



**United Nations**

# **Report of the Human Rights Council**

**Fifty-first session  
(12 September–7 October 2022)**

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



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[26 October 2022]

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## **I. Introduction**

1. The present document contains the resolutions, the decision and the President's statement adopted by the Human Rights Council at its fifty-first session, held from 12 September to 7 October 2022.
2. The report of the Human Rights Council on the above-mentioned session is contained in document [A/HRC/51/2](#).

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

### 51/32. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

*The Human Rights Council,*

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

*Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

*Noting* that the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action will be commemorated in 2023, and stressing in this regard the importance of fully integrating the matter of combating racism into these commemorations,

*Emphasizing* the relevance of the International Convention on the Elimination of All Forms of Racial Discrimination as an important international instrument to combat the scourge of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and recalling the recommendation contained in the Durban Declaration and Programme of Action to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects,<sup>1</sup>

*Acknowledging* the importance of the Durban Declaration and Programme of Action as a milestone in the common fight against racism, racial discrimination, xenophobia and related intolerance, as it addresses the deep historical roots of contemporary racism, acknowledges that slavery and the slave trade are – and should always have been – crimes against humanity, takes into account the legacy of some of the most appalling chapters of human history, and constitutes a holistic call to action that encompasses measures to deliver remedies to victims of racism, to strengthen education and awareness-raising, to fight poverty and marginalization and to secure inclusive sustainable development,

*Reiterating* that the transatlantic trade in enslaved Africans and colonialism were grave violations of international law that require States to make reparations proportionate to the harms committed and to ensure that structures in the society that are perpetuating the injustices of the past are transformed, including law enforcement and the administration of justice,

*Noting* that some States have taken the initiative to apologize and have paid reparations, where appropriate, for grave and massive violations committed as a result of slavery, the slave trade, colonialism, apartheid, genocide and past tragedies, and emphasizing that those that have not yet expressed remorse or presented apologies should find some way to contribute to the restoration of the dignity of victims, and calling upon all the relevant States that have not already done so to dispense reparatory justice, including finding ways to remedy historical racial injustices contributing to the development and recognition of the dignity of the affected States and their people,

*Noting with concern* that the lack of public knowledge about the content of the Durban Declaration and Programme of Action has constituted a serious obstacle in generating political will for its full and effective implementation,

<sup>1</sup> [A/CONF.189/12](#), p. 71, para. 199.

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

*Recognizing also* that victims of racism include everyone affected, directly or indirectly, by racist actions perpetrated by State and non-State actors, such as white vigilante and supremacist paramilitary groups, and not only those killed, but also those who survived and are living with trauma and disabilities,

*Recognizing further* the importance of the full implementation of the Durban Declaration and Programme of Action, and emphasizing the need to streamline and enhance the effectiveness of existing follow-up mechanisms, and to increase public awareness of and support for it,

*Noting* the efforts made at the international, regional and national levels, welcoming the progress made since the adoption of the Durban Declaration and Programme of Action in the implementation of its provisions, and welcoming with appreciation all the positive steps and successful initiatives taken by States towards its effective and full implementation, including constitutional and legislative reforms, the adoption of national action plans and other national policies and measures, participation in and support for its follow-up mechanisms, the mainstreaming of racial equality in international forums and the promotion of regional, international and multi-stakeholder initiatives in matters relating to the Durban Declaration and Programme of Action,

*Welcoming* the political declaration adopted during the high-level meeting of the General Assembly held in commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action on 22 September 2021, in which Heads of State and Government proclaimed their strong determination to mobilize political will for the full and effective implementation of the Durban Declaration and Programme of Action and its follow-up processes,<sup>2</sup>

*Recalling* all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent,

*Recalling also* that, in the Durban Declaration and Programme of Action, States acknowledged that, in many parts of the world, people face racism, racial discrimination, xenophobia and related intolerance, which have been exacerbated by the coronavirus disease (COVID-19) pandemic,

*Acknowledging with deep concern* that many years later, notwithstanding the adoption of the Durban Declaration and Programme of Action years ago and the concerted efforts of the international community, many people around the world, including Africans and people of African descent, Asians and people of Asian descent, migrants, refugees and persons belonging to other racial, ethnic, linguistic or religious minorities continue to be confronted by racism, racial discrimination, hate speech, targeted violence, xenophobia and other related intolerance, which have been exacerbated by the COVID-19 pandemic,

*Expressing deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief and at instances of religious intolerance, discrimination and violence, inter alia the increasing number of acts of violence directed against individuals, and recalling that the Durban Declaration and Programme of Action calls upon States, in opposing all forms of racism, to recognize the need to counter antisemitism, anti-Arabism and Islamophobia worldwide, and urges all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities,

*Recalling* that racism, racial discrimination, xenophobia and related intolerance are manifested on the grounds of race, colour, descent, or national or ethnic origin, and that victims can suffer from multiple or aggravated forms of discrimination based on other related

<sup>2</sup> See General Assembly resolution 76/1.

grounds, such as sex, language, religion, disability, political or other opinion, social origin, property, birth or other status,

*Reiterating* that poverty, underdevelopment, marginalization, social exclusion and economic disparities can be compounded by – and themselves compound – racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices that in turn generate more poverty, and acknowledging in this regard that it is essential that integrated, intersecting and holistic approaches be adopted to ensure the effectiveness of policies and other measures against racism, racial discrimination, xenophobia and related intolerance,

*Expressing concern* at the loss of life and livelihoods and the disruption to economies and societies by the COVID-19 pandemic, and its negative impact on the enjoyment of human rights around the world, disproportionately affecting certain individuals, including those facing racism, racial discrimination, xenophobia and related intolerance, which the pandemic has highlighted and exposed, including underlying deep and long-standing structural inequalities and fundamental problems in various areas of social, economic, civic and political life, and exacerbated existing inequalities, and recalling that systemic and structural racism and racial discrimination further exacerbate inequality in access to health care and treatment, leading to racial disparities in health outcomes and a higher rate of mortality and morbidity among individuals and groups facing racial discrimination,

*Acknowledging* that structural and systemic racism is exacerbated by COVID-19 when there is an increase in police violence in the name of public health and safety, and acknowledging also that police violence is a manifestation of institutional and structural racism,

*Recognizing* that the design and use of emerging digital technologies, while offering new opportunities in the global campaign against all forms of racism and racial discrimination, can exacerbate and compound existing inequalities, many of which exist on racial, ethnic and national origin grounds, and that a major concern is the prevalence of emerging digital technologies in determining everyday outcomes in employment, education, health care and criminal justice, which introduces the risk of systemized discrimination on an unprecedented scale,

*Recalling* that the General Assembly stipulated, in the annex to its resolution 69/16 of 18 November 2014 by which the Assembly adopted by consensus the programme of activities for the International Decade for People of African Descent, that the implementation of the programme of activities was an integral part of the full and effective implementation of the Durban Declaration and Programme of Action,

*Recalling also* General Assembly resolution 73/262 of 22 December 2018, in which the Assembly decided to establish a permanent forum on people of African descent, and therefore inviting all relevant United Nations bodies and entities to refer to the Permanent Forum as reflected in paragraph 12 of that resolution,

*Recalling further* General Assembly resolution 76/226 of 24 December 2021, in which the Assembly requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to devote at least half of its annual session to the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, and invited the Permanent Forum of People of African Descent and the Working Group of Experts on People of African Descent to contribute to the elaboration of the declaration in accordance with their respective mandates,

*Underlining* the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals, in particular Africans and people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

*Noting* the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also those made by the other Durban follow-up mechanisms, namely the Ad Hoc Committee on the Elaboration of Complementary Standards for the reports on its eleventh and twelfth sessions,

the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action at its eighth session and the Working Group of Experts on People of African Descent at its thirtieth session, which was its first session to be held in New York,

*Deploing* the recurrent incidents of excessive use of force and other human rights violations by law enforcement officers against peaceful demonstrators defending the rights of Africans and of people of African descent, and recalling Human Rights Council resolution 43/1 of 19 June 2020, in which the Council strongly condemned the continuing racially discriminatory and violent practices perpetrated by law enforcement agencies against Africans and people of African descent, and recalling the report of the United Nations High Commissioner for Human Rights submitted to the Council pursuant to that resolution,<sup>3</sup>

*Acknowledging* that the denial of States of continuing racially discriminatory and violent practices by law enforcement agencies perpetuates impunity, emphasizing that States should guarantee reparations to victims and ensure independent, prompt and effective investigations into State violence, and emphasizing also the need for all States to end the use of military jurisdictions for investigations of violations by law enforcement against civilians,

*Acknowledging also* the intersecting forms of racial discrimination with other forms of discrimination, which exacerbates individuals' experiences with police violence and increased vulnerability,

*Condemning* the increasing militarization of law enforcement of States and the criminalization of peaceful protests, stressing that States should improve community safety and proper management of assemblies and prevent the abuse of force by law enforcement agencies, and recognizing the responsibility of States to train law enforcement accordingly,

*Recalling* Human Rights Council resolution 47/21 of 13 July 2021, and encouraging States to take further action globally to advance racial justice and equality, including through engagement with the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and implementation of the comprehensive set of urgently needed measures to end systemic racism and address racial discrimination and human rights violations, notably by law enforcement, contained in the agenda towards transformative change for racial justice and equality of the United Nations High Commissioner for Human Rights, which is anchored in the lived experiences of Africans and people of African descent whose courage and determination are pushing States, the United Nations and others to take bolder steps to address long-standing human rights violations and achieve reparatory justice,

*Taking note* of the report of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality,<sup>4</sup> and requesting the High Commissioner to pay further attention to this matter in upcoming reports by addressing the continued excessive use of force and other human rights violations by law enforcement officers against Africans and people of African descent in different parts of the world,

*Recalling* that the Human Rights Council, in its resolution 47/21, requested the High Commissioner to enhance and broaden monitoring by the Office of the United Nations High Commissioner for Human Rights in order to continue to report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, to contribute to accountability and redress, and to take further action globally towards transformative change for racial justice and equality, including by providing support for and strengthening assistance to States and other stakeholders, particularly people of African descent and their organizations, and by giving further visibility to this work,

*Recalling also* General Assembly resolution 76/226, in which the Assembly requested the Human Rights Council to consider the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of

<sup>3</sup> [A/HRC/47/53](#).

<sup>4</sup> See [A/HRC/51/53](#).

Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

*Concerned* about the reduction in financial and human resources at the Office of the High Commissioner at a time when they are indispensable to the overall implementation of mandates and advocacy for the fight against racism,

*Noting with appreciation* the annual observance in Geneva of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and recalling the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

1. *Underscores* the importance of political will and commitment to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

2. *Underlines* the imperative need for the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and of the Durban Declaration and Programme of Action as the instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for combating the scourge of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms, as well as of the programme of activities of the International Decade for People of African Descent;

3. *Also underlines* the imperative need for the full and effective implementation of its previous resolutions on racism, racial discrimination, and other related forms of intolerance, including in Human Rights Council resolution 47/21, and requests the United Nations High Commissioner for Human Rights, the relevant special procedures and international mechanisms to enhance and broaden their efforts to implement the Durban Declaration and Programme of Action, and invites relevant United Nations bodies to do the same;

4. *Continues* to be alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;

5. *Stresses* in this respect the need to also address stereotypes, stigmatization and identity-assignment based on race as essential in the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Encourages* States to make the requisite declaration in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its complaints procedure;

7. *Also encourages* States to fully cooperate with the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and to implement the comprehensive set of measures to end systemic racism and address racial discrimination and human rights violations, notably by law enforcement, contained in the High Commissioner's agenda towards transformative change for racial justice and equality;

8. *Calls upon* States to honour their obligations to protect those standing up against racism, including human rights defenders, from being discredited, harassed, intimidated or subjected to increased surveillance, both within and outside the context of assemblies;

9. *Takes note* of the conclusions and recommendations made by the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, which, at its eleventh and twelfth



sessions, furthered the discussions on the elaboration of a draft additional protocol to the Convention;<sup>5</sup>

10. *Requests* the High Commissioner, in the further fulfilment of the mandate of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, to engage legal experts, representing the five regions and different legal systems, and task them with providing the Chair of the Ad Hoc Committee with precise guidance and inputs to allow for the preparation of the Chair's document, in accordance with the Committee's mandate;

11. *Also requests* the High Commissioner to facilitate the participation of these legal experts in the thirteenth and fourteenth sessions of the Ad Hoc Committee, and to task them with providing advice with a view to contributing to discussions on the elaboration of a draft additional protocol criminalizing acts of a racist and xenophobic nature, in order to implement the Committee's mandate;

12. *Takes note* of the conclusions and recommendations made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its nineteenth session;<sup>6</sup>

13. *Requests* the Working Group of Experts on People of African Descent to submit a report to the Human Rights Council at its fifty-fourth session, reviewing the work it has carried out in the 20 years since its establishment and including conclusions and recommendations on how to address more efficiently the human rights concerns of people of African descent;

14. *Requests* the Secretary-General and the High Commissioner to provide the human and financial resources necessary to support the implementation of the mandate of the Working Group of Experts on People of African Descent, including public meetings, to be held in a hybrid format to allow for remote participation;

15. *Emphasizes* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action for promoting equality and non-discrimination around the world;

16. *Recalls* that, in paragraph 12 of Commission on Human Rights resolution 2002/68 of 25 April 2002, the Commission decided to keep the mandate of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action, composed of five experts serving in their personal capacity, under constant review, and noting the role still to be played by the Group of Independent Eminent Experts in contributing to the implementation of the Durban Declaration and Programme of Action through the mobilization of political support, enhancing the resources available to the Group and expanding its mandate to ensure it can effectively achieve its goal;

17. *Decides*, bearing in mind the mandate of the Group of Independent Eminent Experts, that the Group of Independent Eminent Experts will function as an advisory mechanism for the Human Rights Council and the General Assembly on the implementation of the Durban Declaration and Programme of Action, and will work towards mobilizing global political will for concrete action;

18. *Requests* the General Assembly to limit the tenure of the Eminent Experts to four years, which may be renewed once, and that the current Experts will continue to serve until the appointment of new Experts is finalized, and also requests that the limit of tenure also apply to the continued service of Experts already appointed as of the date of adoption of the current resolution;

19. *Requests* the Secretary-General to appoint the five Eminent Experts, one from each region, from among candidates proposed by the President of the Human Rights Council, after consultation with the regional groups, in line with the Durban Declaration and

<sup>5</sup> See [A/HRC/46/66](#).

<sup>6</sup> See [A/HRC/49/89](#).

Programme of Action<sup>7</sup> and paragraph 13 of General Assembly resolution 56/266 of 27 March 2002, by the end of 2023;

20. *Requests* the five regional groups to nominate a candidate for appointment to the Group of Independent Eminent Experts in a timely fashion;

21. *Underlines* that, to ensure the best possible expertise, the following general criteria will be of paramount importance, when appointing the eminent experts: (a) recognized expertise and experience in the field of anti-racism and human rights and demonstrated commitment to the implementation of the Durban Declaration and Programme of Action; (b) independence and impartiality; and (c) personal integrity; and notes that due consideration should also be given to gender balance, to an appropriate representation of different legal systems and to the principle of non-accumulation of human rights functions at the same time;

22. *Requests* the Group of Independent Eminent Experts to convene its ninth session for five working days in 2023, and to submit a report thereon to the General Assembly at its seventy-eighth session, and in this regard requests the Chair of the Group of Independent Eminent Experts to engage in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” at that session;

23. *Also requests* the Group of Independent Eminent Experts to prepare a comprehensive study on the implementation of the Durban Declaration and Programme of Action, with a focus on areas presenting particular challenges, and to present it to the Human Rights Council at its sixtieth session and to the General Assembly at its eightieth session, and in this regard requests the Chair of the Group of Independent Eminent Experts to engage in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” at that session;

24. *Requests* the United Nations system to strengthen its awareness-raising campaigns to increase the visibility of the message of the Durban Declaration and Programme of Action, its follow-up mechanisms and the work of the United Nations in the fight against racism, and decides that the annual session of the Group of Independent Eminent Experts will be webcast to allow for remote participation and for greater awareness-raising among affected communities;

25. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the financial and human resources necessary for the Group of Independent Eminent Experts to fulfil its mandate effectively;

26. *Deplores* the ongoing use of social media platforms to incite hatred and violence, inter alia against migrants, refugees and asylum seekers, while reaffirming the rights to freedom of expression, association and peaceful assembly, and calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated in information and communications technology;

27. *Strongly condemns* the recent allegations of discriminatory treatment, unlawful deportations, excessive use of force and deaths of African migrants and migrants of African descent, including refugees and asylum-seekers, at the hands of law enforcement officials engaged in migration and border governance in different countries;

28. *Calls upon* States to ensure accountability and reparations for human rights violations at borders and to adopt a racial justice approach, including by adopting policies to address structural racism in the management of international migration flows;

29. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

<sup>7</sup> A/CONF.189/12, p. 69, para. 191 (b).

30. *Welcomes* the convening of regional meetings organized by the Office of the United Nations High Commissioner for Human Rights to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions at the meetings, and recognizes the contributing role that national human rights institutions and civil society organizations can play in supporting States' measures to prevent and eliminate all forms of racial discrimination;

31. *Recalls* the establishment of the Permanent Forum on People of African Descent as a consultative mechanism for people of African descent and other relevant stakeholders as a platform for improving the safety and quality of life and livelihoods of people of African descent, and an advisory body to the Human Rights Council, in accordance with the programme of activities for the implementation of the International Decade for People of African Descent and in close coordination with existing mechanisms;

32. *Decides* that the annual session of the Permanent Forum on People of African Descent will be held in a hybrid format and will be webcast to allow for remote participation;

33. *Requests* the Secretary-General and the High Commissioner to provide the human and financial resources necessary to support implementation of the mandate of the Permanent Forum on People of African Descent;

34. *Requests* the Secretary-General and the Office of the High Commissioner to implement fully paragraphs 32 and 34 of General Assembly resolution 75/237 of 31 December 2020, on outreach and a public information campaign for the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action and follow-up thereto, including by increasing efforts to promote the true nature of the text of the Durban Declaration and Programme of Action;

35. *Requests* the Office of the High Commissioner to submit a report to the Human Rights Council at its fifty-third session on the progress on the two-year comprehensive communications strategy, inclusive of an outreach programme to raise awareness about and mobilize global public support for racial equality, including about the content and contribution of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action to the struggle against racism, racial discrimination, xenophobia and related intolerance;

36. *Also requests* the Office of the High Commissioner to publish an updated version of *United against Racism, Racial Discrimination, Xenophobia and Related Intolerance*,<sup>8</sup> containing also the political declaration made by the General Assembly on the occasion of the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action, and to issue it in all official languages of the United Nations, for wide dissemination;

37. *Further requests* the Office of the High Commissioner to publish the programme of activities for the International Decade for People of African Descent in an easily accessible brochure format in the official languages of the United Nations, for wide dissemination, and invites States to publish translations thereof;

38. *Notes* that the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action will be commemorated in 2023, and in this regard requests that the matter of combating racism be fully integrated into those commemorations;

39. *Encourages* all special procedure mandate holders and the human rights treaty bodies to include consideration of the impact on their mandates of systemic, structural and institutional racism, racial discrimination, xenophobia and other related intolerance in their reports;

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights, *United against Racism, Racial Discrimination, Xenophobia and Related Intolerance* (United Nations Department of Public Information, 2012).

40. *Requests* the Office of the High Commissioner, Member States and other stakeholders to include in their annual updates to the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action information on the implementation of the Durban Declaration and Programme of Action, including on the activities conducted in the context of the outreach programme, and also requests the Office to include information on the implementation of the communications strategy in the annual report of the Secretary-General to the General Assembly on global efforts in the fight against racism;

41. *Acknowledges* the work done by the Office of the High Commissioner, and requests the High Commissioner to continue to provide the resources necessary for the effective functioning of Durban follow-up mechanisms and to give high priority to the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

42. *Decides* to remain seized of this important issue.

*44th meeting  
7 October 2022*

[Adopted by a recorded vote of 32 to 9, with 6 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Benin, Bolivia (Plurinational *State* of), Brazil, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan and Venezuela (Bolivarian Republic of)

*Against:*

Czechia, France, Germany, Montenegro, Netherlands, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Abstaining:*

Finland, Japan, Lithuania, Luxembourg, Marshall Islands and Republic of Korea]

### III. Fifty-first session

#### A. Resolutions

##### **51/1. Promoting reconciliation, accountability and human rights in Sri Lanka**

*The Human Rights Council,*

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

*Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,*

*Recalling also Human Rights Council resolutions 19/2 of 22 March 2012, 22/1 of 21 March 2013, 25/1 of 27 March 2014, 30/1 of 1 October 2015, 34/1 of 23 March 2017, 40/1 of 21 March 2019 and 46/1 of 23 March 2021 on promoting reconciliation, accountability and human rights in Sri Lanka,*

*Recalling further that, in its resolution S-11/1 of 27 May 2009, the Human Rights Council welcomed the resolve of Sri Lanka to begin a broader dialogue with all parties in order to seek a political settlement and to bring about lasting peace and development in Sri Lanka based on consensus among and respect for the rights of those from all ethnic and religious groups, and endorsed the joint communiqué of 26 May 2009 of the President of Sri Lanka and the Secretary-General, in which the Secretary-General, inter alia, underlined the importance of an accountability process for addressing violations of international humanitarian law and human rights law,*

*Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of Sri Lanka,*

*Reaffirming also that it is the primary responsibility of each State to respect human rights and to ensure the full enjoyment of all human rights and fundamental freedoms by its entire population,*

*Recognizing the severe economic crisis that has deteriorated in Sri Lanka since late 2021, exacerbated by the coronavirus disease (COVID-19) pandemic, and the profound impact that this has had on the people of Sri Lanka, including women-led households,*

*Underscoring the importance of addressing the underlying governance factors and root causes that have contributed to that crisis, including deepening militarization, lack of accountability in governance and impunity for serious human rights violations and abuses, which remains a central obstacle to the rule of law, reconciliation and sustainable peace and development in Sri Lanka,*

*Recognizing the recent efforts of the Government of Sri Lanka to address the ongoing economic crisis, and welcoming the staff-level agreement reached between the Government and the International Monetary Fund,*

*Recognizing also that the promotion and protection of human rights and the prevention of and fight against corruption are mutually reinforcing, that corruption can have a serious negative impact on the enjoyment of human rights, and that the poor and those in marginalized and vulnerable situations, including women and girls, are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,*

*Emphasizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums, as well as to the rule of law, and stressing the importance of full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information, and for democratic participation, transparency and accountability, and of combating corruption,*

*Noting* the declaration of four states of emergency in Sri Lanka since August 2021, and stressing the obligation to comply with article 4 of the International Covenant on Civil and Political Rights, including in the context of declarations of states of emergency,

*Acknowledging* the stated commitment of the Government of Sri Lanka to constitutional reforms while stressing the importance of the independence of key commissions and institutions, including the Human Rights Commission of Sri Lanka, the Election Commission, the National Police Commission, the Judicial Service Commission and the Commission to Investigate Allegations of Bribery or Corruption, and of the judiciary,

*Calling upon* the Government of Sri Lanka to fulfil its commitments on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population, and encouraging the Government to respect local governance, including through the holding of elections for provincial councils, and to ensure that all provincial councils, including the northern and eastern provincial councils, are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka,

*Reaffirming* that all individuals in Sri Lanka are entitled to the full enjoyment of their human rights without distinction of any kind such as religion, belief or ethnic origin, and the importance of a peaceful and unified land to the enjoyment of human rights,

*Acknowledging* the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining, land return, facilitating the voluntary resettlement of internally displaced persons and improving livelihoods, and encouraging further efforts in these areas,

*Welcoming* the continued commitment of the Government of Sri Lanka to remain engaged with the United Nations and its agencies, including human rights mandates and mechanisms, in capacity-building and technical assistance, and to achieve sustainable peace,

*Reaffirming* its unequivocal condemnation of all acts, methods and practices of terrorism, including those committed in Sri Lanka in April 2019 that led to a large number of injuries and deaths, and reaffirming also that all measures taken to combat terrorism must comply fully with States' obligations under international law, in particular international human rights law, and, as applicable, international refugee law and international humanitarian law,

*Emphasizing* the importance of a comprehensive approach to dealing with the past, incorporating judicial and non-judicial measures, to ensure accountability, to serve justice, to provide remedies to victims, to avoid the recurrence of violations of human rights and to promote healing and reconciliation,

*Recognizing* that mechanisms to redress past abuses and violations work best when they are independent, impartial and transparent, and use consultative and participatory methods that include the views of all relevant stakeholders, including, but not limited to, victims, women, youth, representatives of various religions, ethnicities and geographic locations, as well as people from marginalized groups,

*Recalling* the responsibility of States to comply with their relevant obligations under human rights law and international humanitarian law, including, where applicable, to prosecute those responsible for gross violations of human rights law or serious violations of international humanitarian law,

*Noting with appreciation* the work of the Office of the United Nations High Commissioner for Human Rights towards the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka,

1. Welcomes the oral update presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its forty-ninth session and the report of Office of the United Nations High Commissioner for Human Rights presented to the Council at its current session;<sup>9</sup>

<sup>9</sup> [A/HRC/51/5](#).

2. *Also welcomes* the engagement of the Government of Sri Lanka with the Office of the High Commissioner and the special procedures of the Human Rights Council, encourages the continuation of such engagement and dialogue, and calls upon Sri Lanka to implement the recommendations made by the Office and to give due consideration to the recommendations made by the special procedures;

3. *Expresses concern* at the human rights impact of the economic crisis, including as a result of increased food insecurity, severe shortages in fuel, shortages in essential medicines and reductions in household incomes, while stressing the need to promote and protect the rights of the most marginalized and disadvantaged individuals, including daily wage earners, women, children, older persons and persons with disabilities;

4. *Also expresses concern* at other human rights developments since April 2022, including violence against and the arrests of peaceful protestors, as well as violence against government supporters, resulting in deaths, injuries, destruction and damage to the houses of members of Parliament, and stresses the importance of independent investigations into all attacks and that those found responsible be held to account;

5. *Stresses* the importance of protecting civilian government functions from militarization and of addressing the independence of the judiciary and key institutions responsible for the promotion and protection of human rights and fundamental freedoms; the grievances and demands of Tamil and Muslim populations; prolonged internal displacement; land disputes; the surveillance, intimidation and harassment of journalists, civil society activists, human rights defenders, families of disappeared persons, and persons involved in memorialization initiatives; and of combating sexual and gender-based violence;

6. *Also stresses* the importance of a comprehensive accountability process for all violations and abuses of human rights committed in Sri Lanka by all parties, including those abuses by the Liberation Tigers of Tamil Eelam;

7. *Notes* the persistent lack of independent, impartial and transparent domestic mechanisms, and stresses the importance of ensuring investigations into, and accountability for, grave violations of human rights;

8. *Recognizes* the importance of preserving and analysing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability, and decides to extend and reinforce the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction;

9. *Notes* the initial outreach of the Government of Sri Lanka to overseas persons of Sri Lankan origin encompassing all communities and generations, and encourages the Government to engage further in a broad-based consultative process with stakeholders from all affected communities and to provide remedies to achieve meaningful reconciliation, devolution of political authority, an improved situation of human rights and lasting peace;

10. *Urges* the Government of Sri Lanka to foster freedom of religion or belief and pluralism by promoting the ability of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

11. *Also urges* the Government of Sri Lanka to take measures to address the marginalization of and discrimination against persons from the Muslim community, and to ensure that Muslims and members of other religions are able to continue to practice their own religious rites, including burial rites;

12. *Calls upon* the Government of Sri Lanka to ensure the prompt, thorough and impartial investigation and, if warranted, prosecution of all alleged crimes relating to human rights violations and serious violations of international humanitarian law, including for long-standing emblematic cases, with the full participation of victims and their representatives;

13. *Also calls upon* the Government of Sri Lanka to address the ongoing economic crisis, including by investigating and, where warranted, prosecuting corruption, including

where committed by public and former public officials, and stands ready to assist and support independent, impartial and transparent efforts in this regard;

14. *Stresses* the importance of the effective and independent functioning of the Office on Missing Persons and the Office for Reparations, while noting that the tangible results expected by victims and other stakeholders are yet to be achieved, including resolving the many cases of enforced disappearance so that the families of disappeared persons can know their fate and whereabouts, and also the importance of the effective and independent functioning of the Human Rights Commission of Sri Lanka;

15. *Calls upon* the Government of Sri Lanka to protect civil society actors, including human rights defenders, to investigate any attacks and to ensure a safe and enabling environment in which civil society can operate free from hindrance, surveillance, insecurity and threat of reprisals;

16. *Notes* the introduction in March 2022 of amendments to the Prevention of Terrorism Act, that detentions under that law continue, and the expressed intention of the Government of Sri Lanka in this regard to introduce new legislation on combating terrorism, and encourages the Government to engage in consultations with civil society, the Office of the High Commissioner and relevant special procedure mandate holders in the preparation of new legislation, in order to ensure that any legislation on combating terrorism complies fully with the State's obligations arising from international human rights law and international humanitarian law;

17. *Notes with appreciation* the continued engagement of the Government of Sri Lanka with the special procedures of the Human Rights Council, and encourages the Government to continue that cooperation, including by responding formally to outstanding requests from them;

18. *Encourages* the Office of the High Commissioner and relevant special procedure mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;

19. *Requests* the Office of the High Commissioner to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including on progress in reconciliation and accountability, and on the impact of the economic crisis and corruption on human rights, and to present an oral update to the Human Rights Council at its fifty-third and fifty-fifth sessions, and a written update at its fifty-fourth session and a comprehensive report that includes further options for advancing accountability at its fifty-seventh session, both to be discussed in the context of an interactive dialogue.

*40th meeting  
6 October 2022*

[Adopted by a recorded vote of 20 to 7, with 20 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Czechia, Finland, France, Germany, Honduras, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

Bolivia (Plurinational State of), China, Cuba, Eritrea, Pakistan, Uzbekistan and Venezuela (Bolivarian Republic of)

*Abstaining:*

Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, India, Indonesia, Japan, Kazakhstan, Libya, Malaysia, Mauritania, Namibia, Nepal, Qatar, Senegal, Somalia, Sudan and United Arab Emirates]



## 51/2. World Programme for Human Rights Education

*The Human Rights Council,*

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

*Reaffirming* that, in accordance with the Universal Declaration of Human Rights and as stipulated in the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, States are duty-bound to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

*Recalling* General Assembly resolution 59/113 A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education, and resolution 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should promote human rights education and learning,

*Reaffirming* the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 of 19 December 2011,

*Reaffirming also* that all human rights are universal, indivisible and 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,

*Welcoming* General Assembly resolution 76/306 of 8 September 2022 on the establishment of the United Nations Youth Office as a dedicated office for youth affairs,

*Recalling* previous Human Rights Council resolutions on the World Programme for Human Rights Education, the most recent of which being resolution 42/7 of 26 September 2019,

*Recalling also* that the World Programme is an ongoing initiative, structured in consecutive phases, to advance the implementation of human rights education programmes in all sectors, and that States should continue the implementation of previous phases while taking the measures necessary to implement the current phase,

*Recognizing* that the World Programme focused in its first phase on the integration of human rights education into the primary and secondary school systems, in its second phase on human rights education in higher education and human rights training for teachers and educators, civil servants, law enforcement officials and military personnel, and in its third phase on furthering the implementation of the first two phases and on promoting human rights training for media professionals and journalists,

*Recalling* Human Rights Council resolution 39/3 of 27 September 2018, in which the Council decided to make youth the focus group of the fourth phase of the World Programme and to align the fourth phase with the 2030 Agenda for Sustainable Development and specifically with target 4.7 of the Sustainable Development Goals, and encouraged States and relevant stakeholders to, during the fourth phase of the World Programme, strengthen efforts to advance the implementation of the three previous phases,

*Recalling also* the United Nations Youth Strategy launched by the Secretary-General in September 2018, which committed the United Nations to step up efforts to advance and promote respect for the rights of young people and to support their civic and political engagement, including through human rights education,

1. *Takes note with appreciation* of the evaluation of the implementation of the third phase of the World Programme for Human Rights Education prepared by the Office of the United Nations High Commissioner for Human Rights;<sup>10</sup>

2. *Also takes note with appreciation* of the midterm progress report on the implementation of the fourth phase of the World Programme for Human Rights Education prepared by the Office of the High Commissioner;<sup>11</sup>

<sup>10</sup> [A/HRC/45/24](#).

<sup>11</sup> [A/HRC/51/8](#).

3. *Welcomes* the convening of the high-level panel discussion on the theme “The tenth anniversary of the United Nations Declaration on Human Rights Education and Training: good practices, challenges and the way forward”, on 29 September 2021, and the summary report of the discussion prepared by the Office of the High Commissioner;<sup>12</sup>
4. *Notes with appreciation* the initiatives by all relevant stakeholders for the implementation of the fourth phase of the World Programme;
5. *Encourages* States and all other stakeholders to strengthen efforts to advance the implementation of all phases of the World Programme for Human Rights Education, at all levels;
6. *Encourages* States to establish monitoring and evaluation mechanisms to review efforts, and to ensure that human rights education content and methodologies remain relevant to the experiences and challenges faced by youth, and that women benefit from the World Programme on an equal footing;
7. *Welcomes* the efforts of the Office of the High Commissioner, in close cooperation with relevant United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, the Office of the Secretary-General’s Envoy on Youth, and Member States and civil society, including youth organizations, in advancing human rights education and training globally, including through the promotion of national implementation of the World Programme for Human Rights Education, the provision of methodological and training support, capacity-building and technical assistance, and the coordination of related international efforts;
8. *Appeals* to relevant organs, bodies and agencies of the United Nations system and all other international and regional intergovernmental organizations, States and non-governmental organizations to provide, upon request, technical support to countries willing to implement nationally the plans of action adopted in the context of the World Programme on Human Rights Education and to build their capacity for human rights education and training;
9. *Recognizes* that the World Programme for Human Rights Education can contribute to the implementation of the 2030 Agenda for Sustainable Development, and encourages the Office of the High Commissioner, in cooperation with all relevant stakeholders, to continue to support States’ efforts to implement the 2030 Agenda, including towards the achievement of Goal 4, target 7 thereof;
10. *Requests* the Office of the High Commissioner to seek the views of States, relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization, the Office of the Secretary-General’s Envoy on Youth, the United Nations Youth Office, the special procedures of the Human Rights Council, national human rights institutions, national mechanisms for implementation, reporting and follow-up, civil society, including non-governmental organizations, and other relevant stakeholders in the target sectors, focus areas or thematic human rights issues for the fifth phase of the World Programme, bearing in mind possible synergies with the 2030 Agenda and other relevant initiatives on human rights education and training, and to submit a report thereon to the Human Rights Council at its fifty-fourth session;
11. *Decides* to consider this issue at its fifty-fourth session in accordance with its programme of work.

