that this framework should neither threaten the autonomy nor the independence of the institution nor diminish its ability to carry out its mandate;

7. *Welcomes* the active participation of the Office of the High Commissioner in all international and regional meetings of Ombudsman and mediator institutions, whether in person or, alternatively, by electronic means;

8. *Encourages* Member States and regional and international Ombudsman and mediator institutions to regularly interact, exchange information and share best practices with the Office of the High Commissioner on all matters of relevance;

9. *Encourages* the Office of the High Commissioner, through its advisory services, to develop and support activities dedicated to the existing Ombudsman and mediator institutions and to strengthen their role within national systems for human rights protection;

<sup>11</sup> Resolution 48/134, annex.

10. *Encourages* Ombudsman and mediator institutions, where they exist:

(a) To operate, as appropriate, in accordance with all relevant international instruments, including the Paris Principles and the Venice Principles, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights and the promotion of good governance and respect for the rule of law;

(b) To request, in cooperation with the Office of the High Commissioner, their accreditation by the Global Alliance of National Human Rights Institutions, where the Ombudsman or mediator institution is the national human rights institution, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;

(c) To publicly report, in the interests of accountability and transparency, to the authority that appoints the Ombudsman or the mediator of Member States on their activities at least annually;

(d) To cooperate with relevant State bodies and develop cooperation with civil society organizations, without compromising their autonomy or independence;

(e) To conduct awareness-raising activities on their roles and functions, in collaboration with all relevant stakeholders;

(f) To engage with the International Ombudsman Institute, the Global Alliance of National Human Rights Institutions and other regional networks and associations, with a view to exchanging experiences, lessons learned and best practices;

11. *Requests* the President of the General Assembly to hold, within existing resources, during the seventy-eighth session, a high-level panel on the theme “Public accessibility and inclusivity: developing strategic initiatives to raise awareness on the role and work of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law” and prepare a summary of the discussion for transmission to all Member States;

12. *Requests* the Secretary-General to report to the General Assembly at its seventy-ninth session on the implementation of the present resolution, in particular on the obstacles encountered by Member States in this regard, and on best practices in the work and functioning of Ombudsman and mediator institutions, as well as on solutions to promote the role and work of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law.

## **Draft resolution XV**

### **Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief**

*The General Assembly,*

*Reaffirming* the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

*Welcoming* Human Rights Council resolutions [16/18](#) of 24 March 2011,<sup>1</sup> [19/25](#) of 23 March 2012,<sup>2</sup> [22/31](#) of 22 March 2013,<sup>3</sup> [28/29](#) of 27 March 2015,<sup>4</sup> [31/26](#) of 24 March 2016,<sup>5</sup> [34/32](#) of 24 March 2017,<sup>6</sup> [37/38](#) of 23 March 2018,<sup>7</sup> [40/25](#) of 22 March 2019,<sup>8</sup> [43/34](#) of 22 June 2020,<sup>9</sup> [46/27](#) of 24 March 2021<sup>10</sup> and [49/31](#) of 1 April 2022,<sup>11</sup> and General Assembly resolutions [67/178](#) of 20 December 2012, [68/169](#) of 18 December 2013, [69/174](#) of 18 December 2014, [70/157](#) of 17 December 2015, [71/195](#) of 19 December 2016, [72/176](#) of 19 December 2017, [73/164](#) of 17 December 2018, [74/164](#) of 18 December 2019, [75/187](#) of 16 December 2020 and [76/157](#) of 16 December 2021,

*Reaffirming* the obligation of States to prohibit discrimination and violence on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

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

*Reaffirming further* that the International Covenant on Civil and Political Rights<sup>12</sup> provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of one's choice and freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in worship, observance, practice and teaching,

*Reaffirming* the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and reaffirming further that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

<sup>1</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. II, sect. A.

<sup>2</sup> *Ibid.*, *Sixty-seventh Session, Supplement No. 53* and corrigendum ([A/67/53](#) and [A/67/53/Corr.1](#)), chap. III, sect. A.

<sup>3</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. IV, sect. A.

<sup>4</sup> *Ibid.*, *Seventieth Session, Supplement No. 53 (A/70/53)*, chap. III, sect. A.

<sup>5</sup> *Ibid.*, *Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. IV, sect. A.

<sup>6</sup> *Ibid.*, *Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. IV, sect. A.

<sup>7</sup> *Ibid.*, *Seventy-third Session, Supplement No. 53 (A/73/53)*, chap. IV, sect. A.

<sup>8</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53 (A/74/53)*, chap. IV, sect. A.

<sup>9</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. IV, sect. A.

<sup>10</sup> *Ibid.*, *Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. V, sect. A.

<sup>11</sup> *Ibid.*, *Seventy-seventh Session, Supplement No. 53 (A/77/53)*, chap. VI, sect. A.

<sup>12</sup> See resolution [2200 A \(XXI\)](#), annex.