*40th meeting  
6 October 2022*

[Adopted without a vote.]

<sup>12</sup> [A/HRC/49/62](#).

### 51/3. Neurotechnology and human rights

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and other relevant international and regional human rights instruments,

*Recalling* all relevant Human Rights Council resolutions, including resolutions 43/13 of 19 June 2020 on mental health and human rights, 47/16 of 13 July 2021 on the promotion, protection and enjoyment of human rights on the Internet, 47/23 of 13 July 2021 on new and emerging digital technologies and human rights, 48/4 of 7 October 2021 on the right to privacy in the digital age, and 50/15 of 8 July 2022 on freedom of opinion and expression,

*Recalling also* that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, and that the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework sets out that States have a duty to protect, and that business enterprises, including technology companies, have a responsibility to respect human rights,

*Bearing in mind* that neurotechnology allows the connecting of the human brain directly to digital networks through devices and procedures that may be used, among other things, to access, monitor and manipulate the neural system of the person,

*Recognizing* that neurotechnology could be promising for human health and innovation, but that, at the same time, the continued development of some of its applications may pose a number of ethical, legal and societal questions that need to be addressed, including in human rights terms,

*Mindful* that the impact, opportunities and challenges of neurotechnology with regard to the promotion, protection and enjoyment of human rights are not fully understood, and of the need to analyse them further in a coherent, holistic, inclusive and comprehensive manner in order to leverage the full potential of neurotechnology to support human progress and development for all,

*Noting* that, in his 2021 report entitled “Our Common Agenda”, the Secretary-General stated that consideration should be given to updating or clarifying the application of human rights frameworks and standards to address frontier issues and prevent harms in the digital or technology spaces, including in neurotechnology,

1. *Requests* the Human Rights Council Advisory Committee to prepare a study in an accessible format, including an easy-to-read version, on the impact, opportunities and challenges of neurotechnology with regard to the promotion and protection of all human rights, including recommendations on how human rights opportunities, challenges and gaps arising from neurotechnology could be addressed by the Human Rights Council and its special procedures and subsidiary bodies in a coherent, holistic, inclusive and action-oriented manner, and to present the study to the Council at its fifty-seventh session;

2. *Also requests* the Advisory Committee, when preparing the above-mentioned study, to seek the views and inputs from, and to take into account the relevant work already done by, stakeholders, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations agencies, funds and programmes within their respective mandates, national human rights institutions, civil society, the private sector, medical and technical communities, academic institutions and other relevant stakeholders;

3. *Invites* the United Nations High Commissioner for Human Rights, the treaty bodies and the special procedures of the Human Rights Council, within their respective mandates, to give due consideration to the impact of neurotechnology on the full enjoyment of all human rights and fundamental freedoms;

4. *Decides* to remain seized of this matter.

40th meeting  
6 October 2022

[Adopted without a vote.]

## **51/4. The human rights of older persons**

*The Human Rights Council,*

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

*Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,*

*Reaffirming the Vienna Declaration and Programme of Action,*

*Bearing in mind the Political Declaration<sup>13</sup> and the Madrid International Plan of Action on Ageing, 2002,<sup>14</sup> and all other relevant General Assembly resolutions,*

*Recalling General Assembly resolution 70/164 of 17 December 2015 on measures to enhance the promotion and protection of the human rights and dignity of older persons, and resolution 75/131 of 14 December 2020 on the United Nations Decade of Healthy Ageing (2021–2030), and Human Rights Council resolutions 21/23 of 28 September 2012, 24/20 of 27 September 2013, 33/5 of 29 September 2016, 42/12 of 26 September 2019 and 48/3 of 7 October 2021 on the human rights of older persons,*

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

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

*Recognizing the importance of the mandate of the Independent Expert on the enjoyment of all human rights by older persons in raising awareness of the rights of older persons, and taking note with appreciation of the reports of the Independent Expert<sup>15</sup> and of the Open-ended Working Group on Ageing,<sup>16</sup> which is open to all States Members of the United Nations, for the purpose of strengthening the protection of the human rights of older persons,*

*Acknowledging the efforts of States to determine the best way to strengthen the protection of the human rights of older persons, and considering the various proposals that have been made within the Open-ended Working Group on Ageing, including the possible elaboration of a multilateral legal instrument on the rights of older persons,*

1. *Welcomes* the work of the Independent Expert on the enjoyment of all human rights by older persons;

2. *Decides* to extend the mandate of Independent Expert on the enjoyment of all human rights by older persons for a period of three years according to the terms set out by the Human Rights Council in its resolution 33/5;

<sup>13</sup> *Report of the Second World Assembly on Ageing, Madrid, 8–12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex I.

<sup>14</sup> *Ibid.*, annex II.

<sup>15</sup> [A/HRC/51/27](#) and [A/77/239](#).

<sup>16</sup> [A/AC.278/2022/2](#).

3. *Requests* all Governments to cooperate with the Independent Expert, and invites them to provide the mandate holder with all necessary information relating to the mandate;
4. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programme of work;
5. *Also requests* the Independent Expert to work in close coordination, while avoiding unnecessary duplication, with the Open-ended Working Group on Ageing, including by participating in its annual session;
6. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions and civil society, and invites the private sector, donors and development agencies, to cooperate fully with the Independent Expert to enable the mandate holder to fulfil the mandate;
7. *Requests* the Secretary-General to ensure that the reports of the Independent Expert are brought to the attention of the Open-ended Working Group on Ageing, in accordance with paragraphs 1 and 3 of General Assembly resolution 67/139 of 20 December 2012, and to the Assembly;
8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;
9. *Decides* to remain seized of the matter.

*40th meeting  
6 October 2022*

[Adopted without a vote.]

## **51/5. The role of good governance in the promotion and protection of human rights**

*The Human Rights Council,*

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

*Guided also by the Universal Declaration of Human Rights, as a common standard of achievement of all peoples and all nations, and the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,*

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

*Recalling also* Human Rights Council resolutions 7/11 of 27 March 2008, 19/20 of 23 March 2012, 25/8 of 27 March 2014, 31/14 of 23 March 2016, 37/6 of 22 March 2018 and 45/9 of 6 October 2020, all other resolutions relevant to the role of good governance in the promotion of human rights and the 2030 Agenda for Sustainable Development,

*Welcoming* the resolve of States parties to the United Nations Convention against Corruption, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

*Noting with interest* the outcomes of the sessions of the Conference of the States Parties to the United Nations Convention against Corruption,

*Reaffirming* the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development, on effective rule of

law and good governance at all levels and on transparent, effective and accountable institutions,

*Welcoming* the commitments made by all States in the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”<sup>17</sup> to promote, while safeguarding personal data protection and privacy rights, the use of technological innovations to prevent, detect and combat corruption and facilitate digital government in this regard,

*Recognizing* the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

*Recognizing also* that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, including women, Indigenous Peoples, persons with disabilities and those in vulnerable and marginalized situations, is the foundation on which good governance rests and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development, especially in times of crisis,

*Recognizing further* the crucial importance of the active involvement of civil society, at the national, regional and international levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

*Stressing* the importance of developing and implementing national legislation on the promotion of access to diverse and reliable information, of establishing active, free and meaningful participation and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

*Reaffirming* the right of every citizen to have access, in general terms of equality, to public service in their country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

*Recognizing* that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

*Recognizing also* that the knowledge, training and awareness of public servants, human rights education and the promotion of a human rights culture within the public service play a vital role in promoting respect for and the realization of human rights in society,

*Welcoming* the contribution of the United Nations Public Service Awards programme, which recognizes excellence in public service to the promotion of the role, professionalism and visibility of public service, and noting its review to align it with the 2030 Agenda for Sustainable Development,

*Reaffirming* that the full, equal and meaningful participation of women at all levels of decision-making, as well as that of girls, free from violence and discrimination, is essential for good governance,

*Welcoming* the commitments made by all States in the 2005 World Summit Outcome<sup>18</sup> to make the fight against corruption a priority at all levels,

*Mindful* that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating sustainable, effective, accountable and transparent institutions for the achievement of the full enjoyment of human rights,

*Recognizing* the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights, by weakening institutions, by

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<sup>17</sup> General Assembly resolution S-32/1, annex.

<sup>18</sup> General Assembly resolution 60/1.

eroding public trust in government and by impairing the ability of Governments to fulfil all their human rights obligations,

*Recognizing also* that effective anti-corruption measures and the protection of human rights, including by strengthening transparency and accountability in government, are mutually reinforcing,

*Recognizing further* the opportunities provided by open data and digital technologies to strengthen transparency and accountability and to prevent, detect and investigate corruption,

*Recognizing* that good governance and the fight against corruption have a central role in the promotion and protection of human rights and in the elimination of obstacles to development,

*Stressing* that good governance at the local, national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, and in this context reaffirming the 2030 Agenda for Sustainable Development,

*Noting* the ongoing work of several important initiatives towards the deepening of good governance practices at the national, regional and international levels, and taking into account the ongoing work of the United Nations system and other relevant international and regional organizations relating to the role of good governance in the promotion and protection of human rights,

*Recognizing* the primary responsibility of States, as the main duty bearers, to promote and protect human rights online and offline,

*Noting* that, used in compliance with international human rights law, information and communications technology can be an effective tool to foster greater participation and contribute to promoting human rights principles and good governance, while being mindful of the impact, opportunities and challenges of rapid technological change with regard to the promotion, protection and enjoyment of human rights,

*Recognizing* that information and communications technology can hold great potential for strengthening democratic institutions and the resilience of civil society, empowering civic engagement and enabling the work of human rights defenders, public participation and the open and free exchange of ideas,

*Stressing* that use of information and communications technology, including the digitalization of public service, can strengthen the efficiency, professionalism, accountability, transparency and accessibility of public institutions,

*Recognizing* the risks that misuse of information and communications technology may have for the protection, promotion and enjoyment of human rights, fundamental freedoms and good governance,

*Expressing concern* that misuse of information and communications technology can undermine equal access to public services, and stressing the importance of ensuring the safety and security of critical infrastructure and critical information infrastructure in this regard,

1. *Welcomes* the convening on 22 June 2022 of a panel discussion on good governance in the promotion and protection of human rights during and after the coronavirus disease (COVID-19) pandemic;

2. *Recognizes* that international human rights law provides a set of standards to guide governing processes and to assess performance outcomes, and in this regard stresses that good governance is necessary for establishing and maintaining an environment conducive to the promotion and protection of human rights;

3. *Reaffirms* that the same rights that people have offline must also be protected online;

4. *Notes with concern* that many forms of the digital divide remain between and within countries, and between men and women, boys and girls, older and younger persons and persons with disabilities, and recognizing the need to close them;

5. *Acknowledges* that many countries all over the world need support in terms of expanding infrastructure, technological cooperation and capacity-building, including human and institutional capacity-building, to ensure the accessibility, affordability and availability of the Internet in order to bridge digital divides, to offer a digital dividend to all people and to meet the Sustainable Development Goal targets;

6. *Urges* States to ensure the right of every person to have access, on equal terms, to public services in his or her country by using new communications technology and global interconnectedness, technological innovation and organizational solutions to respond in the best possible way to the needs of people confronted with the risks of crises;

7. *Also urges* States to progressively take steps to expand Internet access in order to provide public services accessible to all, especially the poor and those at most risk of social exclusion, thereby rectifying imbalances in access to information and the communications technology currently available and ensuring their participation in public life;

8. *Further urges* States to maintain and enhance efforts to promote access to diverse and reliable information on the Internet as one means of facilitating affordable and inclusive education, health, justice and other public services globally, underlining the need to address digital literacy and digital divides;

9. *Encourages* States to address any weaknesses in the way public services are being delivered, including in the areas of health, education and justice, and to increase accessibility to them, including through new information and communications technology;

10. *Also encourages* States to promote an open, secure, stable, accessible and peaceful information and communications technology environment based on respect for international law, including the obligations enshrined in the Charter of the United Nations and international human rights instruments, and to address the risks that misuse of information and communications technology may have for the protection, promotion and enjoyment of human rights and fundamental freedoms;

11. *Further encourages* States to consider developing transparency practices, such as e-procurement, open contracting and spending dashboards, to detect and deter corruption risks in government contracts and purchases;

12. *Welcomes* the commitments made by all States in the 2030 Agenda for Sustainable Development to good governance in the promotion and protection of human rights, including by using strengthened means of technology and embracing their implementation;

13. *Underlines* that the primary responsibility lies with States at the national level, including through their constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity and are predicated on good governance principles, including impartiality, the rule of law, transparency, accountability, participation, inclusivity and combating corruption, and stresses the importance of human rights training and education in this regard;

14. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service to humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

15. *Encourages* the relevant mechanisms of the Human Rights Council to continue to consider, within their respective mandates, the issue of the role of good governance in the promotion and protection of human rights;

16. *Encourages* States to consider developing and implementing appropriate tools or mechanisms to review, measure and assess progress in good governance, including but not limited to the Sustainable Development Goals;

17. *Requests* the High Commissioner:



(a) To organize, before the fifty-fourth session of the Human Rights Council, a full-day panel discussion in a hybrid format and fully accessible to persons with disabilities, including with sign language interpretation and a webcast open to the participants of States, relevant treaty bodies and mandate holders, academia, civil society and relevant stakeholders, on good governance in the promotion and protection of human rights, with a view to discussing the most efficient ways of using good governance to address the human rights impact of the various digital divides;

(b) To liaise with States, relevant United Nations agencies, funds and programmes, the treaty bodies, the special procedures of the Human Rights Council and regional human rights mechanisms, as well as with representatives of civil society, including non-governmental organizations and national human rights institutions, with a view to ensuring their contribution to the above-mentioned panel discussion;

(c) To prepare a report on the panel discussion, to make it available in an accessible format, including an easy-to read version, and to present it to the Human Rights Council at its fifty-fifth session;

18. *Requests* the Secretary-General to provide the above-mentioned panel discussion with all the resources necessary for services and facilities;

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

40th meeting  
6 October 2022

[Adopted without a vote.]

## **51/6. Conscientious objection to military service**

*The Human Rights Council,*

*Bearing in mind* that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights 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 it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, the right to freedom of thought, conscience and religion and the right not to be discriminated against,

*Recalling* all previous relevant resolutions and decisions, including Human Rights Council resolutions 20/2 of 5 July 2012, 24/17 of 27 September 2013 and 36/18 of 29 September 2017, and Commission on Human Rights resolutions 1998/77 of 22 April 1998 and 2004/35 of 19 April 2004, in which the Commission recognized the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion,

1. *Takes notes* of the report of the Office of the United Nations High Commissioner for Human Rights on approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, presented to the Human Rights Council at its forty-first session, pursuant to resolution 36/18,<sup>19</sup> and of the analytical report on conscientious objection to military service presented by the Office of the High Commissioner to the Council at its fiftieth session, pursuant to resolution 20/2;<sup>20</sup>

<sup>19</sup> A/HRC/41/23.

<sup>20</sup> A/HRC/50/43.

2. *Encourages* States to consider implementing the recommendations of the above-mentioned reports, where needed, in their efforts to bring or improve national laws, policies and practices, including with regard to application procedures, alternative service and non-discrimination of any kind, in line with States' obligations under international human rights law and applicable international human rights standards;

3. *Notes with appreciation* the progress and long-standing efforts made in several States to take new or additional steps to recognize the right to conscientious objection to military service in law, policy and practice, and expresses its concern at information on human rights violations with regard to conscientious objection to military service, including those involving arbitrary detention and other forms of punishment, including repeated punishment;

4. *Requests* the Office of the High Commissioner to organize a half-day intersessional workshop, in a hybrid format and fully accessible to persons with disabilities, on good practices and recent developments in the implementation of the right to conscientious objection to military service in law and in practice, to inform the preparation of a report, in consultation with all States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, the special procedures of the Human Rights Council, the treaty bodies, national human rights institutions and non-governmental organizations, with recommendations on legal and policy frameworks to uphold human rights in the context of conscientious objection to military service in accordance with States' obligations under international human rights law and applicable international human rights standards, and to present the report, in an accessible and readable format, to the Council at its fifty-sixth session;

5. *Invites* States to consider including in their national reports, to be submitted to the universal periodic review mechanism and to United Nations human rights treaty bodies, as appropriate, information on domestic provisions related to the right to conscientious objection to military service;

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

40th meeting  
6 October 2022

[Adopted without a vote.]

## **51/7. The right to development**

*The Human Rights Council,*

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

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

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

*Reaffirming* Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development, and recalling also all General Assembly and Council resolutions on the right to development, the most recent being Assembly resolution 76/163 of 16 December 2021 and Council resolution 48/10 of 8 October 2021,

*Recalling* the adoption of Human Rights Council resolution 49/8 of 31 March 2022, on the commemoration of the thirty-fifth anniversary of the Declaration on the Right to Development,

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

*Recalling further* Human Rights Council resolutions 46/14 of 23 March 2021 and 49/25 of 1 April 2022, on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the COVID-19 pandemic, in which the Council expressed deep concern about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasized the importance of human rights in shaping the response to the pandemic,

*Recalling* the outcome document of the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019,<sup>21</sup>

*Welcoming* the final outcome document adopted at the Eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, in which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a legally binding instrument on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

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

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

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

*Noting* the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including in the preparation and outcome of the Fifth United Nations Conference on the Least Developed Countries,

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

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

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

<sup>21</sup> General Assembly resolution 73/291.

*Recognizing* that achieving the internationally agreed development goals, including the Sustainable Development Goals, requires effective policy coherence and coordination,

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

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

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

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

*Taking note* of the ongoing negotiation process on the draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises,

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

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

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

*Urging* all Member States to engage constructively in discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development in order that it may fulfil, in a timely manner, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4,

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

*Recognizing* the need for independent perspectives and expert advice to strengthen the work of the Working Group and to support the efforts of Member States to realize fully the

right to development, including in the context of the implementation of the Sustainable Development Goals,

*Recalling* the report of the Human Rights Council Advisory Committee on the importance of a legally binding instrument on the right to development,<sup>22</sup> submitted to the Human Rights Council at its forty-fifth session pursuant to Council resolution 39/9 of 27 September 2018,

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

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

*Welcoming* the “Informal discussions on the right to development: challenges and opportunities in achieving its realization”, organized virtually by the chairmanship of Azerbaijan of the Movement of Non-Aligned Countries, with multi-stakeholder participation, on 29 April 2022, about the promotion of the right to development and its realization,

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

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

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

3. *Also acknowledges* the contribution of civil society actors and other stakeholders to the implementation of the right to development, especially at the grass-roots level;

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

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

6. *Welcomes* the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;<sup>23</sup>

7. *Recognizes* that the full-day high-level meeting on the promotion and protection of the right to development, as a celebration of the thirty-fifth anniversary of the Declaration on the Right to Development, to be held at the fifty-second session of the Human Rights Council, presents a significant opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves and redoubling its efforts to implement this right;

<sup>22</sup> A/HRC/45/40.

<sup>23</sup> A/HRC/51/22.

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

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

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

11. *Requests* the High Commissioner to facilitate the participation of relevant experts in the meetings of the Expert Mechanism on the Right to Development, in order for representatives of relevant international organizations, as well as relevant mandate holders of the Human Rights Council, to contribute to the discussions held at its meetings, as appropriate;

12. *Reiterates* the importance of the core principles contained in the conclusions adopted by the Working Group at its third session,<sup>24</sup> which 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;

13. *Takes note* of the reports of the Working Group on its twenty-second and twenty-third sessions;<sup>25</sup>

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

15. *Also stresses* the importance of constructive engagement at the twenty-fourth session of the Working Group, which will continue its consideration, from its twenty-third session, of the draft convention on the right to development submitted by the Chair-Rapporteur of the Working Group, and requests the Chair-Rapporteur to submit a second revised draft convention to the Working Group at its twenty-fourth session for intergovernmental negotiation and, following that process, to submit the final draft text of the convention on the right to development to the Human Rights Council;

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

<sup>24</sup> E/CN.4/2002/28/Rev.1, sect. VIII.A.

<sup>25</sup> A/HRC/51/38 and A/HRC/51/39.

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

18. *Takes note with appreciation* of the report of and the thematic study conducted by the Expert Mechanism on the Right to Development,<sup>26</sup> requests the Expert Mechanism to continue to pay particular attention to the international dimension of the right to development, and how this aspect will make the practical implementation of the right to development effective at the international, regional and national levels, and looks forward to the preparation of commentaries on the articles of the Declaration on the Right to Development by the Expert Mechanism;

19. *Decides* to extend for a period of three years the mandate of Special Rapporteur on the right to development, in accordance with the terms set out by the Human Rights Council in its resolution 33/14 of 29 September 2016;

20. *Welcomes* the report of the Special Rapporteur,<sup>27</sup> and requests him to continue to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

21. *Also welcomes* the work of the Special Rapporteur, in particular the guidelines and recommendations on the practical implementation of the right to development submitted to the Human Rights Council at its forty-second session;<sup>28</sup>

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

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

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

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

26. *Takes note* of the report of the Office of the High Commissioner on the biennial panel discussion of the Human Rights Council on the right to development,<sup>29</sup> held at its forty-fifth session;

<sup>26</sup> [A/HRC/51/36](#) and [A/HRC/51/37](#).

<sup>27</sup> [A/HRC/51/30](#).

<sup>28</sup> [A/HRC/42/38](#).

<sup>29</sup> [A/HRC/48/22](#).

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

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

29. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda, to contribute further to the work of the Working Group and to cooperate with the High Commissioner, the Special Rapporteur and the Expert Mechanism in the fulfilment of their mandates with regard to the promotion and implementation of the right to development;

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

40th meeting  
6 October 2022

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

*In favour:*

Argentina, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan and Venezuela (Bolivarian Republic of)

*Against:*

Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Montenegro, Netherlands, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Abstaining:*

Armenia, Brazil, Marshall Islands, Mexico and Republic of Korea]

## 51/8. Arbitrary detention

*The Human Rights Council,*

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

*Reaffirming* articles 3, 9, 10 and 29 and other relevant provisions of the Universal Declaration of Human Rights,

*Recalling* articles 9 to 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

*Recalling also* Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, and Human Rights Council resolutions 6/4 of 28 September 2007, 10/9 of 26 March 2009, 15/18 of 30 September 2010, 20/16 of 6 July 2012, 24/7 of 26 September 2013, 33/30 of 30 September 2016 and 42/22 of 26 September 2019,

*Recalling further* General Assembly resolution 60/251 of 15 March 2006 on the Human Rights Council,

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

1. *Recognizes* that arbitrary detention is a violation of the right to liberty;



2. *Also recognizes* that persons who are unlawfully or arbitrarily deprived of their liberty are vulnerable to extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearances and other human rights violations and abuses, such as sexual and gender-based violence;

3. *Further recognizes* the right to legal assistance, the importance that such legal assistance be prompt and effective, and the paramount importance that detainee registers have in preventing instances of arbitrary deprivation of liberty;

4. *Stresses* the importance of the work of the Working Group on Arbitrary Detention;

5. *Takes note with interest* of the latest reports of the Working Group,<sup>30</sup> including the issues and recommendations contained therein;

6. *Requests* the States concerned to take account of the views of the Working Group and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken;

7. *Notes* the efforts of the Working Group to elaborate basic principles and guidelines on remedies and procedures on the right of anyone deprived of their liberty by arrest or detention to bring proceedings before a court;

8. *Encourages* all States:

(a) To give due consideration to the opinions and appeals of the Working Group;

(b) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with relevant international standards and the applicable international legal instruments;

(c) To respect and promote the right to legal assistance, and to ensure that such legal assistance is prompt and effective;

(d) To respect and promote the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and to be entitled to trial within a reasonable time or to be released;

(e) To respect and promote the right of anyone deprived of their liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful, in accordance with State's international obligations;

(f) To ensure that the right referred to in subparagraph (e) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(g) To ensure that anyone who is arrested or detained on a criminal charge has adequate time and facilities for the preparation of their defence, including the opportunity to engage and communicate with the counsel of their choice;

(h) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

(i) To provide guarantees with respect to any form of detention against unlawful or arbitrary deprivations of liberty;

(j) To ensure the maintenance of registers of persons deprived of liberty, and that they are made promptly available, upon request, to any judicial or other competent authority;

(k) To consider reviewing laws and practices that may give rise to arbitrary detention in line with recommendations of the Working Group;

(l) To give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized

<sup>30</sup> [A/HRC/45/16](#), [A/HRC/45/16/Add.1](#), [A/HRC/45/16/Add.2](#), [A/HRC/48/55](#), [A/HRC/51/29](#) and [A/HRC/51/29/Add.1](#).

Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders, and to ensure that human rights defenders, peaceful protesters, journalists and other media workers are not arbitrarily deprived of their liberty as a result of their activities, recognizing their role in safeguarding the prohibition of arbitrary deprivation of liberty, and in this regard to release all persons detained or imprisoned in violation of the obligations of States under international human rights law for exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, peaceful assembly and association, including in relation to cooperation with the United Nations or other international mechanisms in the area of human rights;

(m) To give due consideration to the specific challenges faced by women, in particular pregnant women and nursing mothers, children, persons with disabilities and older persons deprived of their liberty, and to redouble efforts to close the gap between international standards, including the United Nations Rules for Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules);

(n) To ensure that victims of arbitrary detention have an effective remedy, including, where appropriate, reparation;

9. *Also encourages* all States to cooperate with the Working Group and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

10. *Notes with concern* that a persistently large proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions, as well as to the communication of the same case pursuant to the regular complaint procedure;

11. *Encourages* the Working Group to, in accordance with its working methods, continue to provide the State concerned with relevant and detailed information concerning allegations of arbitrary detention in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the State concerned to cooperate with the Working Group;

12. *Notes with deep concern* that the Working Group has received increasing information about reprisals suffered by individuals who were the subject of an urgent appeal or opinion or who applied a recommendation of the Working Group, and calls upon the States concerned to take appropriate measures to prevent such acts and to combat impunity by bringing perpetrators to justice and by providing victims with appropriate remedies;

13. *Expresses* its profound thanks to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

14. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

15. *Decides* to extend the mandate of the Working Group on Arbitrary Detention for a further period of three years, in accordance with Commission on Human Rights resolutions 1991/42 and 1997/50 and Human Rights Council resolution 6/4;

16. *Notes* that the Working Group has been receiving an increasing number of submissions concerning allegations of arbitrary detention, and requests the Working Group to reduce and address the backlog of submissions, and continue to process all new cases in a timely and efficient manner so as to avoid future backlogs;

17. *Notes with concern* that, according to the Working Group, despite the adoption of a streamlined review process, it continues to have insufficient resources to exercise its mandate effectively, particularly in relation to human resources, of which there is an acute need, and requests the Secretary-General to provide the Working Group with all the assistance necessary for it to be able to effectively and sustainably fulfil its mandate, in particular by putting sufficient, assured and predictable human resources at its disposal;

18. *Decides* to continue its consideration of the question of arbitrary detention in conformity with its programme of work.

40th meeting  
6 October 2022

[Adopted without a vote.]

## **51/9. The safety of journalists**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

*Recalling* all General Assembly and Human Rights Council resolutions on the safety of journalists, in particular Assembly resolution 76/173 of 16 December 2021 and Council resolution 45/18 of 6 October 2020, as well as Council resolution 50/15 of 8 July 2022, on freedom of opinion and expression, and Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

*Recalling also* the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity and the important role of the network of focal points throughout the United Nations system in enhancing the safety of journalists and media workers,

*Welcoming* the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, including its role in monitoring developments in this area, awareness-raising and capacity-building,

*Taking note with appreciation* of the 2020 report of the Director General of the United Nations Educational, Scientific and Cultural Organization on the safety of journalists and the danger of impunity, as well as the Windhoek+30 Declaration,

*Welcoming* the work of the relevant special procedures of the Human Rights Council with regard to the safety of journalists, in particular the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and taking note of her recent report on reinforcing media freedom and the safety of journalists in the digital age,<sup>31</sup>

*Welcoming also* the initiatives taken by States, media organizations and civil society organizations relevant to the safety of journalists, and noting in this regard the establishment of the Media Freedom Coalition, the Freedom Online Coalition, the International Partnership on Information and Democracy, resulting from the Paris Peace Forum, the Safety of Journalists Coalition, the Journalism Trust Initiative, the Journalism Safety Research Network, the Freelance Journalist Safety Principles, and the International Declaration on the Protection of Journalists, presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

*Recognizing* the importance of freedom of expression and of free, independent, plural and diverse media, online as well as offline, in building and supporting the functioning of inclusive societies and democracies, an informed citizenry, the rule of law and participation in public affairs and in holding public institutions and officials accountable, including by exposing corruption,

*Mindful* that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of

<sup>31</sup> [A/HRC/50/29](#).

the essential foundations of a democratic society and one of the basic conditions for its progress and development,

*Underlining* that the right to freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, includes the right to seek, receive and impart information held by public authorities, subject only to any restrictions that fully comply with international law, and stressing the importance of access to information to the work of journalists and media workers and that they themselves also play a critical role in the enjoyment of this right,

*Recognizing* the current range of threats to the safety of journalists, media freedom and media pluralism, which include physical, psychological, legal, political, technological and economic threats,

*Recognizing also* the importance of public trust in and the credibility of journalism, in particular the challenges of maintaining media professionalism in an environment where new forms of media are constantly evolving, where targeted disinformation and smear campaigns to discredit the work of journalists are increasing and where the spread of disinformation is often facilitated and amplified by the algorithms of digital platforms, including social media platforms,

*Recognizing further* the importance of investigative journalism and that the ability of the media to investigate and to publish the results of their investigations, including on the Internet, without fear of reprisals, plays an important role in societies, including in contributing to holding public institutions and officials accountable or detecting cases of corruption, and in revealing human rights abuses by business enterprises,

*Expressing concern* about the ongoing and deepening threats to media diversity and independence as a result of, among other things, the shutting down of media resources under political pretexts, the significant reduction in advertising revenues for legacy media, the undermining of news production, especially local and investigative journalism, the increased concentration of media ownership, the political control over, and insufficient financial allocations to, public service media, the failure to develop community broadcasting sufficiently and ongoing attempts to exert control over the media, including through regulation,

*Underlining* that journalists and media workers serve a crucial function in times of crisis and that States must take active measures to ensure that individuals and communities are fully informed about the full scope that any threat poses to the lives and health of journalists and media workers, in order to make appropriate personal choices and decisions,

*Recognizing* the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

*Deeply concerned* that the work of journalists and media workers often puts them at specific risk of human rights violations and abuses, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, arbitrary expulsion, physical, sexual and gender-based violence, as well as intimidation, threats and harassment of all kinds, including by the targeting of their family members or arbitrarily raiding and searching their residences, which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

*Equally concerned* about incidents of the extraterritorial targeting of journalists and media workers, including killings, enforced disappearances, harassment and surveillance,

*Alarmed* at instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats, reprisals and violence against journalists and undermines public trust in the credibility of journalism,

*Alarmed also* at acts of intimidation and reprisal directed against foreign journalists and media workers, especially by political leaders, public officials and/or authorities through,

inter alia, the arbitrary and unwarranted denial of accreditation or visas in connection with their journalistic work,

*Recognizing* that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

*Deeply concerned* about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism and by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counter-extremism legislation, when not in conformity with international human rights standards,

*Expressing serious concern* at the rise of strategic lawsuits against public participation, including by business entities, to exercise pressure, intimidate or exhaust the resources and morale of journalists, and thereby stop them from performing their work, including on matters of public interest,

*Underlining* that any measure or restriction introduced under emergency measures must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration and be in accordance with the State's obligations under applicable international human rights law, and that the right to seek, receive and impart information requires that media freedom and the safety of journalists are protected during a state of emergency, including in the context of protests or during health crises,

*Deeply concerned* that the coronavirus disease (COVID-19) crisis had and still has significant implications for the work, health and safety of journalists and media workers, and in this regard concerned about the consequences of the economic impact of the pandemic, which increases the vulnerability of journalists and weakens media sustainability, independence and pluralism and worsens the risk of the spreading of misinformation and disinformation by limiting access to a wide range of reliable information and opinions,

*Alarmed* at threats against, arbitrary arrests, arbitrary detentions and enforced disappearances of, disproportionate and undue restrictions on access to information freedom of movement or accreditation for, and the censorship of, journalists and media workers linked to their reporting on the pandemic,

*Taking into account* that journalists may face specific risks in relation to their work owing to various forms of discrimination, such as but not limited to sex, race, religion, ethnicity, minority status, economic and socioeconomic status, disability, age or political affiliation,

*Deeply alarmed* at the specific risks faced by women journalists in relation to their work, and underlining in this context the importance of taking a gender-responsive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based discrimination, violence, including sexual and gender-based violence, threats, including threats of rape, intimidation, harassment, online gender-based harassment and abuse, including blackmailing with private content, inequality and gender-based stereotypes, to enable women to enter and remain in journalism on terms of equality and non-discrimination, while ensuring their greatest possible safety, and to ensure that the experiences and concerns of women journalists are effectively addressed,

*Recognizing* that online attacks against women journalists, including through targeted unlawful or arbitrary digital surveillance, are one of the serious contemporary threats to their safety,

*Expressing serious concern* at attacks and violence against journalists and media workers in situations of armed conflict, including the specific risks faced by women journalists in this context, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict are civilians under international humanitarian law and are to be protected as such, provided that they take no action adversely affecting their status as civilians,

*Expressing deep concern* at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

*Emphasizing* the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or the interception of communications, hacking, including government-sponsored hacking, malware, spyware, forced data handover or denial of service attacks to force the shutdown of particular media websites or services, in violation of their rights to privacy and to freedom of expression,

*Emphasizing also* that, in the digital age, encryption, pseudonymization and anonymity tools have become vital for many journalists to exercise freely 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,

*Recognizing* the important role that national human rights institutions can play in promoting and protecting human rights, including the right to freedom of expression, and in addressing human rights violations against journalists through monitoring, educating and awareness-raising activities, as well as through the examination of complaints, and recognizing further the contribution that national mechanisms for reporting and follow-up can play in the prevention of human rights violations against journalists,

*Emphasizing* the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in increasing the capacities of States in the field of human rights, including for preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

*Bearing in mind* that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

*Stressing* the need to conduct impartial, prompt, thorough, independent and effective investigations into human rights violations and abuses against journalists and media workers, including into whether those violations or abuses were connected with the journalistic work of the victim,

*Emphasizing* the crucial role of the judiciary, prosecution services and law enforcement officers in ensuring journalists' safety, access to justice and effective remedies and ensuring accountability for crimes and attacks against them, thereby contributing to upholding the rule of law,

*Stressing* the need for greater emphasis on prevention measures and the creation of enabling national legal frameworks consistent with the State's international human rights obligations and commitments to ensure a safe and enabling environment for journalists and media workers,

1. *Condemns unequivocally* all attacks, reprisals and violence against journalists and media workers, such as killings, torture, enforced disappearances, arbitrary arrests and arbitrary detention, expulsions, intimidation, threats and harassment, online and offline, including through attacks on or the forced closure of their offices and media outlets, in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the extraterritorial targeting of journalists and media workers, including killings, enforced disappearances, harassment and surveillance, and urges States to cease and/or refrain from such attacks or measures;

3. *Further condemns unequivocally* the specific attacks on women journalists and media workers in relation to their work, such as gender-based discrimination, sexual and gender-based violence, threats, intimidation and harassment, online and offline;

4. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

5. *Condemns unequivocally* measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or the dissemination of information online and offline, which undermine the work of journalists in informing the public, including through practices such as Internet shutdowns or measures to unlawfully or arbitrarily restrict, block or take down media websites, such as denial of service attacks, and calls upon all States to cease and refrain from these measures, which cause irreparable harm to efforts aimed at building inclusive and peaceful knowledge societies and democracies;

6. *Expresses concern* about the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the rights to privacy and to freedom of expression, and so as to spread hatred, racism, xenophobia, negative stereotyping or stigmatization and to incite violence, discrimination and hostility, and emphasizes the important contribution by journalists in countering this trend;

7. *Stresses* the importance of the full respect for the right to seek, receive and impart information, as included in the right to freedom of opinion and expression, and in this regard the freedom of journalists to have access to information held by public authorities and the right of the general public to receive media output, and that the safety of journalists and media workers is indispensable to ensuring these rights;

8. *Urges* political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, or using misogynist or any discriminatory language towards women journalists, thereby undermining trust in the credibility of journalists and respect for the importance of independent journalism;

9. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearance;

10. *Underlines* the importance of providing for an enabling environment for the work of civil society organizations, as they play a vital role in enhancing the safety and security of journalists and media workers;

11. *Calls upon* States:

(a) To bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary repeal or amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

(b) To establish prevention mechanisms, such as an early warning and rapid response mechanism, and to give journalists and media workers, when threatened, immediate access to authorities that are competent and adequately resourced to provide effective protective measures;

(c) To ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged cases of violence, threats and attacks against journalists and media workers falling within their jurisdiction, including by following and exhausting lines of enquiry that determine whether violence, threats and attacks result from the journalistic activities of the victims, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate restitution, compensation and assistance;

(d) To develop and implement strategies for combating impunity for attacks and violence against journalists, including by (i) creating special investigative units or independent commissions; (ii) appointing a specialized prosecutor; (iii) adopting specific protocols and methods of investigation and prosecution that are in line with States' obligations under international law, gender-responsive and take into account relevant international human rights standards; (iv) considering the designation of a government focal point to coordinate policies and liaise with other relevant stakeholders on the issue of the safety of journalists;

(e) To ensure that measures to combat terrorism and preserve national security, public order or health are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention or the threat thereof;

(f) To support capacity-building, training and awareness-raising in the judiciary and among law enforcement officers and military and security personnel, as well as among media organizations, journalists and members of civil society, regarding States' international human rights and international humanitarian law obligations and commitments relating to the safety of journalists;

(g) To take into account the specific role, exposure and vulnerability of journalists and media workers observing, monitoring, recording and reporting protests and assemblies, and the need to protect their safety, even if a protest has been declared unlawful or is dispersed;

(h) To ensure that defamation and libel laws are not misused, in particular through criminal sanctions, to illegitimately or arbitrarily censor journalists and interfere with their mission of informing the public, and where necessary to revise and repeal such laws, in compliance with States' obligations under international human rights law;

(i) To take measures to protect journalists and media workers from strategic lawsuits against public participation, where appropriate, including by adopting laws and policies that prevent and/or alleviate such cases and provide support to victims;

(j) To protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided for in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

(k) To adopt and implement transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities, including online, and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations that comply with international human rights law;

(l) To refrain from interference with the use of technologies such as encryption and anonymity tools, and from employing unlawful or arbitrary surveillance techniques, including through hacking;

(m) To ensure that targeted surveillance technologies are only used in accordance with the human rights principles of lawfulness, legitimacy, necessity and proportionality, and that legal mechanisms of redress and effective remedies are available for victims of surveillance-related violations and abuses;

(n) To promote the availability and accessibility of the broadest possible diversity of media content and the representation of the whole diversity of society in the media, in this regard to do their utmost to reduce the economic and socioeconomic vulnerability of journalists, and to address the financial viability of media organizations, in particular local news media;

(o) To cooperate with journalists, the media and civil society organizations to assess the damage that the COVID-19 pandemic was and still is inflicting on the provision of vital information to the public and the sustainability of media environments, and to consider, wherever possible, devising appropriate mechanisms to provide financial support to the media, including local journalism and investigative reporting, and to ensure that support is given without compromising editorial independence;

(p) To take measures to prevent sexual harassment and other forms of sexual and gender-based violence, including threats, threats of rape, intimidation and harassment against women journalists, to encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures, to provide adequate support, remedy, reparations and compensation for victims, including psychological support as part of broader efforts to



promote and protect the human rights of women, to eliminate gender inequality and to tackle gender-based stereotypes in society, and to prohibit incitement to hatred against women journalists, online and offline, and other forms of abuse and harassment through relevant policy and legal measures that comply with international human rights law;

(q) To give full support for and to raise public awareness of the importance of independent, plural and diverse media, inter alia, by government representatives publicly, unequivocally and systematically condemning violence, intimidation, threats and attacks against journalists and media workers and refraining from verbally attacking or discrediting journalists or inciting hatred against them or distrust towards independent journalists;

(r) To establish or enhance information-gathering and monitoring mechanisms, such as databases, including by benefiting from data collected by media and/or civil society organizations, to permit the collection, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against journalists, and to do their utmost to make data, in accordance with Sustainable Development Goal indicator 16.10.1, available to relevant entities, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization;

(s) To provide for an enabling environment for civil society organizations to contribute to monitor and report cases of violence against the media and other infringements of freedom of expression, to provide assistance to journalists and media workers against wrongful prosecutions, and to advocate for crimes against them to be properly investigated and, where appropriate, for improvement of legal frameworks governing an enabling environment for journalists and media workers;

(t) To implement all recommendations accepted in the context of the universal periodic review relating to the safety of journalists and media freedom, in consultation with relevant stakeholders;

(u) To integrate the issue of the safety of journalists and media freedom and access to information into national development frameworks under the 2030 Agenda for Sustainable Development;

(v) To consider developing national action plans or similar measures, where appropriate, to improve the safety of journalists;

(w) To ensure better internal coordination and sharing of information, in particular within and between relevant ministries, law enforcement and the judiciary at the local and national levels;

(x) To sign, ratify and implement more effectively the international and regional human rights instruments relevant to the safety of journalists and media workers, and to implement relevant resolutions adopted by United Nations bodies and regional intergovernmental organizations and the recommendations made by the treaty bodies, the special procedures of the Human Rights Council and in the context of the universal periodic review relating to the safety of journalists;

12. *Also calls upon* States to encourage journalists and media workers to report threats and attacks against them to the relevant authorities or agencies or through relevant platforms, at the national level, as well as at the regional and international levels, including to the relevant special procedures of the Human Rights Council;

13. *Recognizes* the important contribution of the promotion and protection of the safety of journalists in the realization of target 16.10 of the Sustainable Development Goals;

14. *Emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, in particular for journalists on dangerous assignments, together with protective equipment and insurances, where necessary;

15. *Stresses* that there is the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special

procedures of the Human Rights Council, the treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

16. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, States Members of the United Nations and all relevant stakeholders, when applicable and in the scope of their mandates, to actively exchange information and enhance cooperation, including, where appropriate, through the United Nations network of focal points on the safety of journalists and the issue of impunity and, at the local level, with United Nations country teams, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, the Office of the High Commissioner, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

17. *Invites* all relevant special procedure mandate holders of the Human Rights Council to continue and strengthen their work and cooperation relating to the issue of the safety of journalists and impunity;

18. *Encourages* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

19. *Also encourages* States to continue to address the issue of the safety of journalists through the universal periodic review mechanism;

20. *Invites* States, the Director-General of the United Nations Educational, Scientific and Cultural Organization, the United Nations High Commissioner for Human Rights and all other relevant stakeholders to take the opportunity of the tenth anniversary of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity to strengthen the implementation of the Plan of Action over the next decade by, inter alia, strengthening multi-stakeholder partnerships and coalition-building and by fostering a coherent and comprehensive policy approach that encompasses the three pillars of prevention, protection and prosecution;

21. *Requests* the High Commissioner to organize, before the fifty-fourth session of the Human Rights Council, a one-day expert seminar on legal and economic threats to the safety of journalists, in consultation with all relevant stakeholders, and to prepare a summary report thereon, and to submit it to the Council at its fifty-fifth session;

22. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.

*41st meeting  
6 October 2022*

[Adopted without a vote.]

## **51/10. Countering cyberbullying**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and all other relevant human rights treaties and instruments,

*Reaffirming also* the Convention on the Rights of the Child and that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein, and emphasizing that the Convention

constitutes the international legal foundation for the respect, protection and fulfilment of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention,

*Reaffirming further* that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

*Recalling* the resolutions adopted by the General Assembly on protecting children from bullying, as well as other relevant resolutions adopted by the Assembly and the Human Rights Council,

*Welcoming* the work of the Committee on the Rights of the Child on the issue of countering cyberbullying, and taking note of the Committee's general comments, in particular general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and general comment No. 25 (2021) on children's rights in relation to the digital environment,

*Welcoming also* the relevant work of the Committee on the Rights of Persons with Disabilities, in particular on awareness-raising and respect for diversity, and taking note of the Committee's general comment No. 4 (2016) on the right to inclusive education, in which it stressed the importance of implementing awareness-raising initiatives to address stigma and discrimination, in particular bullying in educational settings,

*Recalling* the United Nations Declaration on Human Rights Education and Training, the United Nations Educational, Scientific and Cultural Organization Declaration of Principles on Tolerance, the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education and resolution 67 of the International Telecommunication Union on the role of the Telecommunication Development Sector in child online protection,

*Welcoming* the 2030 Agenda for Sustainable Development in its entirety, especially the Sustainable Development Goals and targets aimed at ending abuse, exploitation, trafficking and all forms of violence against and torture of children, including sexual and gender-based violence, and at building and upgrading education facilities that are child-, disability- and gender-sensitive, and provide safe, non-violent, inclusive and effective learning environments for all children, and underscoring the importance of its implementation for ensuring the enjoyment of the rights of the child,

*Recalling* the proclamation of the International Day against Violence and Bullying at School, including Cyberbullying, by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fortieth session, which is to be observed on the first Thursday of November every year,

*Acknowledging* international, regional and local relevant initiatives taken and efforts made to prevent and address cyberbullying, and welcoming the work of the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the Special Representative of the Secretary-General on Violence against Children on the issue of countering cyberbullying,

*Recognizing* the need to foster a policy of zero tolerance of all forms of violence against children in the digital environment, in a manner consistent with States' obligations under international human rights law,

*Recognizing also* that bullying, including cyberbullying, can take both direct and indirect forms, from acts of physical, verbal, sexual and relational violence or aggression to social exclusion, including from peer to peer, which can inflict physical, psychological and social harm, and that, although rates differ from country to country, bullying, online or in person, has a negative impact on the fulfilment of the rights of the child and is among children's main concerns, affecting a high percentage of children and compromising their health, emotional well-being and academic work, and acknowledging the need to prevent and eliminate bullying among and of children,

*Recognizing further* that cyberbullying may be understood as an intentional act carried out by an individual or a group using electronic forms of contact against victims, which is

typically carried out repeatedly and over time and is often characterized by a power differential,

*Recognizing* that cyberbullying can cause significant developmental disruption in children and profound harm, that victims, in particular children, commonly experience anxiety, fear, distress, confusion, anger, insecurity, lowered self-esteem, a strong sense of shame and even suicidal thoughts and that cyberbullying can be perpetrated at a greater magnitude, speed and pervasiveness than bullying offline,

*Recognizing also* that children may be subjected to multiple and intersecting forms of discrimination and violence, including discrimination related to race, age, gender, disability, health status, descent, national or ethnic origin, migration status, religion, economic and social background or other status,

*Noting with concern* that children who are in vulnerable or marginalized situations, who face stigmatization, discrimination or exclusion, are disproportionately affected by bullying, both in person and online,

*Recognizing* that cyberbullying often includes a gender dimension and is associated with sexual and gender-based violence and stereotyping that negatively affects all children,

*Reaffirming* the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of other human rights, including the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

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

*Recognizing also* that children with disabilities may be particularly exposed to online risks, including cyberbullying, and that there is a need to take steps to ensure that the digital environment, including safety information, protective strategies, services and forums relating to it, are accessible and safe, bearing in mind the importance of countering prejudice that might lead to overprotection or exclusion,

*Recognizing further* that racism, racial discrimination, xenophobia and related intolerance have a deep negative impact on the enjoyment of human rights and therefore require a comprehensive response, both online and offline, which can contribute to the prevention and elimination of all forms of violence and harassment, including in digital contexts, such as cyberbullying,

*Expressing concern* regarding children's risk of exposure to all forms of violence and harassment, online and offline, inter alia, cyberbullying, sexual harassment, child sexual exploitation and abuse, hate speech, stigmatization, racism, xenophobia and discrimination,

*Stressing* that countering cyberbullying should be based upon existing international legal obligations, including international human rights law, as well as relevant commitments, and should not encourage undue interference with an individual's human rights,

*Recognizing* the State's responsibility to ensure children's protection and care as is necessary for their well-being, taking into account the rights and duties of their parents, legal guardians or other persons legally responsible for them, and to this end to take all appropriate legislative and administrative measures to address all forms of violence against children, including cyberbullying,

*Acknowledging* the distinct and important roles that parents, legal guardians, schools, civil society, sports associations, communities, State institutions and traditional and non-traditional media can play in contributing to securing children's protection from the risks associated with bullying, including cyberbullying, by promoting children's online safety,

*Acknowledging also* that children are uniquely placed to offer effective solutions and responses to cyberbullying, and underlining that children's participation and their contributions, including their views and recommendations, therefore need to be at the centre of efforts to prevent and address cyberbullying and that their effective and meaningful participation is critical to a clear understanding of cyberbullying and its impact in order to effectively address it,

*Recognizing* the importance of prevention in ensuring safe online and information and communications technology environments for children, while protecting them against arbitrary or unlawful interference with their rights to privacy, to seek, receive or impart information, to education, to participation and to the freedoms of expression and of association, and recognizing also that prevention measures and approaches should involve key actors, including Governments, parents, civil society, organizations of persons with disabilities, industry, especially technology enterprises and those related to social media, schools, children, academia, competent authorities and relevant actors, community-based organizations and the general public,

*Recognizing also* that children exercising their right to education, including through the use of digital technologies, should not have their safety affected and should be protected from all violation or abuse of their right to privacy, and in this regard emphasizing that efforts to expand connectivity and digital learning and bridging the digital divides should give special regard to the protection and empowerment of children,

1. *Affirms* that human rights and fundamental freedoms must be protected, online and offline, with special regard for the rights of the child;

2. *Acknowledges* the importance of ensuring appropriate safeguards and human oversight in the application of new and emerging digital technologies and of respecting and promoting human rights, with the best interests of the child as a primary consideration, to guide relevant regulatory frameworks and legislation, and safeguards on the conception, design, use, development, further deployment and impact assessments of new and emerging digital technologies, while ensuring the meaningful participation of all stakeholders, including States, children's organizations and children themselves, parents, legal guardians and family members, the private sector, academia, civil society and organizations of persons with disabilities;

3. *Calls upon* States:

(a) To continue to take all appropriate measures to prevent and protect children from all forms of discrimination and violence, including in digital contexts, in particular cyberbullying, by promptly responding to it, and to provide appropriate support to victims affected by and involved in cyberbullying;

(b) To establish well-trained and well-resourced bodies in charge of preventing, countering and addressing the adverse effects of cyberbullying, or strengthen such units if they already exist, and to provide them with adequate financial support and capacity-building and specialist training opportunities;

(c) To promote inclusive, comprehensive and quality education and education opportunities for all children, without discrimination of any kind, to foster, inter alia, digital literacy and the technical skills required to effectively protect their privacy;

(d) To continue to promote and invest in education, including human rights education, as a long-term and lifelong process, through which everyone learns equality, non-discrimination, non-violence, tolerance, inclusion and respect for the dignity of others and the means and methods of ensuring such respect in all societies, including in digital contexts;

(e) To generate and analyse statistical information and data disaggregated by gender, age, disability, race, socioeconomic status, national or ethnic origin and other characteristics relevant in national contexts, with regard to the problem of cyberbullying, as a basis upon which to elaborate and promote effective evidence-based public policies;

(f) To integrate online protection into national child protection policies, and to adopt and strengthen, as appropriate, clear and comprehensive measures, including where relevant legislation, that seek to prevent and protect children from cyberbullying;

(g) To provide for safe, child- gender- and disability-sensitive counselling and reporting procedures, within and outside of schools, and safeguards for the rights of affected children, including considering the empowerment of a public authority to receive complaints regarding cases of cyberbullying and to intercede with content hosts to have the relevant material promptly removed;

(h) To ensure a clear and predictable legal and regulatory environment, which requires information and communications technology and other relevant industries to respect the rights of the child and which strengthens regulatory agencies' responsibility for the development of standards for the protection of the rights of the child;

(i) To involve and provide children with the opportunity to inclusively and meaningfully participate in the development of initiatives to prevent and address cyberbullying, including available support services and safe, accessible, age- and child-sensitive, confidential and independent counselling and reporting mechanisms;

(j) To guide children in promoting inclusive and responsible digital behaviour, and to inform them of available mental and physical health-care services and procedures in place to support them, where they exist, while encouraging the making of such support services available, to the extent possible;

(k) To adopt and implement sustained and inclusive child-empowering non-formal and formal education programmes, providing children, parents, caregivers, teachers and other professionals working with and for children with basic skills relating to digital literacy, notably information and training on the online environment and its safe use, benefits and risks, in order to increase their awareness and capacity to adopt online coping strategies, including the identification, blocking and reporting of bullies, and to support children's resilience, including by involving children, former victims, parents, civil society, schools, academia and relevant industries;

(l) To continue to share national experiences and best practices for preventing and tackling cyberbullying and addressing its adverse effects;

4. *Recognizes* that the responsibility to respect the rights of the child also applies to private actors and business enterprises, and in particular encourages private actors in the Internet sector who provide or operate services across domestic jurisdictions to adhere to the highest available international standards for safety-, privacy- and security-by-design, in particular for children, and to continue to take part in international multistakeholder efforts to raise awareness and empower children about online risks and to prevent and counter cyberbullying;

5. *Welcomes* the continued collaboration of the Special Representative of the Secretary-General on Violence against Children with human rights bodies and mechanisms, within their respective mandates, including the special procedures of the Human Rights Council, in order to support efforts to prevent and address all forms of violence against children, such as cyberbullying, in all settings;

6. *Decides* to convene a panel discussion on cyberbullying against children at its fifty-fourth session, inviting States, civil society organizations, including children's organizations, United Nations agencies, the private sector, academia and other relevant stakeholders, ensuring participation of children themselves, to address the implementation of the obligations of States under relevant provisions of international human rights law and to discuss challenges and best practices in this regard, and to make it fully accessible;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a written report, and make it available in an accessible and Easy Read format, on countering cyberbullying against persons with disabilities, identifying recent trends and challenges, as well as applicable human rights principles, safeguards and best practices, and to present the report to the Human Rights Council at its fifty-sixth session;

8. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned report, to consider the outcomes of the panel discussion and to closely cooperate with all relevant stakeholders, including States, international and regional organizations, relevant special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations offices, agencies, funds and programmes, within their respective mandates,

national human rights institutions, civil society, in particular persons with disabilities and their representative organizations, the private sector and academia;

9. *Requests* that the contributions to the report be submitted in an accessible format, and that such stakeholder contributions and the report itself and an Easy Read of them be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the presentation to the Human Rights Council;

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

41st meeting  
6 October 2022

[Adopted without a vote.]

## **51/11. Promotion of a democratic and equitable international order**

*The Human Rights Council,*

*Recalling* all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order,

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

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

*Reaffirming* the determination to work for the dignity and worth of the human person and for the equal rights of men and women and of nations large and small,

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

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

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

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

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

*Reaffirming* 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,

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

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

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

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

*Reiterating* the importance of a democratic and equitable international order for effectively and promptly addressing the current global challenges and crises, aggravated by the coronavirus disease (COVID-19) pandemic,

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

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

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

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

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

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

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

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

(d) The right of all peoples to peace;

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

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



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

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

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

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the digital gap and inequalities in the flow of information to and from developing countries;

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

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

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

(n) The enjoyment by everyone of ownership of the common heritage of 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 and addressing threats to international peace and security, that should be exercised multilaterally;

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

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity and mutual understanding, and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance, as well as on hate speech and supremacist ideologies;

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

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

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

accelerating economic and social development and peace and justice for present and future generations;

11. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;<sup>32</sup>

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

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

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

15. *Invites* the Independent Expert, in accordance with his mandate, to study and compile good practices and experiences in the field of South-South, North-South and triangular cooperation in the context of their contribution to overcoming global challenges and the achievement of a democratic and equitable international order, in close cooperation with relevant United Nations entities, academia, think tanks and research institutes, particularly the South Centre, and other relevant stakeholders from all regions;

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

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

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

*41st meeting  
6 October 2022*

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

*In favour:*

Argentina, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan and Venezuela (Bolivarian Republic of)

*Against:*

Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Abstaining:*

Armenia, Brazil, Marshall Islands and Mexico]

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

## 51/12. Local government and human rights

*The Human Rights Council,*

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

*Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,*

*Recalling also Human Rights Council resolutions 24/2 of 26 September 2013, 27/4 of 25 September 2014, 33/8 of 29 September 2016, 39/7 of 27 September 2018 and 45/7 of 6 October 2020 on local government and human rights,*

*Recalling further General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development and States' commitments to working tirelessly for the full implementation of the Agenda by 2030 at all levels, and recalling also Assembly resolution 71/256 of 23 December 2016 on the New Urban Agenda,*

*Underscoring the significant contribution that local governments make to the implementation of the Sustainable Development Goals and their targets, including with regard to the promotion and protection of human rights, as key actors in localizing the commitments set out in the 2030 Agenda, including through self-assessments, regional and international networks and local strategies,*

*Bearing in mind that the Sustainable Development Goals are integrated and indivisible, balance the three dimensions of sustainable development – economic, social and environmental – and are aimed at realizing the human rights of all and at achieving gender equality and the empowerment of all women and girls,*

*Bearing in mind also that human rights and fundamental freedoms are the birth right of all human beings, and that their protection and promotion is the first responsibility of Governments,*

*Recognizing the role of local government in the promotion and protection of human rights, without any prejudice to the primary responsibility of the national Government in this regard,*

*Recognizing also that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned,*

*Recognizing further that, given its proximity to people and being at the grass-roots level, one of the important functions of local government is to provide public services that address local needs and priorities related to the realization of human rights at the local level,*

*Acknowledging that taking a whole-of-government approach and a whole-of-society approach is conducive to ensuring respect for and protection and fulfilment of human rights at all levels, and in this regard emphasizing the need for greater clarity in the distribution of responsibilities and strengthened institutional cooperation and coordination between national and local governments to implement international human rights obligations effectively at all levels of the State,*

*Bearing in mind that State authorities at all levels should be guided by the following non-exhaustive principles to ensure the protection and promotion of human rights at the local level: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; and accountability and the rule of law,*

*Emphasizing the importance of upholding human rights in shaping response and recovery efforts during and after the coronavirus disease (COVID-19) pandemic, which has a disproportionate impact on persons in vulnerable and marginalized situations, and in this regard acknowledging the essential role of local governments in ensuring a human rights-compliant response to the COVID-19 pandemic at the local level,*

*Acknowledging the role of local government in preventing and reducing inequalities and protecting the rights of persons in vulnerable and marginalized situations from discrimination by developing and implementing local laws, policies and programmes, such*

as action plans, human rights impact assessments and mechanisms for monitoring human rights strategies that are based on States' obligations under international human rights law,

*Noting with concern* that local governments may face a variety of challenges to fulfilling their role for the promotion and realization of human rights owing to, among other things, a lack of resources, awareness and a framework for their work on human rights,

*Underlining* that the promotion of a human rights culture within public services and public servants' knowledge, training and awareness play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

*Underlining also* that enhanced efforts are needed to build the capacity of local government officials and local actors with respect to the promotion of human rights, including on ways to incorporate human rights protection into all levels of governance through targeted programmes, which may include training, awareness-raising and the provision of guidance tools,

*Emphasizing* that protecting civic space and providing an enabling environment for civil society participation are essential to promote and protect human rights and to ensure the effectiveness, transparency, accountability and sustainability of the work of local governments, while recognizing that States and local governments should take appropriate action to empower, including through capacity-building, civil society representatives to effectively exercise the right to participate in public affairs and to engage meaningfully with local governments on human rights issues, while respecting the local and national legal frameworks,

*Recognizing* that, despite improvements in several States, in some instances local stakeholders can face challenges in participating in local government programmes,

*Recognizing also* the constructive role of local governments in and their contribution to the strengthening of national mechanisms for implementation, reporting and follow-up, and encouraging their continued participation in and contribution to these mechanisms,

*Noting* relevant international and regional initiatives to promote human rights at the local level and the role of local governments in the implementation of such initiatives,

*Noting also* that local governments are increasingly connected with the United Nations system and regional organizations, in particular with their human rights mechanisms, including through the universal periodic review, the treaty bodies, the special procedures and the forums mandated by the Human Rights Council,

*Taking note* of the Secretary-General's Call to Action for Human Rights, which encourages international human rights mechanisms, including the universal periodic review, the treaty bodies and the special procedures, to contribute to the implementation of the Sustainable Development Goals and their targets, inter alia with regard to the promotion and protection of human rights, particularly at the national and local levels,

*Recalling* General Assembly resolution 76/6 of 15 November 2021 on the follow-up to the report of the Secretary-General entitled "Our Common Agenda" that recognizes the role of local governments in a more inclusive multilateralism, which includes voluntary local reviews of Sustainable Development Goals implementation as a model on which to build,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council pursuant to its resolution 45/7, in which the High Commissioner examined the role of local governments and the challenges faced in the promotion and protection of human rights, including in relation to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations to ensure that no one is left behind, and possible elements of principles guiding local and national governments in this regard;<sup>33</sup>

2. *Encourages* local governments to ensure the participation of local stakeholders in local government activities and in public affairs, and an enabling, inclusive, accessible and

<sup>33</sup> [A/HRC/51/10](#).

safe environment for civil society participation, and to promote interaction and exchanges of knowledge with local stakeholders, including local civil society, in the formulation and implementation of local government programmes in efforts to promote and protect human rights at the local level;

3. *Also encourages* local governments, in cooperation with the national Government, to guarantee protection against discrimination and equal access to political participation at the local level, especially for women;

4. *Encourages* States to promote the engagement of local governments in the work of regional and international human rights mechanisms and in implementing relevant recommendations, including in the preparation of State submissions for the universal periodic review and in follow-up thereto, in reviews by the treaty bodies of States and in the work of the special procedures of the Human Rights Council, in particular during country visits;

5. *Also encourages* States to provide local governments with adequate financial resources and technical capacities to fulfil their human rights responsibilities;

6. *Invites* relevant United Nations agencies, funds and programmes, regional human rights mechanisms, national human rights institutions, civil society representatives and other stakeholders to cooperate with local governments to support them, including through capacity-building, in discharging their human rights responsibilities;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to convene a one-day expert meeting, in a hybrid format and fully accessible to persons with disabilities, prior to the fifty-fourth session of the Human Rights Council, on enhancing capacity-building for local governments to incorporate human rights into all their work, as a basis for developing guidance tools on human rights education for local governments, and to submit a report thereon, reflecting the discussions held and identifying areas of priority or concern for consideration of further follow-up action, including in an accessible and easy-to-read format, to the Council at its fifty-sixth session;

8. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned expert meeting and report, to seek input from experts from diverse geographic regions, including from States and local governments, relevant intergovernmental organizations, United Nations agencies, funds and programmes, including the United Nations Human Settlements Programme (UN-Habitat), and relevant special procedures, the Human Rights Council Advisory Committee, the treaty bodies, national human rights institutions and civil society representatives, including relevant local government networks and non-governmental organizations;

9. *Invites* the Office of the High Commissioner to continue to support local governments, upon request, in discharging their human rights responsibilities, including by providing guidance and capacity-building, and to continue research on local government and human rights, including on good practices, key challenges, and principles to guide local and national governments in the promotion of human rights;

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

*41st meeting  
6 October 2022*

[Adopted without a vote.]

### **51/13. Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

*The Human Rights Council,*

*Recalling* all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject,

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

Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

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

*Reiterating* the request to all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries,

1. *Decides* to extend for a period of three years the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, for it to continue its work<sup>34</sup> in accordance with Human Rights Council resolution 7/21 of 28 March 2008, and other relevant resolutions;

2. *Calls upon* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate;

4. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant actors, including civil society organizations, in the implementation of the present resolution, and to report its findings to the Human Rights Council and the General Assembly in accordance with their programmes of work;

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

*41st meeting  
6 October 2022*

[Adopted by a recorded vote of 28 to 15, with 4 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Paraguay, Qatar, Senegal, Sudan, United Arab Emirates, Uzbekistan and Venezuela (Bolivarian Republic of)

*Against:*

Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Abstaining:*

Brazil, Kazakhstan, Mexico and Somalia]

## **51/14. The role of prevention in the promotion and protection of human rights: the rule of law and accountability**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and the obligations of States thereunder to promote universal respect for and observance of human rights and fundamental freedoms,

*Reaffirming also* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and

<sup>34</sup> See [A/HRC/51/25](#).

Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, and the outcomes of major United Nations conferences,

*Recalling* its resolutions 14/5 of 17 June 2010, 18/13 of 29 September 2011, 24/16 of 27 September 2013, 33/6 of 29 September 2016 and 42/6 of 26 September 2019, and its resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011, and other relevant resolutions adopted by the Human Rights Council and the General Assembly,

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

*Expressing concern* at the continued violations and abuses of human rights and violations of international humanitarian law around the world, and stressing the need for enhanced efforts to prevent these violations and abuses and to ensure accountability and justice,

*Recalling* the role of the Human Rights Council in the prevention of human rights violations, and that its work should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, in accordance with General Assembly resolution 60/251 of 15 March 2006,

*Noting* that, in its resolution 45/31 of 7 October 2020, the Human Rights Council urged all its mechanisms to integrate prevention into their work and, where appropriate, into their reporting, in accordance with their respective mandates,

*Recognizing* that prevention can encompass measures that, inter alia, address root causes, focus on a rapid response to the earliest indicators, aim to minimize harm once a human rights situation has escalated, focus on minimizing future threats and aim to prevent human rights violations and abuses over the longer term,

*Reaffirming* that human rights, the rule of law and democracy are interlinked and mutually reinforcing, and that they belong to the universal and indivisible core values and principles of the United Nations,

*Recognizing* that effective prevention requires respect for the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and are consistent with international human rights law,

*Recognizing also* that accountability for violations and abuses of human rights is crucial for upholding the rule of law, and that impunity facilitates the recurrence of such violations and abuses,

*Reaffirming* that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence, and that accountability for such crimes is an important factor in their prevention,

1. *Affirms* the importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights;
2. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations and abuses;
3. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations and abuses, including by, inter alia:
  - (a) Considering ratifying international human rights conventions and covenants;
  - (b) Fully implementing international human rights conventions and covenants to which they are party;
  - (c) Enhancing and developing good governance, democratic systems, the rule of law and accountability;
  - (d) Adopting policies to ensure the enjoyment of all human rights, including civil, political, economic, social and cultural rights;

- (e) Addressing all forms of discrimination, including racial discrimination and discrimination against women and girls;
  - (f) Addressing factors, inter alia inequality and poverty, that may lead to situations in which human rights violations and abuses are committed;
  - (g) Promoting freedom of opinion and expression, and freedom of peaceful assembly and of association;
  - (h) Promoting and protecting a safe and enabling environment for human rights defenders and a free and active civil society;
  - (i) Promoting and protecting the safety of journalists and media workers;
  - (j) Ensuring, where they exist, strong and independent national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
  - (k) Addressing violence in all its forms and manifestations, including sexual and gender-based violence;
  - (l) Promoting human rights education and training;
  - (m) Ensuring an independent and functioning judiciary;
  - (n) Fighting corruption;
4. *Affirms* the primary responsibility of States to strengthen rule of law institutions and to provide effective frameworks for all prevention efforts, including those of civil society actors, academics and national human rights institutions in fulfilling their monitoring, reporting and advocacy functions;
5. *Reiterates* that States have the primary responsibility to respect and protect human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for crimes involving violations and abuses of human rights, and violations of international humanitarian law, and to provide an effective remedy to any person whose rights have been violated, such as guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice;
6. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations and the promotion of the rule of law;
7. *Continues* to invite national human rights institutions to consider addressing the issue of the role of prevention in the promotion and protection of human rights in the framework of relevant international and regional forums;
8. *Welcomes* the role of civil society in contributing to the promotion of human rights and the prevention of human rights violations;
9. *Encourages* all United Nations human rights mechanisms to accord high priority to rule of law activities;
10. *Stresses* the need to bring to justice perpetrators of the crime of genocide, war crimes and crimes against humanity as a significant contribution towards the promotion of a culture of prevention;
11. *Emphasizes* the importance of transitional justice in breaking the cycles of violence and of the most serious crimes, delivering a sense of justice to victims and survivors and prompting examinations of deficiencies that may have enabled those cycles;
12. *Recognizes* the preventive role of the International Court of Justice, the International Criminal Court and other international judicial institutions that are part of a multilateral system through their contribution to upholding the rule of law and ensuring accountability;
13. *Acknowledges* that, in its resolution 60/251, the General Assembly decided that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;



14. *Commits* to assessing impartially and transparently situations of human rights violations and abuses, including where it aids accountability;

15. *Acknowledges* the role that the investigative bodies of the Human Rights Council can play in non-recurrence of human rights violations and abuses;

16. *Also acknowledges* the importance of the universal periodic review as a cooperative mechanism of the Human Rights Council aimed at, inter alia, improving human rights situations on the ground and the fulfilment of the State's human rights obligations and commitments, based on the principle of promoting the universality, interdependence, indivisibility and interrelatedness of all human rights;

17. *Further acknowledges* that technical assistance and capacity-building in the field of human rights with the consent of the country concerned may contribute to the prevention of human rights violations and abuses;

18. *Recognizes* the particular importance of the role played by the system of special procedures as a tool in preventing human rights violations and abuses by, inter alia, monitoring, reporting and/or making recommendations to States and other stakeholders, and reaffirms the importance of upholding the independence of the special procedures, in accordance with Human Rights Council resolution 5/2;

19. *Invites* the special procedures, in accordance with their mandates, to continue to identify and incorporate practical approaches to the prevention of human rights violations and abuses in their assessments and recommendations, and to explore further ways to contribute to enhancing cooperation of United Nations actors towards better achieving the preventive mandate of the United Nations system;

20. *Stresses* the need to develop further the concept of the prevention of human rights violations and to step up efforts to raise awareness of prevention in the promotion and protection of human rights in order to encourage its reflection in relevant policies and strategies at the national, regional and international levels;

21. *Recognizes* the need for further research to assist States, at their request, and other stakeholders to understand and mainstream the role of prevention in the promotion and protection of human rights;

22. *Continues* to encourage the United Nations High Commissioner for Human Rights, on the basis of consultation with States, relevant regional organizations, national human rights institutions and other relevant stakeholders, to inform the Human Rights Council on a regular basis on the practical applications of prevention in the promotion and protection of human rights;

23. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses,<sup>35</sup> and requests the Office of the High Commissioner to continue to compile and analyse the positive impact of the work of the special procedures in this regard;

24. *Requests* the Office of the High Commissioner to prepare a study on the role of the rule of law and accountability on the national and international levels in the prevention of human rights violations and abuses, and to present it to the Human Rights Council at its fifty-seventh session;

25. *Encourages* the Office of the High Commissioner to continue to gather information and research for further preparation of a practical toolkit to support States and other stakeholders in the practical application of prevention in the promotion and protection of human rights;

26. *Decides* to continue its consideration of the matter under the same agenda item, in conformity with its annual programme of work.

*41st meeting  
6 October 2022*

[Adopted without a vote.]

<sup>35</sup> [A/HRC/48/21](#).

## 51/15. Special Rapporteur on contemporary forms of slavery, including its causes and consequences

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

*Recognizing* the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, and the Protocol thereto of 2014, and other relevant international instruments that prohibit all forms of slavery and call upon Governments to eradicate such practices,

*Recalling* that the Durban Declaration and Programme of Action strongly condemned the fact that slavery and slavery-like practices still exist today in parts of the world, and urged States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights,

*Reaffirming* Human Rights Council resolutions 6/14 of 28 September 2007, 15/2 of 29 September 2010, 24/3 of 26 September 2013, 33/1 of 29 September 2016 and 42/10 of 26 September 2019,

*Recalling* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,<sup>36</sup>

*Condemning* contemporary forms of slavery, while acknowledging that it is a global issue that affects all continents and most countries of the world, and calling upon States to increase action as a matter of urgent priority to end such practices,

*Deeply concerned* that the global estimate of the number of people subjected to contemporary forms of slavery is 49.6 million, of whom 54 per cent are women and girls and more than 12 million are children,

*Recognizing* that discrimination, social exclusion, gender inequality and poverty lie at the heart of contemporary forms of slavery, and the particular vulnerability of migrant workers,

*Stressing* the importance of criminalizing all forms of slavery through national legislation,

*Acknowledging* the challenges to slavery eradication highlighted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including the absence of legislation in some countries, deficiencies and loopholes in legal frameworks, insufficiently dissuasive sanctions, a lack of will and/or resources for implementing law and policy measures, the difficulty in locating and identifying victims and a lack of effective rehabilitation measures,

*Recognizing* that broad international cooperation among States, and between States and relevant intergovernmental and non-governmental organizations, is essential for effectively countering contemporary forms of slavery,

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

*Convinced* that the issue of contemporary forms of slavery continues to require the attention of the Human Rights Council,

*Bearing in mind* the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur, in

<sup>36</sup> General Assembly resolution 70/1.

particular the need for rehabilitation and assistance for victims of contemporary forms of slavery,

1. *Welcomes* the work and the thematic reports of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including those on contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities<sup>37</sup> and on the nexus between displacement and contemporary forms of slavery;<sup>38</sup>

2. *Also welcomes* the cooperation of those States that have accepted requests for visits by the Special Rapporteur and have responded to his requests for information;

3. *Further welcomes* the steps taken by States to address contemporary forms of slavery through, inter alia, the adoption of new legislation, the revision of relevant policies and the establishment of independent domestic mechanisms, and urges States to increase their efforts further to combat contemporary forms of slavery;

4. *Renews* the mandate of Special Rapporteur on contemporary forms of slavery, including its causes and consequences, for a period of three years;

5. *Decides* that the Special Rapporteur shall continue to examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and all other issues covered previously by the Working Group on Contemporary Forms of Slavery; in the discharge of the mandate, the Special Rapporteur shall:

(a) Promote the effective application of relevant international norms and standards on slavery;

(b) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations;

(c) Recommend action and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies that address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict, and the existence of demand factors and relevant measures to strengthen international cooperation;

(d) Focus principally on aspects of contemporary forms of slavery that are not covered by existing mandates of the Human Rights Council;

6. *Requests* the Special Rapporteur, in carrying out the mandate, to continue:

(a) To give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices and relevant recommendations;

(b) To take account of the gender and age dimensions of contemporary forms of slavery;

(c) To participate in relevant international dialogues and policy forums related to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Sustainable Development Goal 8, and to advise States, intergovernmental organizations, civil society and other stakeholders on the effective respect, protection and fulfilment of human rights of those affected by contemporary forms of slavery in the implementation of the 2030 Agenda, and to undertake thematic research on the effective implementation of Goal 8, with a particular focus on target 8.7;<sup>39</sup>

<sup>37</sup> [A/HRC/51/26](#).

<sup>38</sup> [A/HRC/48/52](#).

<sup>39</sup> Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

7. *Encourages* the Special Rapporteur to compile and analyse examples of national legislation relating to the prohibition of slavery and slavery-like practices in order to assist States in their national efforts to combat contemporary forms of slavery;

8. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries so as to enable the mandate holder to fulfil the mandate effectively;

9. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions and non-governmental organizations to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of the mandate;

10. *Encourages* States to consider contributing to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

11. *Encourages* the Special Rapporteur to continue to cooperate fully and effectively with the Special Rapporteur on trafficking in persons, especially women and children, and all other relevant existing human rights mechanisms, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the Inter-Agency Coordination Group against Trafficking in Persons and Alliance 8.7, taking full account of their contribution while avoiding duplication of their work;

12. *Requests* the Special Rapporteur to submit reports on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their annual programmes of work.

41st meeting  
6 October 2022

[Adopted without a vote.]

## **51/16. Human rights and Indigenous Peoples: mandate of Special Rapporteur on the rights of Indigenous Peoples**

*The Human Rights Council,*

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

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

*Recalling also* Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues, and Human Rights Council resolutions 6/12 of 28 September 2007, 15/14 of 30 September 2010, 24/9 of 26 September 2013, 33/12 of 29 September 2016 and 42/20 of 26 September 2019 on the mandate of Special Rapporteur on the rights of Indigenous Peoples,

1. *Welcomes* the work of the Special Rapporteur on the rights of Indigenous Peoples in the fulfilment of the mandate;

2. *Decides* to renew the mandate of Special Rapporteur on the rights of Indigenous Peoples for a period of three years:

(a) To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of Indigenous Peoples, in conformity with the mandate, and to identify, exchange and promote best practices;

(b) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, Indigenous Peoples and their communities and organizations, including indigenous women's organizations, on alleged violations and abuses of the rights of Indigenous Peoples;

(c) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations and abuses of the rights of Indigenous Peoples;

(d) To work in close cooperation and coordination with other special procedures and subsidiary organs of the Human Rights Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies, the treaty bodies and regional human rights organizations;

(e) To enhance engagement with and participate in the annual sessions of the Permanent Forum on Indigenous Issues and of the Expert Mechanism on the Rights of Indigenous Peoples to ensure complementarity between their work;

(f) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies, funds and programmes, and with Indigenous Peoples, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(g) To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of Indigenous Peoples, where appropriate;

(h) To pay special attention to the human rights and fundamental freedoms of, inter alia, indigenous children, women, young persons, older persons, persons with disabilities and persons in vulnerable situations and to mainstream a gender perspective into the performance of the mandate;

(i) To consider the relevant recommendations of world conferences, summits and other United Nations meetings and the recommendations, observations and conclusions of the treaty bodies on matters regarding the mandate;

(j) To submit a report on the implementation of the mandate to the Human Rights Council and to the General Assembly in accordance with their annual programme of work;

3. *Requests* the Special Rapporteur to participate, upon invitation, in relevant international dialogues and policy forums on the rights of Indigenous Peoples and related issues, including on the consequences that climate change has for Indigenous Peoples, to undertake thematic research and to develop cooperative dialogue with States, intergovernmental organizations, civil society and other stakeholders on effective and sustainable practices and possible solutions;

4. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his or her communications and to react promptly to his or her urgent appeals;

5. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, Indigenous Peoples to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of the mandate;

6. *Strongly encourages* all Governments to give serious consideration to responding favourably to the requests made by the Special Rapporteur to visit their countries to enable him or her to fulfil the mandate effectively;

7. *Urges* all Governments to address all allegations and to condemn reprisals against United Nations mandate holders working on the rights of Indigenous Peoples;

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

9. *Decides* to continue consideration of this question in conformity with its programme of work.

41st meeting  
6 October 2022

[Adopted without a vote.]

## 51/17. Youth and human rights

*The Human Rights Council,*

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

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

*Recalling also* the Vienna Declaration and Programme of Action, in which it is stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling further* Human Rights Council resolutions 32/1 of 30 June 2016, 35/14 of 22 June 2017 and 41/13 of 11 July 2019 on youth and human rights, and resolution 48/12 of 8 October 2021 on the human rights implications of the coronavirus disease (COVID-19) pandemic on young people,

*Recalling* all previous relevant resolutions, including the most recent, namely General Assembly resolution 76/137 of 16 December 2021, on policies and programmes involving youth, Assembly resolution 50/81 of 14 December 1995, by which the Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond, and its subsequent resolution 62/126 of 18 December 2007,

*Acknowledging* that the World Programme of Action for Youth provided a policy framework and practical guidelines for national action and international support to improve the situation of young people,

*Recalling* the holding of the World Conference of Ministers Responsible for Youth in Lisbon, in August 1998, and the World Conference of Ministers Responsible for Youth 2019 and Youth Forum Lisboa+21, also in Lisbon, in June 2019, and recalling also with appreciation their Declarations on Youth Policies and Programmes, especially with regard to empowering youth and their representatives, the commitment to protect, respect and fulfil the human rights and fundamental freedoms of all young people, protecting the most disadvantaged and those in vulnerable situations and contributing to the creation of indicators to assess the impact of youth policies and programmes,

*Recalling also* the serious and continuing threat to global health posed by the COVID-19 pandemic and that its consequences disproportionately affect the full enjoyment of human rights and fundamental freedoms by young people, in particular young women and persons in vulnerable situations, including with regard to their right to work, right to an inclusive, equitable and quality education and right to the enjoyment of the highest attainable standard of physical and mental health,

*Encouraging* States to effectively implement the 2030 Agenda for Sustainable Development, and reaffirming the need to develop and implement strategies that give young people everywhere, including those in vulnerable situations, real opportunities to enable their full, effective and meaningful participation in society, in relevant decision-making processes and monitoring in the political, economic, social and cultural spheres, including in designing and implementing policies, programmes and initiatives, in particular those for implementing the 2030 Agenda,

*Recalling* the high-level event held by the General Assembly on 29 May 2015 to mark the twentieth anniversary of the World Programme of Action for Youth, which offered an important opportunity for States and other relevant stakeholders to take stock of the progress made in its implementation and to identify gaps and challenges and the way forward for its full, effective and accelerated implementation,

*Welcoming* General Assembly resolution 76/6 of 15 November 2021 on the follow-up to the report of the Secretary-General entitled “Our Common Agenda”,<sup>40</sup>

*Welcoming also* General Assembly resolution 76/306 of 8 September 2022 on the establishment of the United Nations Youth Office as a dedicated office for youth affairs in the Secretariat, integrating the Office of the Envoy of the Secretary-General on Youth,

*Welcoming further* the intersessional seminar focused on the challenges and opportunities of young people in the field of human rights, held in April 2021, pursuant to Human Rights Council resolution 41/13, and taking note with appreciation of the report on the seminar prepared by the United Nations High Commissioner for Human Rights,<sup>41</sup> which provides an overview of the challenges and discrimination faced by young people in the realization of their rights, youth mainstreaming in human rights mechanisms and next steps on youth and human rights at the international level,

*Taking note with appreciation* of the report prepared by the High Commissioner on the human rights implications of the COVID-19 pandemic on young people, pursuant to Human Rights Council resolution 48/12,<sup>42</sup> and encouraging States to consider adopting an approach to COVID-19 recovery that gives a proper place to the human rights of young people and is implemented in partnership with them,

*Recognizing* the contribution of the fourth phase of the World Programme for Human Rights Education, which focuses on youth, to the advancement of human rights education and training with, by and for youth globally,

*Noting with appreciation* the United Nations Youth Strategy entitled “Youth 2030: working with and for young people” as a tool for the empowerment of young people and the advancement of their rights, launched at the high-level event held in September 2018 at United Nations Headquarters,

*Noting* the inputs from recent relevant conferences, forums and global initiatives relating to youth at the international, regional and subregional levels, inter alia, the World Youth Forums held in Sharm el-Sheikh, Egypt, in 2017, 2018, 2019 and 2022,

*Encouraging* contributions by the High Commissioner, the special procedures of the Human Rights Council and the treaty bodies, and other relevant international and regional human rights mechanisms, as well as the United Nations Youth Office and the Envoy of the Secretary-General on Youth, in identifying and addressing obstacles to the enjoyment of all human rights by youth,

*Underlining* the important role that youth can play in the promotion of peace and security, sustainable development and human rights and in the implementation of the youth, peace and security agenda, and the importance of the active, meaningful and inclusive participation of youth in decision-making,

*Conscious* that today’s generation of youth is the largest that the world has ever witnessed, and therefore encouraging States to make further efforts to ensure the respect, protection and fulfilment of all human rights for young people, including all civil, political, economic, social and cultural rights, given that lack of participation and opportunity has adverse consequences for communities and societies,

*Affirming* that youth unemployment figures have increased globally since the onset of the COVID-19 pandemic and that job losses for youth in 2020 were 8.7 per cent higher than for other workers, with unprecedented global employment losses of 114 million jobs compared with 2019,

*Recognizing* that the COVID-19 pandemic has profoundly affected young workers and those transitioning from education to employment, compounding already existing problems and increasing instability, and that youth have disproportionately faced precarious employment conditions, reduced employment hours and income, a lack of decent work,

<sup>40</sup> A/75/982.

<sup>41</sup> A/HRC/49/32.

<sup>42</sup> A/HRC/51/19.

unemployment, limited or no social security support, and limited or no new job or self-employment opportunities,

*Recalling* that, in its resolution 76/137, the General Assembly urged Member States to take all measures necessary to combat all forms of discrimination, neglect and abuse of, and violence, including sexual and gender-based violence, against young people and to address the barriers to their social integration and adequate participation, bearing in mind that the full enjoyment of their human rights and fundamental freedoms empowers them to contribute as active members of society to the political, civil, economic, social and cultural development of their countries,

*Emphasizing* the need to empower youth in order to achieve sustainable development, including poverty eradication, and stressing in this regard the commitment made in the 2030 Agenda for Sustainable Development to substantially reduce the proportion of youth not in employment, education or training and to develop and operationalize a global strategy for youth employment,

*Expressing concern* that young people face specific challenges that require integrated responses by States, the United Nations system and other relevant stakeholders, and that further work is needed to continue to mainstream their rights throughout the United Nations human rights mechanisms,

*Noting* that civic education and engagement is one important way to facilitate knowledge of how public institutions work, while also noting the lack of equal access of young people to civil education programmes,

*Noting also* that human rights education for youth, with special emphasis on equality and non-discrimination, contributes to building inclusive and peaceful societies,

*Noting further* that digital technology can also provide an opportunity for all young people, including persons with disabilities, to fully realize their human rights, including the right to education and to participate in civic engagement and in relevant decision-making processes, while also noting the need to make digital spaces safer for youth,

*Emphasizing* the need to give each young person effective and meaningful access to digital tools, the Internet, accessible and inclusive public services, equitable and inclusive distance-learning solutions and virtual vocational training, to promote digital and media literacy and to work with all relevant stakeholders to bridge the digital divides, including gender, age, geographical, linguistic and socioeconomic digital divides,

1. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on youth, and recalls its report<sup>43</sup> and its recommendations to strengthen the promotion and protection of the rights of young people;

2. *Stresses* the fundamental importance of equal opportunities, education, including digital literacy, and technical and vocational training, and that lifelong learning opportunities and guidance for youth are necessary for the realization of all human rights for young people;

3. *Welcomes* the decision of the General Assembly to convene a one-day high-level plenary meeting of the General Assembly, at the level of Heads of State and Government and with the full and effective participation of youth, during the general debate of the eightieth session of the General Assembly, in 2025, to commemorate the thirtieth anniversary of the World Programme of Action for Youth to the Year 2000 and Beyond, with a view to addressing the challenges still faced by young people in the realization of their full potential and human rights;

4. *Recognizes* that the participation and representation of youth in institutional political processes and policymaking are low compared with those of other age groups, and that young people are not proportionately represented in political institutions, such as parliaments, political parties and public administrations;

<sup>43</sup> [A/HRC/39/33](#).



5. *Urges* States, in consultation with youth-led and youth-focused organizations, to promote new initiatives for the full, effective, structured, sustainable and meaningful participation of young people in relevant decision-making processes and monitoring, in political, economic, social and cultural spheres, including in designing and implementing policies, programmes and initiatives, in particular, while implementing the 2030 Agenda for Sustainable Development;

6. *Calls upon* all States to promote and to ensure the full realization of all human rights and fundamental freedoms for youth, including by taking measures to combat age discrimination, neglect, abuse and violence, including sexual and gender-based violence, and to address issues relating to barriers to social integration and adequate participation, bearing in mind that the full enjoyment of human rights and fundamental freedoms by young people empowers them to contribute as active members of society to the political, civil, economic, social and cultural development of their countries;

7. *Urges* States to promote equal opportunities for all, to eliminate all forms of discrimination against young people, including that based on age, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

8. *Calls upon* all States to guarantee a safe and enabling environment for meaningful youth participation that fully respects the right to freedom of opinion and expression and the rights of freedom of peaceful assembly and of association in accordance with relevant and applicable international human rights instruments;

9. *Also calls upon* all States to take the steps necessary to ensure that the right of young people to freedom of expression and their safety are respected online, including by better educating them on the digital environment and by developing youth-friendly digital tools, as well as by protecting young people effectively against online threats;

10. *Calls upon* all States and other relevant stakeholders to develop initiatives on human rights education for youth, in accordance with the plan of action for the fourth phase of the World Programme for Human Rights Education, and to engage youth as key partners in those efforts;

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

12. *Encourages* States to conduct their coherent youth-related policies through inclusive and participatory consultations with youth and relevant youth-led and youth-focused stakeholders and social development partners in the interest of developing integrated, holistic and inclusive youth policies and programmes, as well as coherent cross-sectoral efforts, based on the World Programme of Action For Youth and the 2030 Agenda for Sustainable Development, and in which human rights are mainstreamed, and to evaluate them regularly as part of the follow-up action on and implementation of the Programme of Action at all levels;

13. *Urges* States to consider addressing, through the universal periodic review and the treaty bodies, issues pertaining to the full and equal enjoyment of all human rights of youth, and to share the best practices that they have developed in dealing with the realization of the human rights of young people;

14. *Encourages* States, United Nations bodies, especially the Human Rights Council, and the Office of the High Commissioner, to collaborate broadly with the United Nations Youth Office and the Envoy of the Secretary-General on Youth in implementing the United Nations Youth Strategy and other youth-focused activities in order to guarantee the empowerment of young people and the full enjoyment of their human rights;

15. *Decides* to incorporate into its programme of work a biennial panel discussion, fully accessible to persons with disabilities, which will be held during the September session

of the Council as of its fifty-fourth session, and requests the Office of the High Commissioner to organize the panel discussion following consultations with young people, youth and youth-led organizations and to prepare a summary report on the panel discussion for consideration at the subsequent session;

16. *Also decides* that the theme of the panel discussion to be held during the fifty-fourth session will be young people's engagement with climate change and global environmental decision-making processes;

17. *Requests* the High Commissioner, in consultation with States and relevant stakeholders, including relevant United Nations agencies, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions, civil society and representatives of youth organizations, to conduct a detailed study on the solutions to promote digital education for young people and to ensure their protection from online threats, and to submit the study to the Council for consideration prior to its fifty-seventh session;

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

*41st meeting  
6 October 2022*

[Adopted without a vote.]

## **51/18. Human rights and Indigenous Peoples**

*The Human Rights Council,*

*Recalling* all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and Indigenous Peoples,

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

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

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

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

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

*Recalling* the summary report prepared by the Office of the United Nations High Commissioner for Human Rights on the half-day intersessional interactive dialogue held on 15 July 2019 on ways to enhance the participation of Indigenous Peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them,<sup>44</sup> and the report of the Office of the intersessional round table held on 16 July 2021 on ways to enhance

<sup>44</sup> [A/HRC/44/35](#).

the participation of Indigenous Peoples' representatives and institutions in meetings of the Council on issues affecting them,<sup>45</sup>

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

*Taking note* of the study of the Expert Mechanism on treaties, agreements and other constructive arrangements, including peace accords and reconciliation initiatives, and their constitutional recognition,<sup>46</sup> and encouraging States to consider implementing the advice therein,

*Taking note also* of the report of the Special Rapporteur on the rights of Indigenous Peoples on indigenous women and the development, application, preservation and transmission of scientific and technical knowledge,<sup>47</sup> and encouraging all States to consider the recommendations contained in the report,

*Taking note further* of the report of the Special Rapporteur on the human rights to safe drinking water and sanitation entitled "Human rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures",<sup>48</sup>

*Taking note* of the report of the Special Rapporteur on violence against women and girls, its causes and consequences, on violence against indigenous women and girls,<sup>49</sup>

*Recalling* the report of the Office of the High Commissioner on the annual half-day panel discussion on the rights of Indigenous Peoples held on 28 September 2021, the theme of which was the situation of human rights of Indigenous Peoples facing the coronavirus disease (COVID-19) pandemic, with a special focus on the right to participation,<sup>50</sup>

*Stressing* the need to pay particular attention to the rights and needs of indigenous women, children, young persons, older persons, persons with disabilities and persons in vulnerable situations, and to intensify efforts to prevent and eliminate all forms of violence and discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference on Indigenous Peoples, which was adopted by consensus by the General Assembly in 2014,<sup>51</sup>

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

*Recognizing also* the increasing impact of climate change on the enjoyment of human rights and its specific impact on the enjoyment of rights and ways of life of Indigenous Peoples around the world, and recalling the preamble to the Paris Agreement and to decision 1/CP.21 on the adoption of the Paris Agreement<sup>52</sup> acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of Indigenous Peoples, paragraph 135 of decision 1/CP.21 recognizing the need to strengthen the role of Indigenous Peoples' knowledge systems relating to mitigation and adaptation to climate change, and paragraph 36 of the outcome document of the World Conference on Indigenous Peoples,

*Recognizing further* that many ecosystems, including water-related ecosystems, upon which Indigenous Peoples depend are threatened by poor management and unsustainable

<sup>45</sup> [A/HRC/49/69](#).

<sup>46</sup> [A/HRC/51/50](#).

<sup>47</sup> [A/HRC/51/28](#).

<sup>48</sup> [A/HRC/51/24](#).

<sup>49</sup> [A/HRC/50/26](#).

<sup>50</sup> [A/HRC/50/48](#).

<sup>51</sup> General Assembly resolution 69/2.

<sup>52</sup> [FCCC/CP/2015/10/Add.1](#).

development and face increased uncertainty and risks owing to climate change and other factors,

*Noting with appreciation* the establishment of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-fourth session, with equal participation of representatives of Indigenous Peoples and of parties to the Framework Convention, to advance the objectives and implementation of its functions, and noting the second three-year workplan of the Facilitative Working Group for the period 2022–2024,

*Bearing in mind* the importance of supporting the empowerment and building the capacity of indigenous women, young persons, older persons, persons with disabilities, persons in vulnerable situations and children, in accordance with their age and maturity, including for their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target their well-being, in particular in the areas of universal and equitable access to quality public services, health services, mental health, food security and improved nutrition, including through family farming, education, employment and the transmission of languages and traditional knowledge, innovations and practices, and also the importance of taking measures to promote awareness and understanding of their rights,

*Acknowledging* the efforts made to ensure the full and effective participation of Indigenous Peoples in the process of preparing the post-2020 biodiversity framework under the Convention on Biological Diversity,

*Noting* the preparation of draft general recommendation No. 39, on the rights of indigenous women and girls, by the Committee on the Elimination of Discrimination against Women,

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

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of Indigenous Peoples,<sup>53</sup> and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of Indigenous Peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and to follow up on the effectiveness of the Declaration;

2. *Welcomes* the work of the Special Rapporteur on the rights of Indigenous Peoples, and encourages all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by giving serious consideration to responding favourably to the requests of the mandate holder for visits, furnishing all available information requested in his or her communications and reacting promptly to his or her urgent appeals;

3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report for 2022<sup>54</sup> and its intersessional activities, and requests the Office of the High Commissioner to ensure the timely translation into all official languages of the United Nations and distribution of its reports to the Human Rights Council and the pre-session translation of its studies and reports, in accordance with Council resolution 33/25 of 30 September 2016;

<sup>53</sup> [A/HRC/51/18](#).

<sup>54</sup> [A/HRC/51/49](#).

4. *Strongly encourages* all relevant stakeholders, including States and Indigenous Peoples, to attend and participate actively in the sessions of the Expert Mechanism, to submit contributions to its studies and reports and to engage in dialogue with it, including during its intersessional activities;

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

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its sixteenth session, will be focused on the impact of militarization on the rights of Indigenous Peoples and that the next report will be focused on establishing effective monitoring mechanisms at the national and regional levels for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges the efforts made to improve complementarity and to avoid duplication among the reports prepared by the Expert Mechanism, the Special Rapporteur and the Permanent Forum on Indigenous Issues;

7. *Urges* States and invites other public and/or private potential donors to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of Indigenous Peoples worldwide and within the United Nations system and to support the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

8. *Recalls* the proclamation of the period 2022–2032 as the International Decade of Indigenous Languages to draw attention to the critical loss of Indigenous Peoples' languages and the urgent need to preserve, revitalize and promote Indigenous Peoples' languages, including sign languages, and to take urgent steps to that end at the national and international levels,<sup>55</sup> also recalls the establishment, in conjunction with Indigenous Peoples, of the Global Task Force for Making a Decade of Action for Indigenous Languages, and calls upon States to promote the effective and meaningful participation of Indigenous Peoples in leading and holding activities to mark the Decade;

9. *Takes note* of the Global Action Plan for the International Decade of Indigenous Languages, and calls upon States to take concrete measures to implement it at the local and national levels, in conjunction with Indigenous Peoples, including by seeking to ensure the full and meaningful participation of Indigenous Peoples in the design and subsequent implementation of strategies, initiatives, policies and legislation and by engaging in fruitful and sustained dialogue with other relevant stakeholders;

10. *Encourages* States to translate and disseminate the United Nations Declaration on the Rights of Indigenous Peoples into indigenous languages, as appropriate, and to cooperate with the Office of the High Commissioner, the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism to translate their reports and make them accessible to Indigenous Peoples, including by producing them in plain language and Easy Read format;

11. *Decides* that the theme of the annual half-day panel discussion on the rights of Indigenous Peoples, to be held during the fifty-fourth session of the Human Rights Council, will be the impact of certain development projects on the rights of Indigenous Peoples, in particular the impact on indigenous women, and requests the Office of the High Commissioner to encourage and facilitate the participation of indigenous women, to make the discussion fully accessible to and inclusive for persons with disabilities and to prepare a summary report on the discussion for submission to the Council prior to its fifty-sixth session;

12. *Looks forward* to the discussion and to considering the subsequent recommendations of the four-day expert workshop convened by the Office of the High Commissioner on possible ways to enhance the participation of Indigenous Peoples in the

<sup>55</sup> General Assembly resolution 74/135.

work of the Human Rights Council, which will be held from 21 to 24 November 2022 and will be open to the participation of States and of Indigenous Peoples from the seven indigenous sociocultural regions;

13. *Decides* to continue to discuss further steps and measures necessary to enable and to facilitate the participation of Indigenous Peoples' representatives and institutions in the work of the Human Rights Council, in particular by taking into consideration the summary report on the discussion and the resulting recommendations of the four-day expert workshop to be prepared by the Office of the High Commissioner and submitted to the Council prior to its fifty-third session;

14. *Reiterates* the invitation to the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples, within the Fund's rules and established procedures, to assist representatives of Indigenous Peoples' organizations and institutions in participating in the above-mentioned expert workshop, promoting balanced regional representation;

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

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

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

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

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

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

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

22. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures, including national action plans, legislation or other frameworks, as required, to pursue its objectives in consultation and cooperation with Indigenous Peoples, taking into account the use of their languages, and welcomes the fact that several States have developed or are in the process of developing

national action plans and domestic legislation for the implementation of the Declaration with the full and meaningful participation of Indigenous Peoples;

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

24. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance of such institutions developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

25. *Encourages* States, according to their relevant national context and characteristics, to collect and securely disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographical location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of Indigenous Peoples and individuals, to combat and eliminate all forms of violence and discrimination, including multiple and intersecting forms of discrimination, against them, to include the specific needs and priorities of Indigenous Peoples in COVID-19 recovery plans, to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda and to work with Indigenous Peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change;

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

27. *Condemns* the increase in cases of intimidation, harassment and reprisals against indigenous human rights defenders and indigenous leaders, including indigenous women, as well as Indigenous Peoples' representatives attending United Nations meetings and United Nations mandate holders working on the rights of Indigenous Peoples, and expresses its concern at the practice of some countries, including those hosting meetings on indigenous issues, of intentionally delaying or denying entry visas to United Nations mandate holders or applying additional travel restrictions to them that interfere, inter alia, with their ability to return;

28. *Urges* States, in conjunction with Indigenous Peoples, to take all measures necessary and emergency responses, with a gender perspective, to ensure the rights, protection and safety of Indigenous Peoples and indigenous human rights defenders and leaders, including indigenous women human rights defenders, and to ensure that all human rights violations and abuses against them are prevented and investigated, that the perpetrators are held accountable, and that there is access to effective remedies and reparation, including guarantees of non-recurrence;

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

41st meeting  
6 October 2022

[Adopted without a vote.]