*Expressing deep concern* at those acts that advocate religious hatred and thereby undermine the spirit of tolerance and respect for diversity,

*Reaffirming* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Condemning* the criminal acts committed by terrorist and extremist groups and movements against persons based on their religion or belief, and deeply regretting attempts to link such acts to any one specific religion or belief,

*Reaffirming* that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

*Recalling* its adoption of resolutions 69/140 of 15 December 2014, 70/19 of 3 December 2015, 71/249 of 22 December 2016, 72/136 of 11 December 2017, 73/129 of 12 December 2018, 74/23 of 12 December 2019, 75/26 of 2 December 2020 and 76/69 of 9 December 2021 on the promotion of interreligious and intercultural dialogue, understanding and cooperation for peace, 69/312 of 6 July 2015 on the United Nations Alliance of Civilizations and 67/104 of 17 December 2012, in which the General Assembly proclaimed the period 2013–2022 as the International Decade for the Rapprochement of Cultures,

*Deeply concerned* about continuing incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

*Deploing* any advocacy of discrimination or violence on the basis of religion or belief,

*Strongly deploring* all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

*Strongly deploring also* all attacks on and in religious places, sites and shrines, which are in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments,

*Deeply concerned* about the prevalence of impunity in some instances, and the lack of accountability in some cases, in addressing violence against persons on the basis of religion or belief in public and private spheres, and stressing the importance of making the necessary efforts to raise awareness to address the spread of hate speech against persons on the basis of religion or belief,

*Concerned* about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief, in particular actions that seek to prevent their exercise and full enjoyment of freedom of religion or belief,

*Expressing deep concern* at the instances of intolerance and discrimination and acts of violence occurring in the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

*Expressing concern* at the growing manifestations of intolerance based on religion or belief, which can generate hatred and violence among individuals from and within different nations and which may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity, as well as interreligious, interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

*Recognizing* the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

*Underlining* the fact that States, regional organizations, national human rights institutions, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

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

*Underlining further* that educational measures, youth forums, strategic plans and public information and media campaigns, including online platforms, may contribute in a meaningful way to promoting tolerance and the elimination of negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,

*Recognizing* that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increasing interreligious, interfaith and intercultural efforts and expanding human rights education are important first steps in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

*Recalling* its resolution [72/241](#), entitled “A world against violence and violent extremism”, adopted by consensus on 20 December 2017, welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations, the work of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures in Alexandria, Egypt, and the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna, and recalling also its resolution [65/5](#) of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

*Welcoming* in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, and recalling the initiative of the Special Adviser to the Secretary-General on the Prevention of Genocide on the role of religious leaders in preventing incitement that could lead to atrocity crimes and the declaration of its forum held in Fez, Morocco, on 23 and 24 April 2015, the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, the announcement on 6 October 2016 of the establishment by the United Arab Emirates of the International Institute for Tolerance for promoting the value of tolerance among nations, the Amman Declaration on Youth, Peace and Security adopted on 22 August 2015 and the sixth Congress of Leaders of World and Traditional Religions, held in Nur-Sultan on 10 and 11 October 2018, as well as the initiative of the Office of the United Nations High Commissioner for Human Rights and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious

hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,<sup>13</sup>

*Taking note with appreciation* of the continuation of the organization of workshops and meetings within the framework of the Istanbul Process and the promotion of effective implementation of Human Rights Council resolution 16/18 to counter global violence, religious discrimination and intolerance, in particular the sixth implementation meeting of the Process, hosted by Singapore on 20 and 21 July 2016,

1. *Takes note* of the report of the Secretary-General;<sup>14</sup>
2. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist individuals, organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;
3. *Expresses concern* that the number of incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continues to rise around the world, which may have serious implications at the national, regional and international levels, condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution and consistent with their obligations under international human rights law, to address and combat such incidents;
4. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;
5. *Recognizes* that the open public debate of ideas, as well as interreligious, interfaith and intercultural dialogue, at the local, national and international levels, can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and expresses its conviction that a continuing dialogue on these issues can help to overcome existing misperceptions;
6. *Also recognizes* the strong need for global awareness about the possible serious implications of incitement to discrimination and violence, which may have serious implications at the national, regional and international levels, and urges all Member States to make renewed efforts to develop educational systems that promote all human rights and fundamental freedoms that enhance tolerance for religious and cultural diversity, which is fundamental to promoting tolerant, peaceful and harmonious multicultural societies;
7. *Calls upon* all States to take the following actions, as called for by the Secretary-General of the Organization of Islamic Cooperation, to foster a domestic environment of religious tolerance, peace and respect by:
  - (a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;
  - (b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities and assisting with conflict prevention and mediation;

<sup>13</sup> A/HRC/22/17/Add.4, appendix.

<sup>14</sup> A/77/487.

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination and developing strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and the negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-raising;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interreligious, interfaith and intercultural dialogue, at the local, national, regional and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Also calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion or belief, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questioning, searches and other investigative law enforcement procedures;

9. *Further calls upon* all States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines and to take protective measures in cases where they are vulnerable to vandalism or destruction;

10. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs;

11. *Encourages* all States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights, and in this respect requests the United Nations High Commissioner for Human Rights to include those updates in his reports to the Human Rights Council;

12. *Requests* the Secretary-General to submit to the General Assembly at its seventy-eighth session a report that includes information provided by the High Commissioner on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in the present resolution.