## 51/19. The human rights to safe drinking water and sanitation

*The Human Rights Council,*

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

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Recalling also* the Vienna Declaration and Programme of Action, in which it is reaffirmed that all human rights are universal, indivisible, interdependent and interrelated, that human rights must be treated globally in a fair and equal manner, on the same footing and with the same emphasis, and that it is the duty of States to promote and protect all human rights, and in which the right to development is also reaffirmed,

*Reaffirming* all its previous resolutions on the human rights to safe drinking water and sanitation, inter alia, resolution 45/8 of 6 October 2020,

*Recalling* all previous General Assembly resolutions on the human rights to safe drinking water and sanitation, in particular resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and resolution 76/153 of 16 December 2021,

*Recalling also* that States have the primary responsibility to ensure the full realization of all human rights and to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the rights to safe drinking water and sanitation that are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity,

*Recalling further* the Programme of Action of the International Conference on Population and Development and the outcome documents of review conferences, and reaffirming the Beijing Declaration and Platform for Action, the outcome documents of the twenty-third special session of the General Assembly and the declarations adopted by the Commission on the Status of Women on the occasion of the tenth, fifteenth, twentieth and twenty-fifth anniversaries of the Fourth World Conference on Women,

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, for the achievement of sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner, ensuring that no one is left behind, while referring in particular to Sustainable Development Goal 6, on ensuring the availability and sustainable management of water and sanitation for all, which reflects the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and hygiene, including menstrual health and hygiene, while also striving to improve the quality and safety of water, reduce the number of people suffering from water scarcity, implement integrated water resource management at all levels, protect and restore water-related ecosystems and ensure special attention is paid to the needs and rights of women and girls,

*Recalling* all Human Rights Council resolutions on climate change and human rights and on human rights and the environment, including Council resolution 48/13 of 8 October 2021, as well as General Assembly resolution 76/300 of 28 July 2022, both entitled “The human right to a clean, healthy and sustainable environment”,

*Recalling also* that, more than 10 years after the recognition of the human rights to safe drinking water and sanitation and 7 years after the adoption of the 2030 Agenda for Sustainable Development, integrated approaches that support the practical realization of the human rights to safe drinking water and sanitation, in particular by tackling inequalities and ensuring that special attention is paid to the needs and rights of all women and girls, are more



pertinent than ever before, also given the context of the coronavirus disease (COVID-19) pandemic,

*Deeply concerned* that the COVID-19 pandemic perpetuates and exacerbates existing inequalities, and that those disproportionately at risk are women, girls and persons in marginalized and vulnerable situations, recognizing the need to expand as a matter of utmost urgency access to adequate water and sanitation services, including for menstrual health and hygiene, and to ensure continued access to existing services in this regard, including sexual and reproductive health-care services, and gravely concerned that 2.3 billion people worldwide lack basic hand-washing facilities at home, which are urgently needed to prevent the spread of COVID-19 and other infectious diseases,

*Looking forward* to the convening of the United Nations Conference on the Midterm Comprehensive Review of the Implementation of the Objectives of the International Decade of Action, “Water for Sustainable Development”, 2018–2028, in New York from 22 to 24 March 2023, subsequently referred to as the United Nations 2023 Water Conference, noting its preparatory process, and calling for, inter alia, the acceleration of the achievement of the internationally agreed water-related goals and targets, including those contained in the 2030 Agenda,

*Stressing* the importance of highlighting the human rights dimension at the United Nations 2023 Water Conference, including by reflecting the importance of human rights across all segments and notably in the interactive dialogues, inter alia, through the active participation of the Special Rapporteur on the human rights to safe drinking water and sanitation and other relevant special procedure mandate holders and mechanisms of the Human Rights Council, such as the Social Forum, and by ensuring broad and inclusive civil society representation,

*Welcoming* the work of the World Health Organization and the United Nations Children’s Fund through the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene, which has established an extensive global database and has been instrumental in developing global norms by which to benchmark progress, while taking into consideration the fact that official figures do not always capture all the dimensions of the human rights to safe drinking water and sanitation,

*Welcoming also* the fact that, globally, between 2015 and 2020, according to the Joint Monitoring Programme, the percentage of the population using safely managed drinking water increased from 70 to 74 per cent and the percentage of the population using safely managed sanitation services increased from 47 to 54 per cent, while bearing in mind that achieving universal and equitable access to safe drinking water and sanitation services by 2030 will require a fourfold increase in current rates of progress,

*Deeply concerned* that 2 billion people around the world lack safely managed drinking water services, including 1.2 billion people with basic services, 282 million with limited services, 367 million using unimproved sources and 122 million drinking surface water, while 3.6 billion people lack safely managed sanitation, including 1.9 billion people with basic services, 580 million with limited services, 616 million using unimproved facilities and 494 million practising open defecation,

*Recognizing* that sustained access to safe water, sanitation and hygiene facilities is essential to preventing infectious diseases, and that people without or with inadequate access to water, sanitation and hygiene facilities are at a much higher risk of contracting and passing on diseases,

*Deeply alarmed* that water, sanitation and hygiene-related diseases hit children the hardest, noting that diarrhoea remains a leading cause of death in children under 5 years of age, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children’s and women’s universal and equitable access to safe drinking water and sanitation, that, in humanitarian emergencies and crisis, children suffer the most from interruptions in water and sanitation services and that, globally, 29 per cent of schools still lack basic drinking water services, while 28 per cent still lack basic sanitation services and 42 per cent lack basic hygiene services,

*Deeply concerned* that persons with disabilities, especially women, children and older persons, often face barriers in their access to water and sanitation facilities that are accessible and appropriate to their needs, which affects their ability to live independently and participate fully in all aspects of life, including education and employment, which is particularly concerning in situations of homelessness and humanitarian emergencies and crises,

*Recognizing* that, while the implications of climate change-related impacts and environmental damage, including worsening water scarcity, for the enjoyment of the human rights to safe drinking water and sanitation affect individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in marginalized and vulnerable situations, such as people living in informal settlements, people living in small island States, and rural and local communities and people facing desertification, land degradation, drought and water scarcity, and recognizing also that Indigenous Peoples, because of their specific situation, may be among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources,

*Taking note with appreciation* of the report of the Special Rapporteur on the human rights to safe drinking water and sanitation entitled “Human rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures”,<sup>56</sup> and calling upon all States to consider the recommendations contained therein,

*Noting* that effective solutions to the risks of climate change require funding and the active involvement of communities in adaptation strategies, and that progressively realizing the human rights to safe drinking water and sanitation, especially for those living in situations of marginalization or vulnerability, is strongly linked to the health and sustainability of the aquatic ecosystems on which those populations depend,

*Noting also* that, in many parts of the world, women and girls shoulder the main burden of collecting household water and of care responsibilities, including those arising from waterborne diseases, restricting their time for other activities, such as education and leisure, or for earning a livelihood,

*Deeply concerned* that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water, when accessing sanitation facilities outside their homes or when, in the absence of adequate sanitation facilities, practising open defecation and urination, which limits their ability to move freely and safely in the public sphere,

*Deeply concerned also* that women and girls, including women and girls with disabilities, often face particular barriers in their enjoyment of the rights to safe drinking water and sanitation and that the lack of access to adequate water and sanitation services, including for menstrual health and hygiene, especially in schools and other educational settings, workplaces, health centres and public facilities and buildings, negatively affects gender equality, the empowerment of women and girls and their enjoyment of human rights, including the rights to food, education, health and safe and healthy working conditions, as well as the right to participate in public affairs,

*Deeply concerned further* that widespread silence and stigma surrounding menstrual health and hygiene mean that women and girls often lack basic information thereon and are excluded and stigmatized and thus prevented from realizing their full rights and potential,

*Deeply concerned* about the lack of access to adequate water and sanitation services and its dramatic consequences for the overall health situation in humanitarian emergencies and crises,

*Alarmed* about the fact that, according to the *Sustainable Development Goals Report 2022*,<sup>57</sup> scarcity of water could displace an estimated 700 million people by 2030 and that displaced people, including people living in refugee camps, are more likely to lack access to basic drinking water and to basic sanitation, while acknowledging the efforts of refugee host countries to improve the situation of people living in refugee camps,

<sup>56</sup> A/HRC/51/24.

<sup>57</sup> United Nations publication, 2022.

*Deeply alarmed* by indiscriminate attacks and attacks deliberately targeting civilian objects in armed conflict, which may injure personnel and damage civilian infrastructure that is critical to safe drinking water and sanitation,

*Affirming* the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation, and affirming also the importance of regional and international cooperation and technical assistance, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation,

*Recognizing* the important role that civil society plays at the local, national, regional and international levels and the positive, important and legitimate role played by human rights defenders, including environmental human rights defenders, in the promotion and protection of the human rights to safe drinking water and sanitation,

*Recalling* the Guiding Principles on Business and Human Rights, which underscore the responsibility of all business enterprises to respect human rights, and emphasizing that non-State actors, including business enterprises, both transnational and others, should comply with their responsibility to respect human rights, including the human rights to safe drinking water and sanitation, including by cooperating with State investigations into allegations of abuses of the human rights to safe drinking water and sanitation and by progressively engaging with States to detect and remedy abuses of the human right to safe drinking water and sanitation,

*Emphasizing* that a lack of access to safe drinking water, sanitation and hygiene underlies severe human costs and major economic losses, and affirming that affordability, accessibility, availability and quality, as human rights criteria ensuring the realization of the rights to safe drinking water and sanitation, require, inter alia, that water, sanitation and hygiene facilities and services are within the safe physical reach of all sections of the population without discrimination of any kind, are accessible at a price that is affordable to all and are physically accessible, inclusive and appropriate for persons with disabilities,

*Stressing* the importance of achieving universal access to safe, affordable and adequate drinking water, sanitation and hygiene by 2030, and of identifying adequate and new sources of funding, including innovative sustainable financing and enhanced investment,

*Stressing also* the importance of monitoring and reporting on the implementation of the Sustainable Development Goals and targets, including Goal 6,

1. *Reaffirms* that the human right to safe drinking water entitles everyone, without discrimination, to have sustained access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, and also reaffirms that both rights are components of the right to an adequate standard of living;

2. *Calls upon* States:

(a) To take measures to ensure the progressive realization of the human rights to safe drinking water and sanitation, applying a gender-responsive and inclusive approach that respects, protects and fulfils all human rights of women and girls and responds to the needs of all women and girls in diverse situations and conditions as agents and beneficiaries of change;

(b) To accelerate the cross-sectoral implementation of the internationally agreed Sustainable Development Goals and targets, including Goal 6, on ensuring the availability and sustainable management of water and sanitation for all, including by working collaboratively with all stakeholders in a coordinated manner, consistent with their obligations under international law and taking into account the outcome of the United Nations 2023 Water Conference;

(c) To promote both women's leadership and their full, effective, equal and meaningful participation in decision-making on water and sanitation management and to ensure that a gender perspective is mainstreamed into all water and sanitation programmes;

(d) To ensure access to safe and affordable drinking water and adequate and equitable sanitation and hygiene for all women and girls, including for menstrual health and hygiene, including hygiene facilities and services in public and private spaces, and to address the widespread stigma and shame surrounding menstruation and menstrual health and hygiene by promoting educational and health practices in and out of schools in order to foster a culture in which menstruation is recognized as healthy and natural and by ensuring access to factual information thereon;

(e) To take measures to empower all women and girls for preparedness in humanitarian emergencies and crises, notably in times of armed conflict or natural disaster, by ensuring access to water and sanitation services and related information in accessible formats and implementing gender-responsive policies, plans and programmes that address, inter alia, effective menstrual health and hygiene and adequate access to and disposal options for menstrual products, without compromising their rights, safety and dignity;

(f) To reduce the time spent by women and girls in collecting household water and to protect women and girls from being physically threatened and assaulted, including from sexual violence, when accessing sanitation facilities outside their homes or practising open defecation and urination, and to promote safe public spaces and improve the security and safety of women and girls through gender-responsive rural and urban planning and infrastructure;

(g) To take steps to ensure that water and sanitation facilities and services are accessible for persons with disabilities and apply the principles of universal design in accordance with the Convention on the Rights of Persons with Disabilities to meet the needs of persons with disabilities, especially women and children;

(h) To progressively eliminate open defecation by adopting policies to increase access to sanitation, including for individuals in the most vulnerable and marginalized situations;

(i) To raise international awareness of the issue of waterborne diseases, in particular cholera and diarrhoea in children, which can be prevented through safe drinking water and adequate sanitation and hygiene, and to engage in partnerships with relevant stakeholders to implement projects aimed at scaling up access to safe water and sanitation in developing countries;

(j) To enhance efforts to substantially reduce the share of untreated wastewater released into the environment and to ensure that plans and programmes for improving sanitation services take into account the need for appropriate systems for the treatment of wastewater produced, including that containing antibiotic-resistant bacteria and antibiotic resistance genes, and the disposal of infant faeces, with the aim of reducing the risks to human health, drinking water resources and the environment, acknowledging the potential of wastewater reuse;

(k) To provide for effective accountability and regulations mechanisms for all water and sanitation service providers, including private sector providers, to ensure that they respect human rights and do not cause or contribute to human rights violations or abuses;

(l) To provide financial resources and support capacity-building and technology transfer in a sector-wide approach to help countries, at their request, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all, and to recognize the need for and implement integrated water resources management to ensure sustainable and equitable use of water and the protection of ecosystems;

(m) To effectively respond to health and humanitarian crises and their consequences by, inter alia, enhancing efforts progressively to realize the human rights to safe drinking water and sanitation;

(n) To develop an adequate and effective framework for integrated water resources management, including of groundwater resources, through enhancing knowledge and data, institutional capacity, laws, regulations and their enforcement, policy and planning, stakeholder participation and appropriate financing, and to ensure that their policies and plans are fully implemented and that the resources remains available for future generations, in order to ensure water supply and management for an adequate standard of living;

3. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation, and takes note with appreciation of his reports;

4. *Decides* to extend the mandate of Special Rapporteur on the human rights to safe drinking water and sanitation for a period of three years, and requests the Special Rapporteur to continue to report on an annual basis to the Human Rights Council and to submit an annual report to the General Assembly;

5. *Requests* the Special Rapporteur, with a view to promoting the progressive realization of the human rights to safe drinking water and sanitation at the United Nations 2023 Water Conference, to actively engage in collaboration with States and other stakeholders in the preparatory process to ensure that the human rights dimension is adequately reflected in the agenda and outcome of the Conference, and to ensure broad and inclusive civil society representation;

6. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

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

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

*41st meeting  
6 October 2022*

[Adopted without a vote.]

## **51/20. Situation of human rights in Afghanistan**

*The Human Rights Council,*

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

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

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

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

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

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

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

*Recalling* its thirty-first special session on the serious human rights concerns and situation in Afghanistan, and Human Rights Council resolution S-31/1 adopted on 24 August 2021, its forty-eighth session, at which the Council appointed in its resolution 48/1 of 7

October 2021 a special rapporteur to monitor the situation of human rights in Afghanistan, its resolution 50/14 of 8 July 2022 on the situation of human rights of women and girls in Afghanistan, and all relevant resolutions adopted by the General Assembly and the Security Council on the situation in Afghanistan, children and armed conflict, and on women, and peace and security,

*Recalling also* the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Afghanistan and the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Special Representative of the Secretary-General on Children and Armed Conflict, those by several special procedures of the Human Rights Council and treaty bodies on reports of human rights abuses in Afghanistan committed by the Taliban, and the press statement on Afghanistan issued by the Security Council on 24 May 2022,

*Deeply concerned* about the situation of human rights in Afghanistan, in particular the continued human rights violations and abuses and violations of international humanitarian law, including those involving summary or extrajudicial executions, arbitrary detentions, forced displacement, collective punishment, violence against peaceful protesters, journalists, and former defence and security personnel, reprisals, raids on offices of non-governmental organizations and civil society groups, violations and abuses of the human rights of all women, children, and members of ethnic and minority communities, committed by the Taliban and other parties to the conflict,

*Expressing grave concern* about the grave, institutionalised, widespread, and systematic oppression of all women and girls in Afghanistan,

*Recalling* the importance of protecting cultural heritage from deliberate damage and looting,

*Deeply concerned* about the human rights implications of the dire security situation in Afghanistan, in particular for all women, girls, children and for older persons and persons belonging to ethnic and religious minorities, journalists, media workers, human rights defenders, particularly women media workers, journalists and human rights defenders, and members of their families, lawyers, judges, prosecutors, internally displaced persons, prisoners, those who have worked for the Government and former military personnel, and persons in situations of vulnerability, such as persons with disabilities, and about the ongoing deterioration of the humanitarian situation and the food security crisis,

*Expressing deep concern* at the dire humanitarian and economic situation in Afghanistan that has undermined the enjoyment of a full range of economic, social and cultural rights of the people of Afghanistan, including of women and girls,

*Expressing deep concern also* at the increasing level of food insecurity and the acute malnutrition affecting the people of Afghanistan, in particular women, children and female-headed households,

*Noting with grave concern* the assessment of the Special Rapporteur that attacks, frequently claimed by Islamic State in Iraq and the Levant-Khorasan, and the historical persecution of Hazaras and persons belonging to other ethnic and religious minorities appear to be systematic in nature and reflect elements of an organizational policy, thus bearing the hallmarks of international crimes, including crimes against humanity,<sup>58</sup>

*Noting* the concerns of the Special Rapporteur about the situation of children, who continue to be affected by hardship following decades of conflict, insecurity, conflict-related violence, recruitment and use as child soldiers, of sexual and gender-based violence, and other violations of international law, including human rights violations, who in addition to restrictions on the right to education suffer from the effects of the humanitarian crisis, including hunger, and whose basic needs are not met,<sup>59</sup>

*Recognizing* that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and

<sup>58</sup> See A/HRC/51/6, para. 67.

<sup>59</sup> Ibid., para. 71.

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

*Deeply concerned* about the increasing erosion of respect for the human rights of women and girls in Afghanistan by the Taliban, including the imposition of restrictions that limit the enjoyment of the rights to education, the highest attainable standard of physical and mental health, work, freedom of movement, freedom of expression, freedom of opinion, and freedom of peaceful assembly and association, and women's full, equal and meaningful participation in public life, and emphasizing that these restrictions contradict the expectations of the international community and the commitment made by the Taliban to the Afghan people,

*Reaffirming* the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to governance, mediation, confidence-building, and conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, including those relating to all forms of violence against women and girls, especially sexual and gender-based violence, and child, early and forced marriage,

*Expressing deep concern* at the continued prevalence of violence and discrimination against women and girls in Afghanistan, in all their different forms and manifestations, including sexual and gender-based violence and multiple and intersecting forms of discrimination against women, emphasizing that discrimination and violence against women and girls violate, abuse and impair their enjoyment of human rights, and stressing that perpetrators of crimes involving human rights violations and abuses must be brought to justice and the critical need for victims and survivors to be provided with effective redress, support and remedies,

*Recognizing* that the full, equal and meaningful participation, inclusion and empowerment of all women and girls in all spheres of life are essential for sustainable peace and full and complete economic and social development, as well as the realization and enjoyment of all human rights of all persons in Afghanistan,

*Recalling* the obligations of Afghanistan under international human rights law and international humanitarian law as expressed in, inter alia, the treaties and conventions to which it is a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

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

*Acknowledging* the efforts of numerous States to evacuate and relocate Afghans wishing to leave the country, and emphasizing the need to support neighbouring countries that are sheltering large numbers of refugees and other people from Afghanistan deserving international protection, while reiterating the importance of protecting their rights and protecting them against refoulement,

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

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

*Recognizing* that the full realization of the right to education for all is an essential condition for achieving sustainable development and a multiplier right that supports the empowerment of all women and girls to exercise their human rights, including the right to participate in the conduct of public affairs and in economic, social and cultural life, and to

fully, equally and meaningfully participate in the decision-making processes that shape society, and the transformative potential of education for every girl,

*Reaffirming* the equal right of every child to education without discrimination of any kind, and expressing concern at the continuation of the multiple and intersecting forms of discrimination that girls face,

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

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

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

*Recognizing* the need to help to address the substantial challenges facing the economy of Afghanistan, including through efforts to restore the banking and financial systems and efforts to enable the use of assets belonging to the Central Bank of Afghanistan for the benefit of the Afghan people, including women and girls,

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

*Welcoming* the visit of the United Nations High Commissioner for Human Rights to Afghanistan in March 2022 and the first mission of the Special Rapporteur on the situation of human rights in Afghanistan in May 2022, acknowledging the access and cooperation provided, and welcoming also the work and the report of the Special Rapporteur,<sup>60</sup>

1. *Continues to condemn in the strongest possible terms* all human rights violations and abuses and violations of international humanitarian law committed in Afghanistan, in particular those involving summary or extrajudicial executions, arbitrary detentions, violence against peaceful protestors, journalists and media representatives, particularly women journalists and media representatives, as well as former judges, prosecutors and other magistrates, civil servants, or law enforcement and military personnel, reprisals, raids on offices of non-governmental organizations and civil society groups, including women's rights organizations, violations and abuses of the human rights of all women, girls, children, persons with disabilities, persons belonging to ethnic and religious minorities, and other marginalized groups, and the targeting of those who have worked for the Government of Afghanistan and of former military personnel;

2. *Calls for* an immediate end to all human rights violations and abuses and violations of international humanitarian law in Afghanistan, for strict respect for all human rights and fundamental freedoms, including the rights to life, for the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the right to a fair trial, the right to an effective remedy, the rights to an adequate standard of living, including adequate food, housing, and safe drinking water and sanitation, to education, work, the highest attainable standard of physical and mental health, freedom of peaceful assembly, and of religion or belief, freedom of expression and the right to liberty of movement and freedom to leave the country, and for the protection of civilians and critical civilian infrastructure, particularly medical and educational facilities in the country;

3. *Reaffirms* its unwavering commitment to the full and equal enjoyment of all human rights by all women, girls and all children in Afghanistan, including their right to

<sup>60</sup> [A/HRC/51/6](#).



freedom of movement, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including their sexual and reproductive health, the right to work and the right of access to justice on an equal basis with others, and the importance of protecting women, girls and all children from violations and abuses, and in this regard notes that, according to the Convention on the Rights of the Child, a child is anyone under the age of 18;

4. *Expresses grave concern* at continuing reports of serious human rights violations and abuses and violations of international humanitarian law committed against children, including killing and maiming, sexual and gender-based violence in all its forms, exploitation, the recruitment and use of children by armed forces and groups in hostilities, attacks on students, teachers, schools and universities, the unlawful military use of educational facilities and the denial of humanitarian access;

5. *Condemns* all forms of discrimination against women and girls, including women and girls with disabilities, and reminds all parties that all forms of sexual and gender-based violence, including violence against women and girls, the sexual slavery of boys (*bacha bazi*) and child, early and forced marriage constitute violations and abuses of human rights and fundamental freedoms;

6. *Expresses deep concern* at the lack of accountability for the human rights violations and abuses and violations of international humanitarian law committed in Afghanistan;

7. *Calls upon* the Taliban to reverse the policies and practices that currently restrict the human rights of people in Afghanistan and to bring them into line with the international human rights obligations of Afghanistan, including policies and practices that unduly restrict the human rights and fundamental freedoms of women and girls, including freedom of movement and the rights to education, work and public participation, and those that discriminate against persons belonging to ethnic or religious minority groups, including Hazaras;

8. *Calls for* opportunities and access to inclusive and equitable quality education at all levels for women and girls, for the immediate and unconditional reopening of schools for girls of all ages, and for equal and quality education for girls and boys at all levels;

9. *Also calls for* respect for and the promotion and protection of the right of everyone to take part in cultural life, including the ability to have access to and to enjoy cultural heritage, and for the protection of tangible and intangible cultural heritage consistent with article 15 of the International Covenant on Economic, Social and Cultural Rights and the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the two optional protocols thereto, and urges all parties to refrain from any unlawful military use and the targeting of cultural property;

10. *Reiterates* the urgency of a prompt, independent and impartial review of or investigation into all alleged violations and abuses of human rights and violations of international humanitarian law to end impunity, ensure accountability and bring perpetrators to justice;

11. *Reiterates* its call for an Afghan-led and Afghan-owned process for the establishment of a participative, inclusive and representative government, including with regard to gender and all ethnic and religious minorities, and ensuring the full, equal and meaningful participation of women and youth in decision-making positions and processes;

12. *Urges* the international community to adjust further its engagement with any future Government of Afghanistan with regard to respect for the human rights and fundamental freedoms of all Afghans, including women, girls, children, persons with disabilities and persons belonging to marginalized groups, including ethnic and religious minorities, and respect for the rule of law, freedom of expression, including for members of the media, with specific attention to human rights defenders, and respect for the obligations of Afghanistan under international human rights law;

13. *Reiterates* the need to address the profound challenges facing Afghanistan, including through efforts to provide assistance in the fulfilment of human rights obligations

arising from international treaties that Afghanistan has ratified, and to offer support and advice to civil society;

14. *Underscores* the need for and calls for further improvement in the living conditions of the Afghan people, and emphasizes the need for providing basic social services at the national, provincial and local levels, in particular education, clean water, sanitation, digital connectivity and public health services, with special attention to the needs of women, girls, disadvantaged and marginalized groups, including persons belonging to minority groups and persons with disabilities;

15. *Expresses deep concern* at the humanitarian situation, calls upon the international community to offer greater support, including in the context of the food security situation and the ongoing protection crisis, and urges all parties to allow immediate, safe and unhindered humanitarian access, including across conflict lines, to ensure that humanitarian assistance reaches all those in need, particularly internally displaced persons and those in situations of vulnerability, and to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, including female workers;

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

17. *Reiterates* its call for the reinstatement of an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to protect and promote all human rights, receive complaints from the public, monitor places of detention and bring issues to the attention of the de facto authorities, and also for the reinstatement of the Ministry of Women's Affairs;

18. *Calls for* the provision of an enabling environment for civil society actors and the media to carry out their activities without hindrance or fear of reprisal, the investigation of cases of intimidation and attacks against members of civil society, including women's rights organizations, and journalists, bringing perpetrators to justice, and for measures to promote respect for freedom of expression and access to information and support;

19. *Acknowledges* the specific access provided to the Special Rapporteur;

20. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for a period of one year, and to include in his mandate a child's rights perspective and the responsibility to document and preserve information relating to human rights violations and abuses, and to present a report to the Human Rights Council at its fifty-second session, to provide an oral update at its fifty-fourth session, and to present a report to the General Assembly at its seventy-eighth session, in accordance with their respective programmes of work;

21. *Requests* the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, with the support of other relevant special procedure mandate holders, to prepare a report on the situation of women and girls in Afghanistan, and to present it to the Human Rights Council at its fifty-third session, to be followed by an enhanced interactive dialogue;

22. *Decides* that, in order to provide the support necessary to the mandate holder, the mandate holder shall continue to benefit from additional dedicated and specific resources and expertise to be provided by the Office of the High Commissioner, in particular in the areas of fact-finding, legal analysis, forensics, the human rights of women and girls and of persons belonging to minorities, the right to education, torture and other cruel, inhuman or degrading treatment or punishment, and additional resources for children's rights, translation, documentation, information- and evidence-gathering and preservation;

23. *Calls upon* all relevant actors in Afghanistan to cooperate fully with the Special Rapporteur, the special procedures of the Human Rights Council and the treaty bodies, and other international bodies seized with the situation in Afghanistan, to grant them unhindered access to the country without delay, and to provide them with all necessary information and support to allow for the proper fulfilment of their mandates, and to ensure that civil society

organizations, human rights defenders, victims, survivors, their families and other individuals have unhindered access to the above-mentioned bodies and mechanisms without fear of reprisals, intimidation or attack;

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

25. *Requests* the United Nations High Commissioner for Human Rights to end reporting on the implementation of Human Rights Council decision 2/113 of 27 November 2006 and Council resolution 14/15 of 18 June 2010, and requests the Office of the High Commissioner to enhance its monitoring and reporting on the overall situation of human rights in Afghanistan, and to update the Council thereon on an intersessional basis, as deemed necessary, and to present, under agenda item 2, a comprehensive report, including an analysis and recommendations on the institutional protection of human rights, to the Council at its fifty-fourth session, to be followed by an interactive dialogue;

26. *Urges* all relevant special procedure mandate holders and invites treaty bodies to closely monitor and reflect on the situation of human rights in Afghanistan within the scope of their respective mandates;

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

42nd meeting  
7 October 2022

[Adopted by a recorded vote of 29 to 3, with 15 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Benin, Brazil, Côte d'Ivoire, Czechia, Finland, France, Gambia, Germany, Honduras, India, Japan, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mexico, Montenegro, Namibia, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

China, Pakistan and Venezuela (Bolivarian Republic of)

*Abstaining:*

Bolivia (Plurinational State of), Cameroon, Cuba, Eritrea, Gabon, Indonesia, Kazakhstan, Libya, Mauritania, Nepal, Qatar, Senegal, Somalia, Sudan and Uzbekistan]

## **51/21. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Reaffirming also* the right of everyone, without discrimination, to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

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

*Realizing* that, during pandemics and other health emergencies, the fulfilment of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health should be guided by a strong spirit of solidarity, in particular solidarity with the poorest and with people in vulnerable situations,

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and welcoming the Sustainable Development Goals, particularly, inter alia, Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, and other health-related Goals and targets,

*Recalling* Human Rights Council resolutions 6/29 of 14 December 2007, 15/22 of 27 September 2010, 24/6 of 8 October 2013, 33/9 of 29 September 2016 and 42/16 of 26 September 2019, and all previous resolutions of the Commission on Human Rights and the Council on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recognizing* the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health and to address the underlying and social determinants of health,

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

1. *Welcomes* the work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Takes note* of the reports of the Special Rapporteur submitted to the Human Rights Council at its forty-seventh and fiftieth sessions,<sup>61</sup> and to the General Assembly at its seventy-sixth and seventy-seventh sessions;<sup>62</sup>

3. *Decides* to extend the mandate of Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as established by the Human Rights Council in paragraph 1 of its resolution 6/29, for a further period of three years;

4. *Encourages* the Special Rapporteur, in fulfilling the mandate, to continue to take into account and support the achievement of the health-related Sustainable Development Goals and targets;

5. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, and to give due consideration to the recommendations made by the mandate holder;

6. *Encourages* all Governments to give serious consideration to responding favourably to the requests made by the Special Rapporteur to visit their countries to enable the mandate holder to fulfil the mandate effectively;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources necessary for the effective fulfilment of the mandate of the Special Rapporteur, including in the achievement of the health-related Sustainable Development Goals and targets, challenged by the coronavirus disease (COVID-19) pandemic;

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

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

42nd meeting  
7 October 2022

[Adopted without a vote.]

<sup>61</sup> [A/HRC/47/28](#) and [A/HRC/47/28/Add.1](#), and [A/HRC/50/28](#).

<sup>62</sup> [A/76/172](#) and [A/77/197](#).

## 51/22. Human rights implications of new and emerging technologies in the military domain

*The Human Rights Council,*

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

*Recalling* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant instruments of international human rights law, as well as the Vienna Declaration and Programme of Action,

*Recalling also* the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977 and other relevant instruments of international humanitarian law,

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

*Recalling* General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and, inter alia, acknowledged that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

*Recalling also* the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, in which it is noted that the responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate and recognized that addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, when appropriate, remediation, and encouraging States and business enterprises to implement the Guiding Principles,

*Recognizing* that human rights derive from the inherent dignity of the human person, and in this regard stressing the imperative of a human remaining central in the use of force,

*Recognizing also* that the use of new and emerging technologies in the military domain, some of which rely on, inter alia, data sets, algorithm-based programming and machine-learning processes, may, in certain circumstances, cause, contribute to or facilitate the commission of human rights violations and abuses, as well as violations of international humanitarian law, and recognizing further the risk that these technologies could be acquired by non-State actors,

*Noting* that new and emerging technologies in the military domain may rely on non-representative data sets, algorithm-based programming and machine-learning processes and that their use can reproduce and exacerbate existing patterns of structural discrimination, marginalization, social inequalities, stereotypes and bias and create unpredictability of outcomes,

*Recognizing* the need to ensure that international human rights law is respected in the conception, design, development, deployment, evaluation and regulation of data-driven technologies and to ensure that they are subject to adequate safeguards and oversight, and stressing that States have a duty to promote the rule of law, adequate accountability, legal certainty and procedural and legal transparency,

*Acknowledging*, in the light of the above, the need to study the human rights implications of new and emerging technologies in the military domain, while taking into account ongoing discussions within the United Nations system,

*Welcoming* the role of human rights defenders and civil society organizations in raising awareness about the human rights impacts of the use of new and emerging technologies in the military domain,

1. *Requests* the Human Rights Council Advisory Committee to prepare a study examining the human rights implications of new and emerging technologies in the military

domain, while taking into account ongoing discussions within the United Nations system, and to present the study to the Human Rights Council at its sixtieth session;

2. *Also requests* the Advisory Committee to seek the views of and inputs from and to take into account relevant work already done by stakeholders, including States, United Nations agencies, entities, funds and programmes within their respective mandates, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council, the treaty bodies, national human rights institutions, civil society, the private sector, academic institutions, multi-stakeholder initiatives and other relevant stakeholders, when preparing the above-mentioned study;

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

42nd meeting  
7 October 2022

[Adopted without a vote.]

## 51/23. Human rights and transitional justice

*The Human Rights Council,*

*Guided by* the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

*Recalling* Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009, 21/15 of 27 September 2012, 33/19 of 30 September 2016 and 42/17 of 26 September 2019, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, General Assembly resolution 68/165 of 18 December 2013, on the right to the truth, as well as Council resolutions 18/7 of 29 September 2011, 27/3 of 25 September 2014, 36/7 of 28 September 2017 and 45/10 of 6 October 2020, on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Recalling also* General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

*Recalling further* the set of principles for the protection and promotion of human rights through action to combat impunity,<sup>63</sup> and the updated version of those principles,<sup>64</sup>

*Recalling* the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies<sup>65</sup> and his follow-up report on the same topic,<sup>66</sup> including the relevant recommendations contained therein, and his reports issued in 2006,<sup>67</sup> 2012,<sup>68</sup>

<sup>63</sup> E/CN.4/Sub.2/1997/20/Rev.1, annex II.

<sup>64</sup> E/CN.4/2005/102/Add.1.

<sup>65</sup> S/2004/616.

<sup>66</sup> S/2011/634.

<sup>67</sup> A/61/636-S/2006/980 and A/61/636-S/2006/980/Corr.1.

<sup>68</sup> A/66/749.

2013<sup>69</sup> and 2014<sup>70</sup> outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

*Recalling also* the guidance note of the Secretary-General on the United Nations approach to transitional justice of 19 April 2010, and noting that it is currently being revised to address the contemporary challenges of transitional justice,

*Recalling further* General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, including its goals and targets, inter alia Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and recognizing that transitional justice can contribute to this Goal, inter alia through its objectives of combating impunity, granting access to justice and transforming conflict,

*Recalling* General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council recognized that development, peace and security, and human rights are interlinked and mutually reinforcing and, inter alia, stressed that a comprehensive approach to transitional justice, including promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law, access to justice and good governance, further extending legitimate State authority, and preventing countries from lapsing or relapsing into conflict,

*Recalling also* the report of the Secretary-General on peacebuilding and sustaining peace<sup>71</sup> describing the restructuring of the peace and security pillar of the United Nations, management reform and the reinvigorated resident coordinators system,

*Taking note* of the United Nations-World Bank group study *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* of 13 April 2018 and of such initiatives as the Pathfinders for Peaceful, Just and Inclusive Societies,

*Affirming* that impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, and also to the furtherance of cooperation among peoples and the promotion of international peace and security,

*Acknowledging* that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of past atrocities, genocide, war crimes, ethnic cleansing and crimes against humanity, or similar violations and contribute to sustainable peace and development,

*Underlining* the fact that, when designing and implementing strategies, policies and measures to address gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, the specific context of each situation must be taken into account with a view to preventing the recurrence of future violations and to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels with a view to promoting reconciliation, sustainable peace and development,

*Emphasizing* the importance of a comprehensive transitional justice approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, memorialization initiatives, and processes to achieve shared

<sup>69</sup> S/2013/341.

<sup>70</sup> A/68/213/Add.1 and A/69/181.

<sup>71</sup> A/72/707–S/2018/43.

narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish national independent oversight of the security sector, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law and international humanitarian law,

*Recognizing* the importance of assisting States that have undergone past atrocities, upon their request and in cooperation with them, in devising national comprehensive transitional justice strategies with a view to addressing the needs of victims and their right to an effective remedy, to preventing the recurrence of past atrocities or similar violations, to avoiding relapsing into conflict or other forms of violence and to ensuring sustainable peace and reconciliation, acknowledging that the implementation of such a strategy can contribute to both peacebuilding and development efforts, and encouraging the international community to support such processes in a more sustainable manner,

*Noting with appreciation* the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and to promote the rule of law, and encouraging further efforts to ensure that a gender perspective and an approach that is victim-centred and addresses the root causes are fully integrated into all of these activities,

*Welcoming* the role of the Office of the United Nations High Commissioner for Human Rights in relation to transitional justice and human rights, including its conceptual and analytical work, and the increased efforts of the United Nations system for joint planning and implementation across the pillars of the United Nations,

*Welcoming also* the role of the Peacebuilding Commission and its consistent efforts, in cooperation with national and transitional Governments and in consultation with relevant United Nations entities, to incorporate human rights when advising on and supporting country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

*Welcoming further* the investment of the Peacebuilding Fund in projects addressing critical gaps in sustaining peace, and encouraging it to promote context specific transitional justice efforts and processes,

*Recognizing* the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

*Recognizing also* the importance of documenting gross human rights violations and abuses and serious violations of international humanitarian law for the purpose of accountability, the fight against impunity and as a contribution to transitional justice processes, and welcoming the efforts of the Human Rights Council and its mechanisms in this regard,

*Taking note with appreciation* of the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,<sup>72</sup>

*Reaffirming* the important role of women in peacebuilding, and noting the substantial link between women's full, equal and meaningful participation, including as agents of change and leaders, in efforts to prevent, resolve and rebuild from conflict and the effectiveness and long-term sustainability of those efforts, and stressing in this regard the importance of women's full, equal and meaningful participation in all these efforts and the need to increase women's access to and role in decision-making with regard to conflict prevention and resolution and peacebuilding,

*Recognizing* the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in preventing gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, from being committed, or in

<sup>72</sup> See [A/HRC/51/34](#) and [A/76/180](#).



addressing their legacy by promoting the right to the truth, justice, reparation and guarantees of non-recurrence,

*Acknowledging* that transitional justice contributes to sustainable peace and security by helping to break cycles of violence and atrocities, delivering a sense of justice to victims and addressing deficiencies in State institutions that may have enabled, if not promoted, those cycles, and underlining the need for its potential in contributing to atrocity prevention, peacebuilding and reconstruction to be properly recognized,

*Acknowledging also* that the potential of transitional justice to sustain peace and to foster sustainable development depends on the degree to which transitional justice processes are context-specific, comprehensive, victim-centred, gender-sensitive, participatory and nationally owned,

*Recognizing* the importance of mental health and psychological support services for victims and affected communities from early on and throughout transitional justice processes in helping to address grievances and overcome the intergenerational impact of past gross human rights violations and abuses and serious violations of international humanitarian law,

*Recognizing also* the importance of information exchange between the Human Rights Council and other relevant bodies of the United Nations on matters relating to transitional justice,

1. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

2. *Also recognizes* that national efforts to sustain peace, with the support of the international community as applicable, are necessary not only during conflict and in post-conflict situations but also long before conflict breaks out, through the prevention of conflict and addressing its root causes and by ensuring that the respect of human rights and efforts for sustainable development can contribute to lasting peace;

3. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council pursuant to its resolution 42/17,<sup>73</sup> in which the Office of the High Commissioner examined how addressing a legacy of gross violations and abuses of human rights and serious violations of international humanitarian law through transitional justice measures can contribute to sustaining peace and the realization of Sustainable Development Goal 16;

4. *Calls upon* States, United Nations bodies and entities, and all other relevant stakeholders to consider the recommendations made in the aforementioned report and to consider using transitional justice processes as a strategic tool to sustain peace and pursue sustainable development, in addition to providing redress for past gross violations and abuses of human rights and serious violations of international humanitarian law;

5. *Underlines* that, in order to maximize the positive impact of transitional justice on sustaining peace and on sustainable development, there is the need:

- (a) To consistently adopt a “past-sensitive lens” in peace and development work;
- (b) To undertake joint, inclusive and integrated analyses, including regarding preconditions for a conducive environment for transitional justice;
- (c) To enhance data collection to measure impact and progress, including by using the Sustainable Development Goals framework;
- (d) To adopt measures focused on making a tangible difference in the lives of victims and of the broader population; and
- (e) To ensure that participatory approaches and public consultations are construed as inclusive, meaningful and ongoing processes;

6. *Calls upon* States, where relevant:

<sup>73</sup> [A/HRC/49/39](#).

(a) To develop and implement comprehensive transitional justice strategies and policies and to establish judicial and non-judicial mechanisms in order to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent the recurrence of such atrocities;

(b) When designing transitional justice processes, to focus on the ability of the proposed measures to foster trust, empower individuals, enhance inclusion, achieve gender equality, and identify and address root causes of conflict, atrocities and human rights violations and abuses;

(c) To ensure that transitional justice initiatives promote transformative processes and outcomes and, in particular, address sexual and gender-based violence, and other gender-based human rights violations and their root causes, such as gender inequality, including by ensuring that their design and implementation benefit from the full, equal and meaningful participation of women, including as agents of change and leaders;

(d) To ensure that their transitional justice process addresses past gross violations and abuses of human rights and serious violations of international humanitarian law as a matter of redress to victims, and as a policy that strives for societal cohesion, healing and trust-building and for the transformation of conditions that have led to atrocities and gross human rights violations and abuses;

(e) To promote approaches to transitional justice that address all human rights violations and abuses, including those relating to economic, social and cultural rights;

(f) To include best practices and lessons learned from transitional justice processes in their efforts to realize Sustainable Development Goal 16 and, as appropriate, to design, fund and implement comprehensive transitional justice measures as part of their development efforts;

(g) To further use the Sustainable Development Goals framework to accelerate the design, funding and implementation of transitional justice initiatives and to enhance data collection and reporting on progress and impact;

(h) To recognize the long-term nature of transitional justice processes, to support the plight of victims for truth, justice and reparation, and to establish links to permanent structures, such as national justice systems and national institutions or networks for atrocity prevention;

7. *Condemns* impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, emphasizes the responsibility of States to comply with their obligations under international law to end impunity, and urges States to seek sustainable peace, justice, truth and reconciliation through comprehensive transitional justice strategies, in particular to thoroughly investigate and prosecute those responsible for such violations and crimes, in order to avoid their recurrence, and to promote reconciliation at the national level;

8. *Encourages* States and regional and international organizations to acknowledge and support the important role of civil society, including justice advocates, grass-roots groups, victims' associations, and of the media, in addressing gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and, where relevant, in the promotion, implementation and monitoring of comprehensive transitional justice approaches and efforts;

9. *Underlines* in this regard the importance of taking into account the analysis and perspectives of civil society, such as victims' and grass-roots organizations, pertaining to matters of transitional justice by all relevant United Nations bodies and entities;

10. *Reaffirms* the important role of women in the prevention, in mediation and the resolution of conflicts, and in peacebuilding and in development efforts, and stresses the need for their full, equal and meaningful participation in the design, establishment and implementation of comprehensive transitional justice strategies and processes;

11. *Recognizes* that young people are critical stakeholders and have an invaluable role to play in the design and implementation of transitional justice mechanisms with a view to the non-recurrence of violations and conflict;

12. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations and abuses, particularly women and girls, in order to ensure gender sensitivity in the restoration of the rule of law and transitional justice processes;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on lessons learned and good practices of transitional justice in the context of sustaining peace and of sustainable development, notably Sustainable Development Goal 16, informed by prior regional meetings, and to present it to the Human Rights Council at its fifty-eighth session during an enhanced interactive dialogue;

14. *Also requests* the Office of the High Commissioner, in preparing the above-mentioned regional meetings and report, to consult with States, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, other relevant entities of the United Nations Secretariat, relevant United Nations agencies, funds and programmes, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners;

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

42nd meeting  
7 October 2022

[Adopted without a vote.]

## **51/24. Terrorism and human rights**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

*Recalling* all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning human rights and terrorism, the most recent being General Assembly resolutions, 76/169 of 16 December 2021, 72/129 of 8 December 2017, 72/165 of 19 December 2017, 72/180 of 19 December 2017, 72/246 of 24 December 2017, 73/174 of 17 December 2018, 73/305 of 28 June 2019 and 74/147 of 18 December 2019, and reaffirming Human Rights Council resolutions 34/8 of 23 March 2017, 35/34 of 24 June 2017, 37/27 of 23 March 2018, 40/16 of 22 March 2019, 42/18 of 26 September 2019, 45/11 of 6 October 2020 and 49/10 of 31 March 2022,

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

*Reaffirming* that States must ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law,

*Reaffirming also* the obligation of States to respect, promote and protect all human rights and fundamental freedoms and the fundamental importance of respecting the rule of law,

*Reaffirming further* its unequivocal condemnation of all acts, methods and practices of terrorism and violent extremism conducive to terrorism in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism as unjustifiable in accordance with applicable international law,

*Recognizing* that terrorism and violent extremism conducive to terrorism have a detrimental effect on the full enjoyment of all human rights and fundamental freedoms, impede the full enjoyment of political, civil, economic, social and cultural rights, destroy lives, family ties and the fabric of communities, sow fear in individuals and communities and demolish livelihoods and whole economies, and pose a threat to the territorial integrity and security of States, the stability of Governments, the rule of law and democracy and, ultimately, to the functioning of societies and international peace and security,

*Recognizing also* that an approach that fully respects human rights and the rule of law is the only way to effectively counter terrorism and violent extremism conducive to terrorism,

*Emphasizing* that terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group and that tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding and respect among people, including at the national, regional and global levels, while combating the escalation of hatred, are among the most important elements in the promotion of cooperation and success in preventing and combating terrorism and violent extremism conducive to terrorism, and welcoming the various initiatives to that end,

*Reaffirming* that the promotion and the protection of human rights for all and the rule of law are essential to the fight against terrorism and violent extremism conducive to terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

*Reaffirming also* its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, as adopted by the General Assembly in its resolution 60/288 of 8 September 2006, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism, and recalling the seventh biennial review of the Strategy as adopted in General Assembly resolution 75/291 of 30 June 2021,

*Deploing* attacks on religious places and shrines and cultural sites in violation of international law, in particular international human rights law and international humanitarian law, as applicable, including all deliberate destruction of relics, monuments or religious sites,

*Expressing concern* at the impact that terrorist attacks against vulnerable targets, including critical infrastructure and public places ("soft targets"), such as health, education and religious facilities, has on the effective enjoyment of all human rights,

*Deeply deploring* the suffering caused by terrorism and violent extremism conducive to terrorism to the victims and their families, while stressing the need to promote and protect the rights of victims of terrorism, thereby advancing an approach that fully respects their human rights, in particular those of women and children who are victims of terrorism, reaffirming its profound solidarity with them, and stressing the importance of providing them with proper support, assistance and effective remedies and reparations, while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

*Strongly condemning* all violations committed while countering terrorism and abuses committed by terrorist groups against women and girls, including killing, maiming, abduction, trafficking, forced marriage, harassment and rape and other forms of sexual and gender-based violence, and stressing the importance of holding the perpetrators of such violations accountable,

*Strongly condemning also* all violations committed while countering terrorism and abuses committed by terrorist groups against children, and strongly condemning the recruitment and use of children to perpetrate terrorist attacks, and all violations and abuses committed by terrorist groups against children, including trafficking, killing, maiming, abduction and rape and other forms of sexual and gender-based violence, and noting that such violations and abuses may amount to war crimes or crimes against humanity,

*Expressing its grave concern* at the phenomenon of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, and encouraging all States to address this threat by enhancing their cooperation and developing

relevant measures to tackle this phenomenon, in accordance with their obligations under international law, including international human rights law, international refugee law and international humanitarian law,

*Recognizing* that countering terrorism requires a comprehensive approach and a multidimensional strategy to tackle the factors underlying and conditions conducive to terrorism,

*Conscious* that there are a number of drivers underlying, and conditions conducive to, radicalization to terrorism and that development based on the principles of social justice, inclusion and equal opportunities can contribute to the prevention of terrorism and violent extremism conducive to terrorism and to the promotion of inclusive, open and resilient societies, notably through education, and affirming the determination of States to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights and fundamental freedoms for all and the rule of law, to improve intercultural understanding and to promote respect for all,

*Renewing* the unwavering commitment of States to strengthening international cooperation to prevent and combat terrorism and violent extremism conducive to terrorism in all their forms and manifestations, in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law,

*Welcoming* the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, in addressing the human rights and fundamental freedoms of victims of terrorism and alleged violations of human rights and fundamental freedoms while countering terrorism,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of all human rights;

2. *Stresses* the responsibility of States to protect persons in their territory against terrorist acts, in full compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

3. *Urges* States to establish or strengthen national, regional and international partnerships with stakeholders, both public and private, as appropriate, to share information and experience, in order to prevent, protect against, mitigate, investigate, respond to and recover from terrorist attacks, in accordance with international law;

4. *Calls upon* States to ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular human rights law, international refugee law and international humanitarian law;

5. *Also calls upon* States to take appropriate measures to address the new and emerging threats posed by the rise in terrorist attacks on the basis of xenophobia, racism and other forms of intolerance, or in the name of religion or belief, including through investigation, information exchange, in accordance with international law, and cooperation, and emphasizes the need to develop a comprehensive understanding of this phenomenon to guide counter-terrorism efforts in a way that ensures the respect for, and the promotion and protection of, human rights for all while countering terrorism and violent extremism conducive to terrorism;

6. *Further calls upon* States to ensure that no transfer or return of suspects of terrorist activities or other national security offences is carried out to countries where there are substantial grounds for believing that those suspects would be in danger of being subjected to torture;

7. *Stresses* that all measures used in the fight against terrorism and violent extremism conducive to terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights law, international refugee law and international humanitarian law;

8. *Condemns* the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

9. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and the work done by civil society organizations for victims of terrorism, acknowledges the importance of protecting the human rights of victims and of providing them with legally based and sufficiently resourced support, assistance and rehabilitation, and recognizes the role that victims of terrorism can play, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice, truth and reparations in such a way that promotes accountability and ends impunity, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

10. *Encourages* all States to develop comprehensive assistance plans for victims of terrorism and their families, consistent with domestic law and national capacities and capabilities, to address the immediate, short-term and long-term needs of victims of terrorism and their families, with regard to their relief and rehabilitation;

11. *Recognizes* the work done and efforts made by the relevant United Nations bodies and entities and other international, regional and subregional organizations aimed at supporting, recognizing and protecting the rights of victims, as well as their efforts to provide, upon request, technical assistance for building the capacity of States in the development and implementation of programmes of assistance and support for victims;

12. *Welcomes* the initiative of the Secretary-General to convene the first Global Congress of Victims of Terrorism, and encourages Global Counter-Terrorism Coordination Compact entities, within their respective mandates, to continue to raise awareness about victims of terrorism and the promotion and protection of their rights, including in the criminal justice process, to further strengthen the capacity of States to assist victims of terrorism and to strengthen their engagement with relevant civil society and private sector organizations, which can play a valuable role in assisting and supporting victims of terrorism;

13. *Notes with concern* the measures that undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the use of torture and the unlawful deprivation of the right to life and other human rights and fundamental freedoms, and urges States to review the grounds of detention and to respect the rights to equality and non-discrimination in the administration of justice and to a fair trial, as provided for by international law, including international human rights law, and, as applicable, international humanitarian law and international refugee law;

14. *Emphasizes* that States should ensure that domestic laws and practices related to counter-terrorism measures respect the principle of non-discrimination, including by repealing the proscription and listing of organizations and individuals on the basis of race, ethnicity, religion or political opinion, by reviewing laws on the deprivation of nationality, including the foreseeable grounds for deprivation and adequate procedural safeguards, in accordance with international law, and by ensuring that terrorism and related offences are narrowly defined and meet the principles of legality, necessity and proportionality;

15. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect certain rights as non-derogable under any circumstances, recalls, with regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, underlines the exceptional and temporary nature of any such derogations, and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

16. *Urges* all States to respect and protect the right to privacy, including in the context of digital communication, calls upon States, while countering terrorism and violent extremism conducive to terrorism, to review their procedures, practices and legislation regarding the surveillance of communications, their interception and collection of personal data, including mass surveillance, interception and collection, 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, and urges them to take measures to ensure that any interference with the right to privacy is regulated by law, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that such interference is consistent with the principles of legality, necessity and proportionality, and to comply with their obligations under international law;

17. *Emphasizes* the key importance of the full respect for the right to freedom of opinion and expression in efforts to fight terrorism and violent extremism conducive to terrorism, and also in countering the propaganda of terrorist and extremist groups, in line with the provisions set out in the International Covenant on Civil and Political Rights;

18. *Stresses* the importance of ensuring access to justice and accountability, and calls upon States to ensure that any person who alleges that their human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy and that victims of human rights violations and abuses receive adequate, effective and prompt remedy and reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-repetition as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

19. *Also stresses* the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems in a manner that fully respects the rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal, to access to independent and adequate legal representation, to a review of detention and to the presumption of innocence and other fundamental judicial guarantees, in accordance with relevant obligations under international law, including international human rights law, international humanitarian law and international refugee law;

20. *Urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory and not to resort to profiling based on stereotypes founded on ethnic, racial or religious grounds or any other grounds of discrimination prohibited by international law;

21. *Recognizes* the important role of women in preventing and countering terrorism and violent extremism conducive to terrorism, and requests States to consider the impact of counter-terrorism strategies on women's and children's enjoyment of human rights and to seek consultations with their representative organizations when developing strategies to counter terrorism and violent extremism conducive to terrorism;

22. *Urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with, and are applied in a manner that fully respects the rights enshrined in, the Universal Declaration of Human Rights and the obligations of States under international human rights law, in particular the International Covenant on Civil and Political Rights, with a view to ensuring respect for the principles of legal certainty and legality;

23. *Reaffirms* the need to strengthen international cooperation to prevent and counter terrorism in accordance with international law, including the Charter of the United Nations, international human rights law and international humanitarian law, including through technical cooperation, capacity-building and the exchange of information and intelligence on countering terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

24. *Urges* States to ensure that gender equality and non-discrimination are taken into account when shaping, reviewing and implementing all counter-terrorism measures, to highlight the important role of women in countering terrorism and violent extremism conducive to terrorism, and to promote their full and effective participation, and to consider ways in which women, youth and children experience the impact of counterterrorism and countering violent extremism in law and practice, in active societal and inclusive consultations;

25. *Strongly condemns* terrorist acts and all acts of violence committed by terrorist groups, including trafficking in persons, kidnapping and hostage-taking with demands for

ransom and/or political concessions, and the continued systematic and widespread abuses of human rights perpetrated by such groups, and calls upon all States to prevent terrorists from benefiting from ransom payment and political concessions and to secure the safe release of hostages, in accordance with applicable legal obligations, while noting the initiatives in this regard, including the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists;

26. *Urges* States to do all they can, in accordance with their obligations under international law, to prevent any political, material or financial support from reaching terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment, to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, by terrorist groups for any purpose, and to bring to justice or, where appropriate, extradite the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning or preparation of terrorist acts;

27. *Also urges* States to prohibit and criminalize the recruitment and use of children, including by terrorist groups, to investigate cases of exploitation of children and to bring perpetrators to justice;

28. *Further urges* States to ensure that children associated, or allegedly associated, with armed groups or terrorist groups are treated primarily as victims, with the best interests of the child as a primary consideration, to consider non-judicial measures as alternatives to prosecution and alternatives to detention for those accused of crimes, as stipulated in relevant General Assembly resolutions relating to juvenile justice, and to take measures that are focused on rehabilitation and reintegration in an environment that fosters the health, self-respect and dignity of the child, in accordance with relevant provisions of international humanitarian law and international human rights law, in particular the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict;

29. *Recalls* its resolution 16/18 of 24 March 2011 and its follow-up resolutions, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and calls for their effective implementation by the international community in order to contribute to a more conducive environment to countering the messages of extremist groups attempting to justify violence, including through ethnic or religious stigmatization and discrimination;

30. *Requests* States to refrain from providing support to entities or persons involved in terrorist acts, including support in establishing propaganda platforms advocating hatred that constitutes incitement to discrimination, hostility or violence, including through the Internet and other media, reiterates that information and communications technologies can be powerful tools in countering the spread of terrorism and violent extremism conducive to terrorism, including by promoting human rights, peace, tolerance, pluralism and dialogue among peoples, and emphasizes in this regard the key importance of the full respect for the right to freedom of opinion and expression, as set out in the International Covenant on Civil and Political Rights;

31. *Urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters in accordance with international law, including international human rights law and international humanitarian law, and good practices, such as those set out in the Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes, inter alia, the development of national centres for counsel and the prevention of radicalization to violence, which can play an important role together with criminal justice responses;

32. *Strongly encourages* relevant United Nations agencies, including those involved in supporting counter-terrorism efforts and preventing and countering violent extremism conducive to terrorism, to take into account in their technical assistance with regard to counter-terrorism efforts, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law



and to continue to facilitate the promotion and protection of human rights and fundamental freedoms, due process and the rule of law while countering terrorism;

33. *Urges* States and the international community and encourages civil society to take measures, as appropriate, including through education, awareness-raising, the media and human rights education and training, to promote peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs and cultures and to effectively address the conditions conducive to the spread of terrorism and violent extremism conducive to terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

34. *Emphasizes* that mutual respect, tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding, and combating intolerance, discrimination and hatred that constitutes incitement to discrimination, hostility or violence on the basis of religion or belief, or any other basis, including at the national, regional or global levels, are among the most important elements in promoting cooperation and success in preventing and combating terrorism and violent extremism conducive to terrorism, and welcomes the various initiatives to that end;

35. *Recognizes* the important role of media, civil society, religious leaders and institutions, the private sector, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

36. *Acknowledges* that the active participation of civil society can strengthen ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism and to assess the impact of terrorism on the enjoyment of all human rights, and calls upon States to ensure that measures to counter terrorism and violent extremism conducive to terrorism and to preserve national security do not hinder their work and safety and are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

37. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms and on alleged violations of human rights and fundamental freedoms while countering terrorism and violent extremism conducive to terrorism, and to report regularly to the Human Rights Council;

38. *Invites* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to pay attention to the negative effect of terrorism on the enjoyment of human rights and fundamental freedoms, and to make recommendations in this regard;

39. *Decides* to remain seized of this matter.

42nd meeting  
7 October 2022

[Adopted without a vote.]

## **51/25. Situation of human rights in the Russian Federation**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, and relevant international human rights treaties,

*Reaffirming* that it is the primary responsibility of each State to respect, protect and fulfil human rights in accordance with its obligations under international human rights law,

*Reaffirming also* its strong commitment to the sovereignty and political independence of the Russian Federation within its internationally recognized borders,

*Recalling* all relevant statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the acting High Commissioner, the special

procedures of the Human Rights Council and the treaty bodies on the situation of human rights in the Russian Federation,

*Noting with concern* the findings of the recent report of the Moscow Mechanism of the Organization for Security and Cooperation in Europe on the legal and administrative practices of the Russian Federation, notably the use by the Russian authorities of propaganda, repressive legislation and violence to create a climate of fear and intimidation for civil society and activists, and the clear connection between domestic repression and war abroad, and noting the recommendation made in the report that the Human Rights Council should appoint a special rapporteur on the Russian Federation,

*Gravely concerned* at the significant deterioration of the situation of human rights in the Russian Federation, in particular the severe restrictions on the rights to freedoms of opinion and expression, peaceful assembly and association, both online and offline, resulting in systematic crackdowns on civil society organizations, human rights defenders, particularly women human rights defenders, who face specific gender-based threats, independent media outlets, journalists, media workers, lawyers and political opposition by the Russian authorities, and the extrajudicial killing of government critics,

*Expressing its deep concern* in this respect at the reported mass arbitrary arrests, detentions and harassment of civil society representatives, human rights defenders, political opposition representatives, journalists and other media workers, particularly women, persons belonging to minorities and to groups who are discriminated against and marginalized and other individuals exercising their human rights, including persons peacefully protesting and speaking out against the deterioration of the rule of law in the Russian Federation and the aggression of the Russian Federation against Ukraine, and the excessive use of force against these individuals, as well as at the denial of the right to legal assistance, including for those detained, and the denial of their right to a fair trial,

*Expressing its concern* at the mass forced shutdowns of civil society organizations, including the International Human Rights Centre “Memorial” and the Centre for Support of Indigenous Peoples of the North, and independent media outlets, including radio channels, television channels, online media and newspapers, including *Novaya Gazeta*, *Echo of Moscow* and the television channel *Dozhd*, the bans on foreign media and the targeted revocation of registration of foreign organizations by the Russian authorities, and also at the limited access of Russian civil society to information and communications infrastructure and the increase in censorship and disinformation,

*Noting with deep concern* the legislative measures increasingly restricting the freedoms of peaceful assembly, association and expression, including the freedom to seek, receive and impart information, both online and offline, notably the laws on so-called “foreign agents”, “extremism” and “undesirable organizations”, as amended, the law on “fake war news”, adopted on 4 March 2022, amending the Code on Administrative Offences and the Criminal Code and including general prohibitions on the dissemination of information based on vague and ambiguous notions,

*Convinced* that the independence and impartiality of the judiciary and the integrity of the judicial system and 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 that they should therefore be respected in all circumstances,

*Regretting* the repeated postponement by the Russian Federation of its review by the Human Rights Committee under the International Covenant on Civil and Political Rights,

*Noting* that the Russian Federation ceased to be a high contracting party to the European Convention on Human Rights on 16 September 2022, and that 17,450 applications directed against the Russian Federation are currently pending before the European Court of Human Rights,

1. *Strongly urges* the Russian authorities to comply with all of the State’s obligations under international human rights law;
2. *Calls upon* the Russian authorities to uphold the fundamental freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and

association, in particular by removing restrictions on diversity in ideas, criticism and dissent, as well as associated rights to liberty and security of person, fair trial, and freedom from torture and other cruel, inhuman or degrading treatment or punishment for people exercising these freedoms;

3. *Decides* to appoint a special rapporteur on the situation of human rights in the Russian Federation for a period of one year, and requests the mandate holder to monitor the situation of human rights in the Russian Federation, to collect, examine and assess relevant information from all relevant stakeholders, including Russian civil society both inside and outside the country, taking into account relevant age, gender and disability dimensions, to cooperate with other relevant United Nations human rights mechanisms, to make recommendations, and to present a comprehensive report to the Human Rights Council at its fifty-fourth session and to the General Assembly at its seventy-eighth session;

4. *Calls upon* the Russian authorities to cooperate fully with the Special Rapporteur, including by allowing the mandate holder unhindered access to visit the country and to meet freely with relevant stakeholders, including civil society and human rights defenders, and providing the mandate holder with the information necessary to properly fulfil the mandate, and also calls upon the Russian authorities to cooperate fully with all special procedure mandate holders, the treaty bodies and the Office of the United Nations High Commissioner for Human Rights, and to refrain from all forms of intimidation and reprisals against persons and associations for their cooperation with these bodies;

5. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and all the resources necessary to enable the fulfilment of the mandate.

42nd meeting  
7 October 2022

[Adopted by a recorded vote of 17 to 6, with 24 abstentions. The voting was as follows:

*In favour:*

Argentina, Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan and Venezuela (Bolivarian Republic of)

*Abstaining:*

Armenia, Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, Honduras, India, Indonesia, Libya, Malawi, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Uzbekistan]

## **51/26. Situation of human rights in the Syrian Arab Republic**

*The Human Rights Council,*

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

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

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

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

*Expressing its deepest concern* at the finding of the Office of the United Nations High Commissioner for Human Rights that, of the 350,209 deaths in the conflict recorded from

2011 to 2021, 143,350 were identified as civilians, in addition to an estimated 163,537 undocumented civilian deaths, representing 1.5 per cent of the total population of the Syrian Arab Republic at the beginning of the conflict,<sup>74</sup>

*Condemning* the fact that children continue to be subjected to serious violations of international humanitarian and human rights law, as identified by the Secretary-General,<sup>75</sup> and that the scale and recurrent nature of such violations and abuses will affect generations to come, and noting with deep regret the finding of the Office of the High Commissioner that almost one in 13 of those who have died as a result of the conflict was a child,<sup>76</sup>

*Noting with concern* the situation of internally displaced persons in camps, the majority of whom are women and children, who are especially vulnerable to sexual and gender-based violence, which includes killings, physical, verbal and sexual abuse, neglect, movement restrictions, child, early and forced marriage, and child labour and trafficking, and who often lack access to food, education, a livelihood and health care, including mental health care,

*Reiterating its deep concern* at the situation of the tens of thousands of individuals forcibly disappeared and those missing and detained in the Syrian Arab Republic, first and foremost by the Syrian regime, and demanding that all parties immediately cease the use of involuntary or enforced disappearance or kidnappings, in accordance with Security Council resolution 2474 (2019) of 11 June 2019 and the applicable international law, and demanding that all parties to the conflict cease the use of torture and other cruel, inhuman or degrading treatment or punishment and sexual and gender-based violence in places of detention, and all related violations and abuses of human rights and violations of international humanitarian law,

*Welcoming* the report of the Secretary-General on missing people in the Syrian Arab Republic,<sup>77</sup> underscoring his finding that any measure towards addressing the continuing tragedy of missing persons in the Syrian Arab Republic requires a coherent and holistic approach going beyond current efforts, which must be inclusive and centred on victims, and calling upon all parties to the conflict, first and foremost the Syrian authorities, to release immediately all persons subjected to enforced disappearance in the Syrian Arab Republic and to provide accurate information to the families of those missing regarding their fate and whereabouts,

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

*Welcoming* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic and that of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,<sup>78</sup> and noting with appreciation the work of the United Nations Headquarters Board of Inquiry,

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

*Welcoming* the work of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons, noting its findings in its two reports to date, and

<sup>74</sup> See [A/HRC/50/68](#).

<sup>75</sup> See [A/76/871-S/2022/493](#).

<sup>76</sup> See [A/HRC/50/68](#).

<sup>77</sup> [A/76/890](#).

<sup>78</sup> See [A/HRC/51/45](#) and [A/75/743](#).

anticipating the publication of its reports into further chemical weapons attacks, including those perpetrated in Mari' on 1 September 2015 and in Duma on 7 April 2018,

1. *Deeply deplores* the fact that the civilian population continues to bear the brunt of the conflict and that civilians, and objects indispensable to their survival, continue to be the targets of deliberate and indiscriminate attacks, including with prohibited weapons and munitions, by all parties to the conflict, notably by the Syrian regime and its State and non-State allies;

2. *Expresses grave concern* in this regard at the recent increase in violence, including air strikes, and the resulting civilian deaths and casualties, including children, and destruction of civilian infrastructure, including medical facilities and schools, and cultural property across the Syrian Arab Republic, demands that all parties immediately comply with their respective obligations under international human rights law and international humanitarian law, and emphasizes the need to ensure that all those responsible for violations and abuses are held to account and that civilians are protected;

3. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in producing a detailed assessment of casualties during 10 years of conflict in the Syrian Arab Republic, including through a statistical analysis of available data on conflict-related death, notes that the work done by casualty recorders in documenting individually verifiable information on each casualty is centred on survivors and victims, focusing on the individuals concerned, their families and their communities by ensuring that those killed are not forgotten and that information is available for accountability-related processes and for the purposes of seeking greater respect for human rights, and demands that the Syrian Arab Republic grant the Office of the High Commissioner and the Independent International Commission of Inquiry on the Syrian Arab Republic immediate, full and unfettered access throughout the Syrian Arab Republic to facilitate human rights monitoring and casualty recording;

4. *Strongly reiterates* the call of the Secretary-General for a global ceasefire, the call of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, and the recommendation made by the Commission of Inquiry to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations, including the full and meaningful participation of women, and for the restoration of respect for human rights, and urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard recalls the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, signed by the Russian Federation and Türkiye on 5 March 2020;<sup>79</sup>

5. *Deplores* the stalling of any efforts to engage meaningfully and in good faith with the political process, and urges all parties to the conflict, and the Syrian authorities in particular, to advance all aspects of Security Council resolution 2254 (2015) of 18 December 2015;

6. *Also deplores* the deteriorating humanitarian crisis in the Syrian Arab Republic, which is at its most acute, with 14.6 million Syrians currently requiring humanitarian aid and with continued critical levels of food insecurity and lack of access to water, among other concerns, resulting in dire consequences for health and livelihoods, exacerbated by the recent increase in hostilities;

7. *Notes with deep concern* the increased humanitarian needs, especially during the winter months, and in this regard expresses its concern at the limited renewal by the Security Council, in its resolution 2642 (2022) of 12 July 2022, of its decisions regarding United Nations cross-border humanitarian assistance, by only six months, which is unsustainable and insufficient considering the growing humanitarian needs and the vital importance of cross-border assistance for the survival of more than 4.5 million Syrians, calls upon the Council to confirm the further extension of United Nations cross-border humanitarian assistance, for which there is no alternative that can match its scope and scale,

<sup>79</sup> S/2020/187, annex.

and calls upon all parties to facilitate immediate, rapid, unimpeded and sustained humanitarian access, including cross-line access, to all parts of the Syrian Arab Republic;

8. *Demands* that all parties to the conflict comply with their applicable obligations under international human rights law and international humanitarian law and facilitate, and do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, and notes that humanitarian aid must be delivered on the basis of need;

9. *Welcomes* the findings of the Secretary-General in his report on how to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families, notes with appreciation the findings on the important role of Syrian civil society groups, in particular women- and victim-led groups and women's rights organizations, in providing assistance to victims, survivors and their families and encourages greater support for civil society, particularly in the light of the burden on those groups, notes with appreciation the work to date of the Commission of Inquiry, the Office of the High Commissioner, the Special Envoy and civil society in this regard, and calls for the Syrian authorities to immediately release all those missing and arbitrarily detained in the Syrian Arab Republic and to provide accurate information to the families regarding their fate and whereabouts;

10. *Notes* the unique impact on the families, in particular women and children, of those subjected to enforced disappearance, arbitrarily detained or otherwise missing in the Syrian Arab Republic, which includes the often terrifying and demoralizing search for their loved ones, as well as financial and legal challenges and stigma owing to persisting gender inequalities and discriminatory laws and practices;

11. *Reiterates* its call for all States, relevant United Nations bodies, international organizations and civil society to coordinate further efforts and proactively focus attention on the issue of missing persons in the Syrian Arab Republic, including those subjected to enforced disappearance, and recalls the importance of the full and meaningful participation of victims, survivors and their families in such efforts;

12. *Urges* the Syrian authorities to share further information regarding the 344,684 detained and convicted persons who they have claimed have benefited from "amnesty laws"<sup>80</sup> and regarding the documented executions during the Tadamun massacre, calls upon all parties to the conflict, but particularly the Syrian authorities, to cease all forms of abuse of detainees, including but not limited to torture of detainees in Syrian military intelligence facilities, physical abuses, mistreatment and sexual and gender-based violence, to grant appropriate international monitoring bodies and medical services immediate access, without undue restrictions, to detainees and detention facilities, including all Syrian military facilities referred to by the Commission of Inquiry in its reports, to provide families with information on and return the remains of those missing and to cease reprisals against families for seeking further information on their missing and arbitrarily detained loved ones, and highlights the recent recommendations of the Commission in this regard;

13. *Expresses deep concern* that more than 7 million refugees have been forced to flee the Syrian Arab Republic, and that more than 7 million persons have been displaced within it during the course of the conflict, and at reports of demographic and social engineering throughout the country, calls upon all parties to the conflict to immediately cease activities that could cause further displacement, including any activities that may amount to war crimes or crimes against humanity, recalls the findings of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the safe, sustainable, voluntary and dignified return of refugees or for the 7 million persons displaced inside the country, and calls upon the Syrian authorities to protect the human rights of returning refugees and internally displaced persons;

14. *Strongly condemns* the use of chemical weapons in the Syrian Arab Republic, demands that all parties desist from any use or preparation of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and recalls in this regard decision C-25/DEC.9 of 21 April 2021 of the Conference of the States Parties to the Convention on the Prohibition of

<sup>80</sup> See [A/HRC/WG.6/40/SYR/1](#).

the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

15. *Welcomes* the progress made regarding international accountability and notes the importance of further ongoing proceedings and efforts by States and internationally mandated institutions, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, to investigate conduct in the Syrian Arab Republic and where possible to prosecute crimes committed there in order to bring the truth to light and perpetrators to justice, recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court and welcomes the joint initiative taken by the Netherlands and Canada to hold the Syrian Arab Republic responsible for breaching its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights, to prevent, and to protect children from, all forms of violence, including sexual and gender-based violence, exploitation, violations and abuses, including the recruitment and use of children in the armed conflict, in contravention of international law, and attacks on schools, and to ensure that children affected by the conflict receive appropriate assistance, including access to identity documentation, education, justice and health care, including the provision of mental health and psychosocial support, strongly condemns the use of schools for military purposes, in contravention of international law, and encourages the Commission of Inquiry to continue its investigation and documentation of violations and abuses of the rights of the child;

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

*43rd meeting  
7 October 2022*

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

*In favour:*

Argentina, Benin, Côte d'Ivoire, Czechia, Finland, France, Gabon, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

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

*Abstaining:*

Brazil, Cameroon, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Senegal, Somalia, Sudan, United Arab Emirates and Uzbekistan]

## **51/27. Situation of human rights in Ethiopia**

*The Human Rights Council,*

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

*Guided also* by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant international and regional human rights treaties,

*Recalling* Human Rights Council resolutions 47/13 of 13 July 2021 and S-33/1 of 17 December 2021, as well as all relevant statements of the Secretary-General, the President of the Security Council and the United Nations High Commissioner for Human Rights on the situation in Ethiopia,

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

*Reiterating* that all human beings are born free and equal in dignity and rights, and that everyone is entitled to the enjoyment and full realization of all human rights without distinction of any kind such as religion, belief or ethnic origin,

*Reaffirming* its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ethiopia, and its profound solidarity with the Ethiopian people,

*Reiterating* its firm support for the ongoing mediation efforts by the African Union High Representative for the Horn of Africa Region to find an urgently needed political non-military solution to the conflict in northern Ethiopia,

*Underscoring* the importance of the continued involvement of the African Union, the African Commission on Human and Peoples' Rights and the Intergovernmental Authority on Development,

*Welcoming* the commitment of the Government of Ethiopia to engage and cooperate with the United Nations and its mechanisms in the field of human rights,

*Expressing grave concern* at the resumption of hostilities in northern Ethiopia, as it jeopardizes chances for a peaceful settlement, and deploring the loss of life and suffering caused by the renewed violence,

*Deeply concerned* about the humanitarian situation, which continues to deteriorate owing to the combined effects of conflict and drought, pushing an increasing number of people into an alarming life-threatening situation, and about the lack of sufficient humanitarian access,

*Deeply disturbed* by the forcible removal of fuel tankers carried out by the Tigray People's Liberation Front from the warehouse of the World Food Programme in Mekelle, in the Tigray region, on 24 August, and condemning all diversion of aid assets,

*Calling for* an immediate cessation of hostilities, unhindered humanitarian access, the start of peace talks without preconditions, the re-establishment of services in Tigray, including electricity, communications and banking, and the lifting of restrictions on cash, fuel and fertilizers,

*Deeply concerned* about the renewed presence of Eritrean troops in Tigray, and calling for their immediate and full withdrawal,

*Urging* all parties to respect international human rights law, international humanitarian law and international refugee law, in particular the rules governing the conduct of hostilities and forced recruitment,

*Reiterating its appreciation* for the report of the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission on the joint investigation into alleged violations and abuses of international human rights law and violations of international humanitarian law and international refugee law committed by all parties to the conflict in the Tigray region of Ethiopia, of 3 November 2021,

*Recalling* the conclusion contained in the report that there are reasonable grounds to believe that there have been violations and abuses of international human rights law and violations of international humanitarian law and international refugee law, committed by all parties to the conflict, some of which, depending on their circumstances, may amount to war crimes and crimes against humanity,

*Welcoming* the initial report of the International Commission of Human Rights Experts on Ethiopia and the recommendations contained therein,<sup>81</sup>

*Appalled* by the continued reports of the deliberate targeting of civilians and civilian objects and of indiscriminate attacks resulting in civilian casualties, as well as by reports of

<sup>81</sup> A/HRC/51/46.



the use of starvation of civilians as a method of warfare, which indicates a flagrant disregard for human life and dignity,

*Deeply concerned* by the continued reports of widespread unlawful killings and extrajudicial executions, including on the basis of ethnicity, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary detentions, abductions and enforced disappearances and widespread instances of pillage, looting and destruction of public and private property and objects indispensable to the survival of the civilian population, as well as by reports of widespread conflict-related sexual and gender-based violence primarily against women and girls, as well as men and boys, including rape, sexual violence and sexual slavery,

*Deeply concerned also* by reports of violations of the rights of refugees and internally displaced persons under international law, reports of the forcible displacement of civilians largely on the basis of their ethnicity, and reports of restrictions on access to humanitarian relief and the killings of humanitarian workers, which may amount to violations of international humanitarian law and require further investigation,

*Noting* that the Secretary-General, in his report on children and armed conflict,<sup>82</sup> included Ethiopia as a situation of concern on the agenda of children and armed conflict,

*Deeply concerned* by reports of violations and abuses committed against children, including the unlawful recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence, attacks on schools and hospitals, abductions and the denial of humanitarian access to children, by all parties to the conflict,

*Reiterating its deep concern* about ongoing reports of the arrest and detention of people on the basis of their ethnicity, the poor conditions of detention for those arrested and the allegations of ill-treatment in detention and lack of judicial review, as well as the targeting of journalists and other media workers, and calling upon the Government of Ethiopia to publish the list of detainees and to provide adequate opportunity for independent organizations to visit detention centres,

*Recalling* that it was indicated in the report on the joint investigation of the Office of the High Commissioner and the Ethiopian Human Rights Commission of 3 November 2021 that there was a need for further investigation of a number of alleged violations and abuses committed by all parties between 3 November 2020 and 28 June 2021, and taking into consideration that serious human rights violations and abuses, as well as violations of international humanitarian law and violations of international refugee law, reportedly continue to be committed across a number of regions in Ethiopia, including Afar, Amhara, Oromia and Tigray, prompting the need for additional inquiries to promote accountability and justice for victims and survivors,

*Stressing* that the gravity and seriousness of the findings of the joint investigation and of the International Commission of Human Rights Experts on Ethiopia call for further independent investigation and the appropriate prosecution of those responsible, and emphasizing the importance of ensuring that such investigations comply with international standards, including with respect to transparency, while also addressing issues of command responsibility, in order to address impunity in a meaningful way,

*Noting* that the limitations placed on the budget and staffing of the International Commission of Human Rights Experts on Ethiopia have significantly reduced its ability, to date, to discharge its mandate fully,

*Cognizant* that the Government of Ethiopia has acknowledged that members of the Ethiopian National Defence Forces and regional security forces committed violations of international human rights law and international humanitarian law and is taking steps with a view to ensuring accountability,

*Calling for* similar acknowledgments by the Government of Eritrea, the Tigray People's Liberation Front and all other parties to the conflict,

<sup>82</sup> [A/76/871-S/2022/493](#).

*Welcoming* the establishment by the Government of Ethiopia of an interministerial task force to oversee redress and accountability measures in response to human rights violations and abuses committed in the context of the conflict in northern Ethiopia,

*Welcoming also* the first visit to Ethiopia of the International Commission of Human Rights Experts on Ethiopia since its establishment, from 25 to 30 July 2022, and the Government's willingness to meet with the Commission to discuss possible modalities for future cooperation,

*Reiterating* that the Commission was established with a view to complementing the work undertaken by the joint investigative team and thus furthering the work of ongoing and eventual accountability processes,

*Urging* all parties to the conflict to provide the Commission with unhindered access to relevant areas, testimonies and pieces of information in the discharge of its mandate,

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

*Concerned* at continued reports of the increase in incidents of hate speech by all parties, including on social media,

*Bearing in mind* that impunity for violations and abuses of human rights and violations of international humanitarian law encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, to the furtherance of cooperation among peoples and to the promotion of international peace and security,

*Stressing* the importance of collecting, preserving and analysing evidence in view of advancing accountability, and that bringing perpetrators to justice is critical for the prevention of further human rights violations and abuses and violations of international humanitarian law and international refugee law and for comprehensive post-conflict transitional justice and reconciliation developed with input from victims and survivors, and emphasizing that the seriousness of the situation requires a swift and thorough response,

1. *Condemns in the strongest terms* all human rights violations and abuses and violations of international humanitarian law and international refugee law committed in northern Ethiopia by all parties to the conflict since it began on 3 November 2020, and stresses that all those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Reiterates its call for* an immediate halt to all human rights violations and abuses and violations of international humanitarian law and international refugee law and for the full respect of international humanitarian law and all human rights and fundamental freedoms by all parties to the conflict in northern Ethiopia;

3. *Urges* all parties to the conflict in northern Ethiopia to heed the repeated calls to immediately end hostilities and restore the cessation of hostilities, without preconditions, and to engage in the ongoing mediation efforts led by the African Union High Representative for the Horn of Africa Region and in an inclusive national dialogue, with a view to reducing tensions and achieving sustainable and inclusive peace;

4. *Demands* that all parties to the conflict comply with their obligations under international humanitarian law, refrain from directing attacks against civilians, including on the basis of their ethnicity or gender, and civilian objects, in particular those indispensable to the survival of the population, including crops, livestock and medicines, refrain from incitement to hatred and violence, avoid further damage to critical civilian infrastructure, including hospitals and schools, take special measures to end and prevent violations and abuses and ensure the protection of women and children, and end any measures that may exacerbate the already acute humanitarian crisis;

5. *Calls upon* all parties to the conflict to facilitate full, safe, rapid and unimpeded humanitarian access and the delivery of humanitarian supplies, including across conflict lines,

to ensure that humanitarian relief reaches all civilians in need, in particular internally displaced persons and those in vulnerable situations, to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, and to end attacks on and the intimidation of humanitarian workers and agencies;

6. *Calls upon* all parties to the conflict that have not yet acknowledged responsibility and committed to concrete measures with clear time frames for implementing the recommendations made by the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission in the report on the joint investigation and by the International Commission of Human Rights Experts on Ethiopia to do so without delay;

7. *Welcomes* the steps taken to date by the Government of Ethiopia to implement the recommendations made by the Office of the High Commissioner and the Ethiopian Human Rights Commission in the report on the joint investigation, and encourages the Government to proceed without delay and in an impartial and transparent manner to ensure accountability and redress for the victims of violations and abuses committed in the conflict;

8. *Notes with concern* that the current circumstances of ongoing hostilities may not be conducive to ensuring prompt, independent, transparent and impartial investigations at the national level in line with the standards of international law;

9. *Decides* to renew the mandate of the International Commission of Human Rights Experts on Ethiopia for a further period of one year;

10. *Requests* the International Commission of Human Rights Experts on Ethiopia to present an oral briefing to the Human Rights Council at its fifty-second session, to be followed by an interactive dialogue, and to present a written report to the Council at its fifty-fourth session, to be followed by an interactive dialogue, and to the General Assembly at its seventy-eighth session, to be followed by an interactive dialogue;

11. *Requests* the Office of the High Commissioner to continue to provide, in consultation with the Government of Ethiopia, advice and technical assistance, in order to strengthen the capacity of the Ethiopian Human Rights Commission and the criminal justice system, and transitional justice, including accountability and reconciliation processes in general;

12. *Requests* the Secretary-General to provide all the resources and expertise, including additional expertise on sexual and gender-based violence, transitional justice and forensics, necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution;

13. *Reaffirms* the critical importance of the International Commission of Human Rights Experts on Ethiopia receiving all necessary funding to be able to implement its mandate in the most effective way possible;

14. *Calls upon* all parties to the conflict to grant the International Commission of Human Rights Experts on Ethiopia and its members unhindered access without delay and to allow them to visit sites, and to meet and speak freely and privately with whomever they wish to meet or speak;

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

43rd meeting  
7 October 2022

[Adopted by a recorded vote of 21 to 19, with 7 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Brazil, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, India, Libya, Mauritania, Namibia, Pakistan, Senegal, Somalia, Sudan, United Arab Emirates and Venezuela (Bolivarian Republic of)

*Abstaining:*

Indonesia, Kazakhstan, Malawi, Malaysia, Nepal, Qatar and Uzbekistan]

## 51/28. Situation of human rights in Burundi

### *The Human Rights Council,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,*

*Recalling Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017, 36/19 of 29 September 2017, 39/14 of 28 September 2018, 42/26 of 27 September 2019, 45/19 of 6 October 2020 and 48/16 of 8 October 2021, as well as all relevant resolutions of the General Assembly and the Security Council,*

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

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

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

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

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

*Welcoming the report of the Special Rapporteur on the situation of human rights in Burundi submitted to the Human Rights Council at its fifty-first session,<sup>83</sup>*

*Noting with appreciation the progress made with regard to regional and international participation, the fight against trafficking in persons and the repatriation of Burundian refugees, as mentioned by the Special Rapporteur in his report, and also noting the commitments made towards realizing further improvements in the areas of human rights, good governance and the rule of law,*

*Expressing deep concern about the ongoing human rights violations and abuses in Burundi, and regretting the lack of cooperation of the Government of Burundi with the Special Rapporteur and the lack of progress in reopening the country office of the Office of the United Nations High Commissioner for Human Rights,*

1. *Strongly condemns* all human rights violations and abuses committed in Burundi, including those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, acts of torture and other cruel, inhuman or degrading treatment or punishment, and sexual and gender-based violence, and calls for an immediate end to these violations and abuses and for the full respect of all human rights and fundamental freedoms;

<sup>83</sup> [A/HRC/51/44](#).

2. *Deplores* the persistent restrictions on the rights to freedom of opinion, expression, peaceful assembly and association, and the reduced space for civil society and citizen activism, and stresses the need for the Government of Burundi to provide a safe and enabling environment for civil society, human rights defenders, journalists, bloggers and other media workers to carry out their work independently, without intimidation or undue interference, and to release all those who are still in detention for doing their work in defence of human rights;

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

4. *Calls upon* the Government of Burundi to guarantee the independence of the judiciary from the executive branch;

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

6. *Further calls upon* the Government of Burundi to fully implement the recommendations made by the Special Rapporteur on the situation of human rights in Burundi and the Commission of Inquiry on Burundi in their reports, as well as those accepted in the context of the universal periodic review, and to cooperate fully with special procedure mandate holders and relevant treaty bodies;

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

8. *Encourages* the Government of Burundi to engage in a genuine and inclusive spirit with all Burundian stakeholders, operating from both inside and outside the country, to effectively address the multiple, deep-rooted challenges that Burundi is experiencing and to sustainably reintegrate returnees into Burundian society;

9. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Burundi for a further period of one year, and requests the Special Rapporteur to present to the Human Rights Council, at its fifty-third session, an oral update on the situation of human rights in Burundi, and also to submit to the Council, at its fifty-fourth session, and to the General Assembly, at its seventy-eighth session, a comprehensive report;

10. *Urges* the Government of Burundi to cooperate fully with the Special Rapporteur, including by permitting unhindered access to the country, providing him with all the information necessary to properly fulfil the mandate, and facilitating cooperative exchanges and synergies with the National Independent Human Rights Commission, in line with the public commitments made by the current Administration to advance human rights and re-engage with the international community;

11. *Urges* the Government of Burundi to constructively cooperate with the Office of the United Nations High Commissioner for Human Rights, in particular its regional office for Central Africa, and to present a timeline for the reopening of the country office of the Office of the High Commissioner in Burundi, and to continue to cooperate with the United Nations country team in Burundi;

12. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance and all resources necessary to fulfil the mandate;

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

43rd meeting  
7 October 2022

[Adopted by a recorded vote of 22 to 12, with 13 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Brazil, Czechia, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

Bolivia (Plurinational State of), Cameroon, China, Cuba, Eritrea, Gabon, Libya, Mauritania, Pakistan, Somalia, United Arab Emirates and Venezuela (Bolivarian Republic of)

*Abstaining:*

Benin, Côte d'Ivoire, India, Indonesia, Kazakhstan, Malawi, Malaysia, Namibia, Nepal, Qatar, Senegal, Sudan and Uzbekistan]

## **51/29. Situation of human rights in the Bolivarian Republic of Venezuela**

*The Human Rights Council,*

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

*Reaffirming the primary responsibility of States to promote, protect, respect and fulfil the human rights and fundamental freedoms of their citizens and to fulfil their obligations under the human rights treaties and agreements to which they are parties,*

*Recalling that the States members of the Human Rights Council shall uphold the highest standards in the promotion and protection of human rights and shall fully cooperate with the Council, including its subsidiary bodies and mechanisms,*

*Recalling also Human Rights Council resolutions 39/1 of 27 September 2018, 42/4 of 26 September 2019, 42/25 of 27 September 2019, and 45/2 and 45/20 of 6 October 2020 on the Bolivarian Republic of Venezuela,*

*Welcoming the reports of the United Nations High Commissioner for Human Rights<sup>84</sup> and the international independent fact-finding mission on the Bolivarian Republic of Venezuela,<sup>85</sup> and other international organizations, and expressing concern at the continued serious human rights violations and abuses in the Bolivarian Republic of Venezuela that they highlight,*

*Expressing concern that the ongoing crisis continues to have a disproportionate impact on the rights of women, children, indigenous peoples, older persons, persons with disabilities and other persons belonging to groups in vulnerable situations,*

*Expressing deep concern that more than 6.8 million people have been compelled to leave the Bolivarian Republic of Venezuela and that more than 7 million people remain in need of humanitarian assistance owing to the ongoing political and economic crisis, and welcoming the efforts of neighbouring and other countries in the region to host Venezuelan migrants, refugees and asylum-seekers and the humanitarian assistance provided by the United Nations, other humanitarian organizations and partner countries,*

*Expressing concern at continued reports of restrictions of civic and democratic space, including arbitrary detention, acts of intimidation and reprisals, public defamation of protesters, journalists and other media workers, lawyers, human rights defenders and other civil society stakeholders, and acknowledging their ongoing efforts under such conditions,*

<sup>84</sup> A/HRC/47/55, A/HRC/48/19 and A/HRC/50/59.

<sup>85</sup> A/HRC/48/69 and A/HRC/51/43.

*Welcoming* the increased cooperation of the Bolivarian Republic of Venezuela with the Office of the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council, aware of the confidential letter of understanding between the Office of the High Commissioner and the Bolivarian Republic of Venezuela,<sup>86</sup> noting the preliminary steps taken by the Bolivarian Republic of Venezuela, with the support of technical assistance provided by the Office, towards strengthening the rule of law, and encouraging continued cooperation between the Bolivarian Republic of Venezuela and the new High Commissioner,

*Noting with appreciation* the decision taken to establish an office of the Prosecutor of the International Criminal Court in the Bolivarian Republic of Venezuela, and encouraging the Bolivarian Republic of Venezuela to cooperate fully with this office, especially in the context of the investigation opened by the Prosecutor of the International Criminal Court, and noting the positive first steps in this regard,

*Affirming* its strong conviction that there can only be a peaceful and democratic solution to the current crisis in the Bolivarian Republic of Venezuela and that such a solution lies with the Venezuelan people, without any sort of foreign military, security or intelligence interference, and requires the holding of free and fair presidential and parliamentary elections, in accordance with international standards, and expressing support for relevant diplomatic efforts in this regard, such as the ongoing Mexico City process,

1. *Strongly condemns* all violations and abuses of international human rights law in the Bolivarian Republic of Venezuela, some of which, according to the independent international fact-finding mission, may amount to crimes against humanity;

2. *Urges* the Bolivarian Republic of Venezuela to implement fully and immediately the recommendations contained in the recent reports of the United Nations High Commissioner for Human Rights and of the independent international fact-finding mission, and regrets that most of the recommendations made in their previous reports<sup>87</sup> have not been implemented;

3. *Expresses deep concern* that the continued erosion of the rule of law, insecurity of tenure, lack of transparency in the process of designating judges and prosecutors, precarious working conditions and political interference, including the recent appointment of Supreme Court justices who lack independence, continue to undermine the independence of the justice system, contribute to impunity and the persistence of human rights violations and abuses, have an impact on access to justice for victims and hinder the holding of free and fair elections;

4. *Strongly condemns* the widespread targeted repression and persecution on political grounds, including through the excessive use of force, arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment, extrajudicial execution and enforced disappearance by the security and intelligence forces, intervention in the autonomy and composition of several political parties, and deplores ongoing restrictions to civic and democratic space;

5. *Urges* the Bolivarian Republic of Venezuela to adopt appropriate measures to address reported human rights violations and abuses such as acts of violence and harassment, including sexual and gender-based violence, against women and girls in detention;

6. *Also urges* the Bolivarian Republic of Venezuela to immediately release all political prisoners and all other persons unlawfully or arbitrarily deprived of their liberty, prioritizing those in vulnerable situations;

7. *Expresses deep concern* at the human rights and environmental situation in the Arco Minero del Orinoco region, which is the site of labour exploitation of miners, including child labour, and human trafficking, and expresses particular concern about the violations and abuses of the rights of indigenous peoples in the region;

8. *Calls upon* parties in the Bolivarian Republic of Venezuela to engage promptly in, or in support of, a process that will ensure the holding of free and fair presidential and

<sup>86</sup> Letter of understanding dated 20 September 2019 and renewed annually for 2020 and 2021.

<sup>87</sup> [A/HRC/44/20](#), [A/HRC/44/54](#) and [A/HRC/45/33](#).

parliamentary elections, with an independent national electoral council and an independent and impartial Supreme Court, and full freedom of the press and the unfettered political participation of all Venezuelans and all political parties, without fear of repercussions or interference, respecting international standards and civil and political rights;

9. *Requests* the High Commissioner to continue to monitor, report on and provide technical cooperation with a view to improving the situation of human rights in the Bolivarian Republic of Venezuela, including through the presentation of an oral update, to be followed by an interactive dialogue, to the Human Rights Council at its fifty-second and fifty-fifth sessions, and also requests the High Commissioner to submit a comprehensive report on the situation of human rights in the Bolivarian Republic of Venezuela containing a detailed assessment of the implementation of the recommendations made in previous reports of the Council at its fifty-third and fifty-sixth sessions, to be followed by an interactive dialogue;

10. *Decides* to extend the mandate of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, as set out in Human Rights Council resolution 45/20, for a period of two years, with a view to combating impunity and ensuring full accountability for perpetrators and justice for victims, and requests the mission to present an oral update on its work to the Human Rights Council during an interactive dialogue at its fifty-second and fifty-fifth sessions, and to submit a report on its findings to the Council during an interactive dialogue at its fifty-fourth and fifty-seventh sessions;

11. *Urges* the Bolivarian Republic of Venezuela to cooperate fully with the Office of the United Nations High Commissioner for Human Rights and the independent international fact-finding mission, to grant them immediate, full and unfettered access to the entire country, including to victims and places of detention, to provide them with all the information necessary to fulfil their mandates, and to ensure that all individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack;

12. *Requests* that the Office of the High Commissioner and the independent international fact-finding mission each be provided with all the resources necessary and the full administrative, technical and logistical support needed to carry out their respective mandates;

13. *Encourages* relevant special procedures of the Human Rights Council to pay particular attention, within their respective mandates, to the situation of human rights in the Bolivarian Republic of Venezuela, and urges the Bolivarian Republic of Venezuela to cooperate fully with their work, including by facilitating country visits;

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

*43rd meeting  
7 October 2022*

[Adopted by a recorded vote of 19 to 5, with 23 abstentions. The voting was as follows:

*In favour:*

Brazil, Czechia, Finland, France, Gambia, Germany, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

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

*Abstaining:*

Argentina, Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, Honduras, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Uzbekistan]



## **51/30. Strengthening the voluntary funds for the universal periodic review mechanism of the Human Rights Council**

*The Human Rights Council,*

*Reaffirming* that the universal periodic review is a cooperative mechanism and a State driven process with the full involvement of the country concerned and with consideration given to its capacity-building needs in accordance with General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

*Recalling* its resolution 6/17 of 28 September 2007, establishing the Voluntary Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review,

*Recalling also* the annex to Human Rights Council resolution 16/21 of 25 March 2011, in which, inter alia, the strengthening and operationalization of the two voluntary funds are stressed in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review, and to provide a source of financial and technical assistance to these countries to implement the recommendations emanating from their review, in consultation with and with the consent of the country concerned,

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

*Recalling* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,

*Welcoming* the 100 per cent participation of States in the universal periodic review since its inception and the efforts made to implement the recommendations emanating from their review,

*Welcoming also* the efforts made by the two voluntary funds to meet fully their respective mandates and the voluntary contributions made by States and other relevant stakeholders to them,

*Acknowledging* the significant and impactful support provided by the funds to States despite various challenges, including that posed by the coronavirus disease (COVID-19) pandemic,

1. *Reaffirms* the basis, principles and objectives of the universal periodic review as set forth in paragraphs 1, 2, 3 and 4 of the annex to Human Rights Council resolution 5/1;

2. *Welcomes* the fifteenth anniversary of the establishment of the Voluntary Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review;

3. *Recognizes* that the fifteenth anniversary of the two voluntary funds and the upcoming fourth cycle of the universal periodic review offer an important opportunity to reaffirm and take action in ensuring universal participation of all State Members of the United Nations in the universal periodic review and in providing financial and technical support to developing countries, particularly least developed countries and small island developing States, in the implementation of recommendations emanating from the universal periodic review in consultation with and with consent of the country concerned;

4. *Decides* to convene, at its fifty-second session, a high-level panel discussion, fully accessible to persons with disabilities, focusing on the achievements, good practices and lessons learned by the two voluntary funds during the implementation of their mandates over the past 15 years, and reflecting on further optimization of the use of these funds to facilitate the participation of developing States, particularly least developed countries and small island developing States, in the fourth cycle of the universal periodic review, and to support them in the implementation of recommendations emanating from the fourth cycle;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a summary report on the high-level panel discussion on the universal periodic review, and to submit the report to the Human Rights Council at its fifty-third session;

6. *Requests* the Secretary-General to further strengthen the regular budget-funded dedicated capacity of the Office of the High Commissioner to implement the mandates of the two voluntary funds, including by scaling up the dedicated capacity of the Universal Periodic Review Branch in each regional office during the fourth cycle of the universal periodic review;

7. *Encourages* all States to consider contributing to the Voluntary Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review;

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

44th meeting  
7 October 2022

[Adopted without a vote.]

## **51/31. National human rights institutions**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant instruments,

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

*Recalling* all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 45/22 of 6 October 2020 and Assembly resolution 76/170 of 16 December 2021,

*Recalling also* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

*Recalling further* General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

*Recalling* that the 2030 Agenda is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

*Reaffirming* the United Nations Framework Convention on Climate Change and the Paris Agreement, and emphasizing that parties should, in all climate change-related actions, fully respect, promote and consider their respective obligations on human rights,

*Reaffirming also* the Vienna Declaration and Programme of Action, and reaffirming also its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to human rights violations and abuses, in the dissemination of human rights information and education in human rights,

*Recalling* the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), welcoming the forthcoming thirtieth anniversary, in 2023, of the adoption of the Paris Principles, and recalling the establishment of the Global Alliance of National Human Rights Institutions,

*Reaffirming* the importance of, and welcoming the rapidly growing interest and progress throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

*Recalling* that the existence of independent national human rights institutions in compliance with the Paris Principles is a global indicator of progress towards achieving Sustainable Development Goal 16, taking note of the report of the Secretary-General on progress towards the Sustainable Development Goals,<sup>88</sup> including this indicator, and calling upon all States to accelerate progress under this indicator,

*Reaffirming* the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, including of human rights defenders, strengthening participation, in particular of civil society organizations, Indigenous Peoples, persons belonging to minorities, minority groups and persons in vulnerable situations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms and contributing to the prevention of human rights violations and abuses,

*Encouraging* greater efforts to investigate and respond to increasing reports of acts of intimidation and cases of reprisal against national human rights institutions, their members and staff and those who cooperate or seek to cooperate with them,

*Recognizing* the important role that national human rights institutions can play in preventing and addressing acts of intimidation and cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing, as appropriate, to follow-up actions and to recommendations made by international human rights mechanisms, and in this regard recalling the Marrakech Declaration adopted at the thirteenth International Conference of National Human Rights Institutions,

*Welcoming* the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

*Commending* the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions, for their important work in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

*Welcoming* efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,<sup>89</sup> and encouraging further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions, the Global Alliance of National Human Rights Institutions and its regional networks,

*Welcoming also* the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Human Rights Council and its universal periodic review mechanism and the

<sup>88</sup> [E/2022/55](#).

<sup>89</sup> General Assembly resolution 70/163, para. 19.

special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

*Emphasizing* the importance of human rights in shaping the response to the coronavirus disease (COVID-19) pandemic, for both the public health emergency and the broader impact on people's lives and livelihoods,

*Recognizing* the important role of national human rights institutions in highlighting the human rights implications of the COVID-19 pandemic, including offering guidance to States in ensuring a human rights-compliant response to the pandemic, examining and monitoring the situation, raising public awareness, including the provision of accurate and timely information, working to protect groups and persons in vulnerable situations and cooperating with civil society, rights holders and other stakeholders, and encouraging States to cooperate with their national human rights institution and to ensure that they can effectively discharge their mandate and functions, including by ensuring the allocation of adequate resources,

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

*Recognizing* that climate change and its impact are among the greatest challenges of the day, directly and indirectly affecting the full enjoyment of human rights, that States should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights to ensure more sustainable and effective climate action, and that the impact of climate change affects individuals and communities around the world, especially in developing countries, in particular small island developing States, least developed countries and landlocked developing countries, and in different ways, owing to factors such as geography, economic condition, poverty, gender, age, indigenous or minority status, where applicable, national or social origin, birth or other status and disability,

*Recognizing also* that Indigenous Peoples are in particularly vulnerable situations and are already suffering the impact of climate change, owing to their close relationship with natural ecosystems, and encouraging contributions of their traditional knowledge and their full and effective participation in decision-making processes that affect them, including the principle of free, prior and informed consent before adoption and implementation of legislative or administrative measures that may affect them,

*Recalling* the United Nations Framework Convention on Climate Change and the Paris Agreement, with regard to the importance of technical assistance, capacity-building, international cooperation and financial resources in support of national efforts, actions and measures to address the adverse impact of climate change on the enjoyment of human rights,

*Recalling also* resolution 48/13 of 8 October 2021, in which the Human Rights Council encouraged States to enhance cooperation with other States, the Office of the High Commissioner, the rest of the United Nations system and other relevant international and regional organizations, agencies, convention secretariats and programmes, and relevant non-State stakeholders, including civil society, national human rights institutions and business, in accordance with their respective mandates,

*Recognizing* the important role of national human rights institutions in monitoring, reporting to and advising government bodies and other stakeholders in relation to climate mitigation and adaption, in accordance with their respective mandates and in line with human rights obligations and the principles of non-discrimination, participation, access to justice and accountability,

*Welcoming* the role of the Global Alliance of National Human Rights Institutions and its regional networks in supporting national human rights institutions to fulfil their mandate with respect to the COVID-19 pandemic and the support provided by the Office of the High

Commissioner, the United Nations Development Programme and the United Nations Environment Programme,

*Acknowledging* the contribution that many national human rights institutions have made and continue to make in promoting human rights in the context of climate action, and noting the Global Alliance of National Human Rights Institutions Caucus on Human Rights and Climate Change, which brings together national human rights institutions from all regions to work together on human rights and climate change,

*Reaffirming* that, as recognized in the 2030 Agenda, eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and interdependent,

*Stressing* that the ability of all individuals to participate fully, equally and meaningfully in national, political, cultural, religious, economic and social processes in their societies is crucial to their full and equal enjoyment of all human rights,

*Bearing in mind* that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the 2030 Agenda contains a pledge to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

*Recognizing* the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, whose aim is to realize the human rights of all,

*Welcoming* the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current strategic plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts that national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

*Recalling* the Belgrade principles on the relationship between national human rights institutions and parliaments,<sup>90</sup>

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions<sup>91</sup> and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);<sup>92</sup>

2. *Encourages* States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Stresses* the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those States that have provided their national human rights institutions with more autonomy and independence, including by giving them

<sup>90</sup> [A/HRC/20/9](#), annex.

<sup>91</sup> [A/HRC/51/51](#).

<sup>92</sup> [A/HRC/51/52](#).

an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

4. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;

5. *Encourages* all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Economic and Social Council, including the Commission on the Status of Women, and the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing, and the 2030 Agenda for Sustainable Development, including the high-level political forum on sustainable development and related global and regional processes, as well as the Sustainable Development Goals Summit, to further enhance the participation of national human rights institutions compliant with the Paris Principles and to allow for their contribution to these United Nations mechanisms and processes, bearing in mind the relevant provisions dealing with their participation contained in General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 of 18 June 2007, 5/2 of 18 June 2007 and 16/21 of 25 March 2011 and Commission on Human Rights resolution 2005/74 of 20 April 2005;

6. *Welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;

7. *Encourages* the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from States for assistance in the establishment and strengthening of national human rights institutions, to work with States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;

8. *Recognizes* the contribution that national human rights institutions have made to the promotion and protection, and prevention of violations, of human rights by exercising their mandates and functions consistent with the Paris Principles, and encourages them to continue to do so, including by:

(a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;

(b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

(c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;

(d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

(e) Conducting and promoting at all levels practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;

(f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;

(g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations;

(i) Enhancing their work in the context of climate change by studying and identifying how the adverse effects of climate change, including sudden and slow-onset disasters, directly and indirectly affect the full and effective enjoyment of human rights, and considering challenges to addressing and preventing these adverse effects when making recommendations to strengthen the integration of human rights concerns into policymaking, legislation and plans addressing climate change;

(j) Continuing to monitor, report to and advise government bodies and other stakeholders on the implementation of human rights, including in the context of the design and implementation of mitigation and adaptation policies, practices, investments and other projects on climate change;

9. *Acknowledges* that, in the performance of their key functions, in accordance with their mandates and with the Paris Principles, national human rights institutions are supporting the establishment and maintenance of inclusive societies, and in doing so are contributing to the implementation of the 2030 Agenda, including by:

(a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals without discrimination on any grounds, including race, colour, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;

(c) Contributing to the progressive realization of economic, social and cultural rights for all;

(d) Contributing to the elimination of all forms of discrimination against women and girls and of sexual and gender-based violence;

(e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;

(f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of persons with disabilities, Indigenous Peoples, refugees and migrants, persons who are socioeconomically disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

(g) Working with businesses to fulfil their commitment to respect human rights in accordance with human rights law, and to support initiatives aimed at protecting victims of human rights abuses, including through the dissemination and implementation of the Guiding Principles on Business and Human Rights;

10. *Encourages* all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris

Principles and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda;

11. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between their Governments and civil society, Indigenous Peoples, persons belonging to minorities, minority groups and persons in vulnerable situations;

12. *Requests* the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, urges the High Commissioner to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

13. *Requests* the Secretary-General to submit to the Human Rights Council, at its fifty-seventh session, a report on the implementation of the present resolution that includes examples of best practices among national human rights institutions, prepared in consultation with States, national human rights institutions and other relevant stakeholders, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

44th meeting  
7 October 2022

[Adopted without a vote.]

**51/32. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

For the text of the resolution, see chapter II.

**51/33. Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up**

*The Human Rights Council,*

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

*Recalling* General Assembly resolutions 48/141 of 20 December 1993, 60/251 of 15 March 2006 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 of 18 June 2007, 16/21 of 25 March 2011, 30/25 of 2 October 2015, 36/29 of 29 September 2017 and 42/30 of 27 September 2019,

*Reaffirming* its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

*Emphasizing* the responsibilities of all States, in conformity with the Charter, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind, and recalling in this regard that one of the purposes enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights, and recognizing that enhanced 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,

*Affirming* that technical cooperation, provided in consultation with and with the consent of the State concerned, including cooperation for the purpose of strengthening the



follow-up to and effective implementation of their international human rights obligations and commitments, should promote an inclusive exercise that significantly engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society, at all stages and at all levels,

*Recognizing* the need to continue cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights, in particular the strengthening of national mechanisms for implementation, reporting and follow-up,

*Underlining* the need to ensure that technical assistance and capacity-building are properly funded and prioritized within the Office of the United Nations High Commissioner for Human Rights to support States to build sustainable capacity for the preparation of their reports to the treaty bodies and in the context of the universal periodic review, especially for developing countries, in particular small island developing States, least developed countries and landlocked developing States,

*Bearing in mind* that States should integrate their obligations and commitments under international human rights law into their national legislation and public policies in order to ensure that State action at the national level is effectively directed towards the promotion and protection of all human rights and fundamental freedoms, so as to contribute to the prevention of human rights violations and abuses,

*Recognizing* the important, valuable and mutually reinforcing role and contribution of all human rights mechanisms of international and regional human rights systems for the promotion and protection of human rights and fundamental freedoms,

*Considering* that the implementation of human rights obligations and commitments would benefit from expanded, institutionalized follow-up at the regional, national and local level, such as by establishing or strengthening national mechanisms for reporting and follow-up, and that such mechanisms facilitate an integrated and participatory approach to reporting to the international human rights mechanisms,

*Underlining* that such mechanisms can facilitate the mainstreaming of human rights obligations and recommendations into national and local human rights action plans, policies and working programmes, as appropriate, thereby contributing to preventing the recurrence of human rights violations and abuses,

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

*Affirming* that a holistic approach to all human rights recommendations, embedded in national mechanisms for implementation, reporting and follow-up, can contribute to a better alignment of human rights and sustainable development efforts at the national level, with the goal of leaving no one behind,

*Recalling* that the importance of establishing or strengthening national mechanisms for implementation, reporting and follow-up has been increasingly addressed in the context of the universal periodic review and interactive dialogues with human rights treaty bodies, and that the usefulness of such mechanisms has been highlighted by the United Nations High Commissioner for Human Rights in several reports submitted to the General Assembly and to the Human Rights Council,

*Considering* the commencement of the fourth cycle of the universal periodic review as an opportunity to strengthen the engagement of all States in the follow-up to and implementation of human rights recommendations, including through the provision of technical assistance and capacity-building, provided upon request and with the consent of the States concerned,

*Recognizing* the constructive role and contribution of all branches of State and of national human rights institutions, civil society, academia and other relevant stakeholders in the strengthening of national mechanisms for implementation, reporting and follow-up, and encouraging their continued participation in and contribution to these mechanisms,

*Recognizing also* that States, with support from the United Nations system, have increasingly adopted comprehensive and permanent approaches to reporting to international human rights mechanisms and to implementing recommendations by, for instance, establishing or strengthening national mechanisms for implementation, reporting and follow-up,

*Recalling* the request to the Office of the High Commissioner to organize five regional consultations to exchange experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up, and their impact on the effective implementation of human rights obligations and commitments, in consultation with all relevant stakeholders,

1. *Encourages* States to establish or strengthen national mechanisms for implementation, reporting and follow-up for further compliance with human rights obligations and commitments and to share good practices and experiences in their use for the elaboration of public policies and plans, at all levels, with a human rights approach;

2. *Welcomes* the technical assistance and capacity-building provided by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, through United Nations resident coordinators and United Nations national and regional representations, in consultation with and with the consent of the States concerned, in particular with a view to supporting the establishment or the strengthening of national mechanisms for implementation, reporting and follow-up;

3. *Also welcomes* the holding, from 24 November to 3 December 2021, of five online regional consultations to exchange experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up, and their impact on the effective implementation of human rights obligations and commitments, as well as the additional information provided by Member States throughout the consultation process, and takes note of the report of the Office of the High Commissioner on the regional consultations<sup>93</sup> and the conclusions and recommendations contained therein;

4. *Requests* the Office of the High Commissioner to organize a one-day intersessional seminar in 2023 and a one-day intersessional seminar in 2024, both to be held in Geneva, to consider further the experiences and good practices shared during the five online regional consultations relating to the establishment and development of national mechanisms for implementation, reporting and follow-up, with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, other international organizations, national human rights institutions and non-governmental organizations, to make the seminars fully accessible to persons with disabilities, and to present to the Council at its fifty-seventh session a summary report on the seminars, available in an easy-to-read version and in an accessible format;

5. *Also requests* the Office of the High Commissioner to establish and maintain a virtual knowledge hub for national mechanisms, in collaboration with States and relevant stakeholders, in order to share good practices and to facilitate the exchange of experiences;

6. *Decides* to continue its consideration of the matter.

44th meeting  
7 October 2022

[Adopted without a vote.]

## **51/34. Enhancement of technical cooperation and capacity-building in the field of human rights**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging

<sup>93</sup> [A/HRC/50/64](#).

respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Reaffirming* the Universal Declaration of Human Rights, and recalling all relevant human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

*Recognizing* that, in the context of technical cooperation and capacity-building, the enhancement of international cooperation is essential for the effective promotion, protection and fulfilment of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to promote, protect and fulfil human rights, to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

*Bearing in mind* the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

*Recalling* all relevant Human Rights Council resolutions on the enhancement of technical cooperation and capacity-building in the field of human rights, in particular Council resolution 33/28 of 30 September 2016 and the report requested therein, and the report of the Secretary-General entitled “Current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments”,<sup>94</sup>

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and recalling the Sustainable Development Goals, in particular Goal 17 on strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development, which are grounded in the Universal Declaration of Human Rights and international human rights treaties,

*Underlining* the importance for relevant organizations of the United Nations system, especially the United Nations country teams, within their respective mandates, to mainstream technical cooperation and capacity-building in the field of human rights in their work and programmes,

*Acknowledging* the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, the contribution of national stakeholders, including national human rights institutions, national mechanisms for implementation, reporting and follow-up and civil society organizations in providing States with technical support and assistance on the basis of the needs and requests of the States concerned, and the support of national parliaments in the implementation of States’ human rights obligations, as well as their voluntary pledges and commitments, including accepted universal periodic review recommendations,

*Reiterating* that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Human Rights is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

*Noting with concern* the impact of the coronavirus disease (COVID-19) pandemic on States’ implementation of their human rights obligations, as well as of their voluntary pledges and commitments in some areas, which could affect progress on addressing inequalities, systemic discrimination and the needs of persons in vulnerable situations,

<sup>94</sup> [A/HRC/49/68](#).

*Expressing appreciation* for the important role played by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and the recommendations accepted in the context of the universal periodic review,

*Noting* that a number of States have utilized relevant United Nations funds to support technical assistance and capacity-building in the field of human rights in the implementation of their human rights obligations and commitments, and underlining the need to further promote the visibility of these funds and facilitate the way to solicit them,

*Noting with appreciation* the contributions of the Boards of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

*Welcoming and encouraging* new and existing initiatives aimed at providing human rights technical cooperation and capacity-building support, in consultation with and with the consent of the States concerned, through bilateral, regional, multilateral and international cooperation, including bilateral human rights dialogues and North-South, South-South and triangular cooperation, as well as public-private partnerships, to assist States in implementing their human rights obligations, as well as voluntary pledges and commitments,

*Stressing* the need to raise awareness about the importance of technical cooperation and capacity-building in the field of human rights, which would accelerate the implementation of activities in this area, with a view to improving human rights situations worldwide, and also the need to maintain the spirit of constructive cooperation and non-politicization,

*Emphasizing* that the recent commemorative event held on the occasion of the fiftieth session of the Human Rights Council offered States an important opportunity to reflect on the progress made and address the challenges faced in technical cooperation and capacity-building in the field of human rights, and to deliberate on ways to further strengthen this important mandate of the Council, and underlining the need for States and all relevant stakeholders to work in complementarity with one another in the delivery of technical cooperation and capacity-building in the field of human rights,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for members and observers of the Human Rights Council to share their visions and views, and concrete experiences, challenges and information on assistance needed, with regard to promoting more effective technical cooperation and capacity-building in the field of human rights, and that such technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions, national mechanisms for implementation, reporting and follow-up, the private sector and civil society, including women's organizations;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and with the consent of the States concerned, and should take into account their requests, needs and priorities, and the fact that all human rights are universal, indivisible, interdependent and interrelated, and are aimed at making a concrete impact at all levels on the ground;

3. *Underlines* the importance of addressing the evolving challenges in implementing technical cooperation and capacity-building activities on the ground, and the need to promote constructive dialogue and collaboration, as well as financial support and advisory services for technical assistance in the field of human rights, taking into account the national context;

4. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in support of the promotion, protection and fulfilment of human rights, with a view to generating sustainable outcomes, and encourages regional human rights bodies to share experiences and exchange good practices in the promotion, protection and fulfilment of human rights, including those relating to the empowerment of all women and girls, while engaging with relevant players including national human rights institutions and civil society organizations;

5. *Reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, encourages States to continue to make contributions to these funds as well as to the technical assistance and capacity-building programme of the Office of the United Nations High Commissioner for Human Rights to ensure that the Office of the High Commissioner is in a position to respond to the requests for assistance identified in its annual appeals, and encourages the funds and the Office to continue to enhance the efficiency and transparency of their activities;

6. *Encourages* States in need of technical assistance to consider requesting it from the Office of the High Commissioner and other relevant United Nations agencies in the implementation of their human rights obligations, as well as their voluntary pledges and commitments, including recommendations accepted in the context of the universal periodic review, and strongly encourages the Office of the High Commissioner and the respective United Nations agencies to respond favourably to such requests and to provide information, in a transparent manner, on the technical support available for and provided to States;

7. *Stresses* the importance of enhancing coordination between the Office of the High Commissioner and other United Nations agencies in their technical cooperation and capacity-building efforts, and encourages the sharing of information on a regular basis between the Office, other relevant United Nations agencies and the States concerned on technical assistance and capacity-building efforts undertaken at the national level;

8. *Encourages* the special procedures of the Human Rights Council, in their interaction with States, to continue to share information and knowledge relating to best practices and the possibility of providing technical assistance and capacity-building in the promotion, protection and fulfilment of human rights, including, where applicable and within their respective mandates, those pertaining to the empowerment of all women and girls;

9. *Encourages* the Office of the High Commissioner and the special procedures of the Human Rights Council to support States, upon request, in building their capacity for the promotion, protection and fulfilment of human rights, through various activities and engagement, making use also of available virtual platforms where appropriate, where States and a wide range of partners and actors can participate, learn and share experiences and identify needs for assistance;

10. *Welcomes* the panel discussion held by the Human Rights Council at its fiftieth session, pursuant to its resolution 48/24 of 11 October 2021, on the theme “Technical cooperation on the full and effective participation of women in decision-making and in public life and on the elimination of violence, with a view to achieving gender equality and the empowerment of all women and girls”, at which participants underlined the importance of technical cooperation and capacity-building in promoting gender equality and the empowerment of all women and girls as a component to achieving the Sustainable Development Goals, in particular Goal 5, and stressed the need to promote, protect and fulfil the rights of women and girls, and the need for them to be closely consulted and actively involved in decision-making processes and in public life, as well as to eliminate all forms of violence against them;<sup>95</sup>

11. *Decides*, in accordance with paragraphs 3 and 4 of Human Rights Council resolution 18/18 of 29 September 2011, to hold, before the fifty-third session of the Council, a half-day intersessional meeting on the theme “Technical cooperation and capacity-building in the Human Rights Council: taking stock of the past for a better discharge of this mission in the future”, in order to allow States, relevant United Nations agencies, funds and programmes, international organizations, national human rights institutions, civil society

<sup>95</sup> See also [A/HRC/50/62](#).

organizations and other stakeholders to identify and reflect on the achievements made and obstacles faced, and to share best practices and experiences in this regard;

12. *Requests* the United Nations High Commissioner for Human Rights to provide the above-mentioned intersessional meeting with all necessary services and facilities, and to provide webcasting services for the meeting;

13. *Also requests* the High Commissioner to present a report to the Human Rights Council at its fifty-third session, recommending the way forward to improve technical cooperation and capacity-building in the field of human rights, taking into account the outcomes of the discussions held during the intersessional meeting, to be followed by an enhanced interactive dialogue;

14. *Calls upon* States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions, national mechanisms for implementation, reporting and follow-up and civil society to make use of the ideas and issues raised in the intersessional meeting and the enhanced interactive dialogue to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts and to build multi-stakeholder partnerships, with a view to improving States' capacities to promote, protect and fulfil human rights.

*44th meeting  
7 October 2022*

[Adopted without a vote.]

### **51/35. Technical assistance and capacity-building to address the human rights implications of the nuclear legacy in the Marshall Islands**

*The Human Rights Council,*

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

*Reaffirming* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

*Reaffirming also* its strong commitment to the protection, promotion and fulfilment of the human rights of all people, including the people of the Marshall Islands,

*Recognizing* the primary responsibility of States to promote and protect human rights and fundamental freedoms,

*Recalling* all Human Rights Council resolutions on human rights and the environment, the most recent of which are resolutions 45/17 of 6 October 2020, 45/30 of 7 October 2020, 46/7 of 23 March 2021 and 48/13 of 8 October 2021,

*Recalling also* the adoption of Human Rights Council resolution 48/13 on 8 October 2021 and General Assembly resolution 76/300 on 28 July 2022, recognizing the human right to a clean, healthy and sustainable environment,

*Reaffirming* its commitment to the implementation of the 2030 Agenda for Sustainable Development, notably with regard to target 12.4 of Sustainable Development Goal 12, on achieving the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reducing their release to air, water and soil in order to minimize their adverse impacts on human health and the environment,

*Recalling* that, between 1946 and 1958, 67 known nuclear weapons were tested in the Marshall Islands while it was under United Nations trusteeship,

*Recalling also* that, on 6 May 1954, the people of the Marshall Islands filed a petition with the United Nations Trusteeship Council regarding the nuclear testing, in which they stated that they were not only fearful of the danger to their persons from these deadly weapons, but also concerned about the increasing number of people removed from their land, and requested that all experiments with lethal weapons in the area be immediately ceased, and

that after the Trusteeship Council heard the petition, on 20 August 1954, the nuclear testing programme continued until 1958,

*Recalling further* that, in 1986, the Government of the United States of America and the Government of the Marshall Islands entered into bilateral agreements that provided for the settlement of all claims, past, present and future, arising from the nuclear testing, and that the Marshall Islands has lodged a changed circumstances petition with the Congress of the United States pursuant to these bilateral agreements, which remains pending,

*Bearing in mind* the report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to the Marshall Islands,<sup>96</sup> in which the Special Rapporteur reported that the nuclear testing in the Marshall Islands had immediate and continuing effects on human rights that resulted in fatalities and serious health complications, and that the radiation had led to environmental contamination and the loss of livelihoods and lands,

*Also bearing in mind* the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on a non-toxic environment,<sup>97</sup> in which he reported that people in the Marshall Islands continued to suffer the adverse effects of radiation from nuclear tests, resulting in elevated levels of cancer, birth defects and psychological trauma that continue to this day, and that Marshallese women and girls suffered disproportionately from thyroid and other cancers and from reproductive health problems,

*Expressing serious concern* that the toxic nuclear waste and the nuclear radiation and contamination poses serious threats to the environment and the people of the Marshall Islands, and continues to have an adverse impact on the human rights of the people of the Marshall Islands, including persons belonging to displaced communities, and to hinder the full realization and enjoyment of human rights, inter alia, the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to housing, to safe drinking water and sanitation, and to participation in cultural life, and their enjoyment of a clean, healthy and sustainable environment, for present and future generations,

*Expressing serious concern also* at the correlation between exposure to nuclear fallout, radiation and contamination and an increased and disproportionate risk of non-communicable diseases, in particular cancer, in the Marshall Islands, which hinders the full realization and enjoyment of human rights of its people,

*Recognizing* that the Marshall Islands, as a small island developing State, does not have the technical capacity or resources to remove from its territory or treat the nuclear and toxic wastes from the nuclear tests, particularly the waste contained in the concrete dome on Runit Island of Enewetak Atoll,

*Recognizing also* that the Marshall Islands, as a small island developing State, does not have the technical capacity or resources to remove from its territory the nuclear radiation and contamination embedded in the environment, including the local flora and fauna, particularly on and surrounding the atolls and islands used for the nuclear weapon tests,

*Recognizing further* that the Government of the Marshall Islands does not have the technical capacity or resources to build or provide health-care facilities with medical equipment used for the detection, prevention or treatment of cancers and other non-communicable diseases stemming from exposure to nuclear radiation and contamination, and as a result, many affected people of the Marshall Islands have had to seek medical treatment abroad,

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

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

<sup>96</sup> A/HRC/21/48/Add.1.

<sup>97</sup> A/HRC/49/53.

1. *Affirms* the importance of addressing the adverse impact of the nuclear legacy on the realization and enjoyment of human rights by the people of the Marshall Islands;
2. *Recognizes* that the Government of the Marshall Islands is not responsible for the nuclear weapons testing that caused its nuclear legacy and the harm done to its people, which occurred while the Marshall Islands was under United Nations trusteeship, and strongly encourages the United Nations to assist the Government of the Marshall Islands to address the adverse impact of the nuclear legacy;
3. *Commends* the Government of the Marshall Islands for its efforts to address the impacts of the nuclear testing on the people of the Marshall Islands and for its efforts towards the full realization and enjoyment of their human rights;
4. *Notes* that the Marshall Islands recognizes the right to a clean, healthy and sustainable environment, and also notes the State's commitment to protect, promote and fulfil this right for its people when addressing the human rights implications of the nuclear legacy;
5. *Recognizes* that nuclear waste, radiation and contamination remains a challenge and a barrier to the full realization and enjoyment of human rights by the people of the Marshall Islands, including the enjoyment of a clean, healthy and sustainable environment in the Marshall Islands;
6. *Acknowledges* that the people of the Marshall Islands living with the impacts of exposure to nuclear waste, radiation and contamination should continue to be assisted to advance the full realization and enjoyment of their human rights;
7. *Emphasizes* the importance of protecting and promoting the human rights of the people of the Marshall Islands, particularly those suffering from adverse health and other effects resulting from exposure to nuclear and toxic waste, nuclear radiation and contamination resulting from the nuclear weapons testing;
8. *Urges* States, relevant United Nations agencies and other stakeholders to support the Government of the Marshall Islands in its efforts to improve the health of its people and environment;
9. *Recalls* that addressing the nuclear legacy of the Marshall Islands is a regional priority for the Pacific Islands Forum and has regional implications posing a serious environmental hazard to the Pacific region, with concerns regarding the integrity of the concrete dome containing nuclear and toxic wastes on Runit Island;
10. *Commends* the Government of the Marshall Islands for the standing invitation extended to the special procedures of the Human Rights Council, and encourages additional visits to the Marshall Islands;
11. *Requests* the Office of the United Nations High Commissioner for Human Rights to cooperate with the Government of the Marshall Islands in the field of human rights and to provide technical assistance and capacity-building to the National Nuclear Commission of the Marshall Islands in advancing its national strategy for nuclear justice and determining its technical assistance and capacity-building needs to pursue transitional justice in its efforts to address the nuclear legacy;
12. *Also requests* the Office of the High Commissioner to prepare a report on addressing the challenges and barriers to the full realization and enjoyment of the human rights of the people of the Marshall Islands, stemming from the State's nuclear legacy, to be submitted to the Human Rights Council at its fifty-seventh session, to be followed by an enhanced interactive dialogue, with the participation of the National Nuclear Commission of the Marshall Islands;
13. *Further requests* the Office of the High Commissioner, in preparing the above-mentioned report, to seek the views of the Government of the Marshall Islands and its National Nuclear Commission, States, relevant United Nations mandate holders, relevant United Nations agencies, funds and programmes, non-governmental organizations and other relevant stakeholders, including civil society and affected communities;
14. *Decides* to remain seized of the matter.

44th meeting  
7 October 2022

[Adopted without a vote.]



## 51/36. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

*The Human Rights Council,*

*Reaffirming* that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

*Recalling further* its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017, 36/30 of 29 September 2017, 39/20 of 28 September 2018, 42/34 of 27 September 2019, 45/34 of 7 October 2020 and 48/20 of 11 October 2021, in which the Human Rights Council called upon the international community to support the efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and responding to its requests for technical assistance,

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,<sup>98</sup> submitted to the Human Rights Council in accordance with its resolution 48/20,

*Deeply concerned* about the continuing violations being committed against children and women, including sexual and gender-based violence, and affirming the necessity of preventing, condemning and eliminating all forms of violence against women and girls, of ensuring access to justice and of meeting the obligation to bring the perpetrators of these violations to book,

*Concerned* by the deteriorating security and human rights conditions in some sectors in the eastern part of the Democratic Republic of the Congo, with a situation that continues to give cause for concern in Ituri, North Kivu, South Kivu, Maniema and Tanganyika in particular,

*Noting* the progress made by the Armed Forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children,

*Noting also* the updating of the National Action Plan to Combat the Worst Forms of Child Labour in the Democratic Republic of the Congo,

*Concerned* about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need of humanitarian assistance,

*Welcoming* the progress made in recent years and the measures taken by the President to put an end to the violations of fundamental freedoms and human rights in the Democratic Republic of the Congo,

*Concerned* by the resurgence of violations of fundamental freedoms linked to restrictions on liberties and by the worsening situation in detention centres,

*Concerned also* about the use of hate speech and of incitement of hatred in contravention of article 20 (2) of the International Covenant on Civil and Political Rights,

*Concerned further* about the cases of arbitrary arrest and of arbitrary detention of young people alleged to be “*kulunas*”, and recalling that detention should under all

<sup>98</sup> [A/HRC/51/61](#).

circumstances remain an exception to the principle of respect for the fundamental freedoms of Congolese citizens,

*Calling on* the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect the rule of law and to protect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations,

*Recalling* the need to guarantee not only the right of opposition, but also the full exercise by Parliament of its mandate in a democratic system,

*Welcoming* the report of the team of international experts on the Democratic Republic of the Congo,<sup>99</sup> submitted in accordance with Human Rights Council resolution 48/20, taking note of its conclusions and recommendations, and welcoming the ongoing cooperation between the Government of the Democratic Republic of the Congo and the team of international experts, including the steps taken to facilitate access to the country, sites and persons,

*Bearing in mind* that the recommendations of the team of international experts should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with support from the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,

*Noting* the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region, the Economic Community of Central African States and the East African Community, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

*Noting also* the progress made in combating impunity for perpetrators of sexual violence and in ensuring that victims have access to justice for the reparation of harm suffered, including through the establishment, by the Office of the Personal Representative of the Head of State tasked with fighting against sexual violence and the recruitment of children, of a helpline for victims of sexual violence, which contributes to the fight against impunity, and commending the Government of the Democratic Republic of the Congo on its tireless efforts to prevent, on a lasting basis, the recruitment and use of children by its armed forces,

*Calling on* the Government of the Democratic Republic of the Congo to find a durable solution to the problem of sexual and gender-based violence against children by implementing the 2012 plan of action and by prioritizing the provision of services to child survivors,

*Noting with great concern* that the situation of prolonged conflict in the east of the Democratic Republic of the Congo has led to numerous human rights violations and to the illicit exploitation of natural resources in that part of the country and prevents the population from fully enjoying their rights and freedoms,

*Noting* the efforts of the Democratic Republic of the Congo to meet its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns* all violations of human rights, as well as the illicit exploitation of natural resources, in particular in the areas affected by armed or intercommunal conflict in the eastern part of the Democratic Republic of the Congo, where the situation continues to lead to significant population displacement;

2. *Also condemns* the activities of armed groups and the resurgence of attacks against civilians, the international forces of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, humanitarian actors and the Armed Forces of the Democratic Republic of the Congo by rebel and terrorist groups, mainly the Allied Democratic Forces (ADF), the Cooperative for the Development of the Congo (CODECO), the Forces démocratiques de libération du Rwanda (FDLR) and the Mouvement du 23 mars

<sup>99</sup> [A/HRC/51/60](#).

(M23), as well as the occupation by such groups, in particular, of Bunagana and a number of other nearby localities, where they commit daily atrocities and human rights violations;

3. *Strongly condemns* any support given to these rebel and terrorist groups by anyone, in flagrant violation of the principles relating to the promotion and protection of human rights, and calls for such support to end immediately;

4. *Notes* the efforts made by the authorities of the Democratic Republic of the Congo to bring the alleged perpetrators of those acts to justice, encourages them to take all necessary measures to ensure that all the alleged perpetrators are brought to justice, and welcomes the convictions already pronounced;

5. *Encourages* the Government of the Democratic Republic of the Congo to continue with its efforts to respect the rule of law, with a view to respecting, protecting and upholding human rights and fundamental freedoms for all, in accordance with the international obligations of States, in particular during the state of siege in effect in the provinces of North Kivu and Ituri, where military justice has assumed the functions of the civilian courts in dealing with criminal cases;

6. *Welcomes* the strong commitment of the President to improving the human rights situation and the positive steps taken since his inauguration to launch his reform agenda and open up the political environment, which have resulted in the release of political prisoners, the closure of the detention centres where they were being held, the return of political actors, and progress in ensuring respect for fundamental freedoms;

7. *Also welcomes* the establishment of the Disarmament, Demobilization, Community Recovery and Stabilization Programme, following the signature, by the President, on 5 July 2021, of the order on the creation, organization and functions of the programme, as well as the appointment of a national coordinator and provincial coordinators for the programme, and stresses the importance of a long-term commitment on the part of national and local authorities as well as international partners for the implementation of the programme, involving specific measures on the need for decentralization and localization, with the participation of local communities;

8. *Further welcomes* the efforts of the Armed Forces of the Democratic Republic of the Congo, supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to counter armed groups that are spreading terror in certain conflict zones in the east of the country, condemns the recent attacks on the Mission by those armed groups, and supports the ongoing investigations into the incidents involving the Mission and the Armed Forces;

9. *Remains concerned* about the death of two members of the international forces of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, about all the acts of violence that have resulted in the death of civilians in the provinces of North Kivu and Ituri and about the looting of the Mission's facilities, and encourages the continuation of the investigations that were initiated following these unfortunate events;

10. *Notes* the efforts of the Government of the Democratic Republic of the Congo to identify the alleged perpetrators of numerous human rights violations and other abuses and their accomplices;

11. *Welcomes* the promulgation of Organic Act No. 22/003 of 3 May 2022 on the protection and promotion of the rights of persons with disabilities, and encourages the Government of the Democratic Republic of the Congo to promulgate the Organic Act on the promotion and protection of the rights of indigenous Pygmy peoples after its adoption by both houses of Parliament;

12. *Commends* the efforts made by the Government of the Democratic Republic of the Congo to improve the legal framework for elections, and expresses its expectation that this will guarantee an inclusive pre-electoral process that respects human rights associated with the democratic space;

13. *Notes with satisfaction* the efforts of the Government of the Democratic Republic of the Congo to adopt legislative measures to protect human rights defenders and

whistle-blowers, and encourages it to operationalize the Human Rights Liaison Body and the Unit for the Protection of Human Rights Defenders;

14. *Encourages* the Government of the Democratic Republic of the Congo to pursue the awaited legislative changes aimed at enhancing respect for human rights and fundamental freedoms, as the President has pledged to do, to continue efforts to strengthen the rule of law and democratic institutions, to advance political openness, to provide adequate protection for human rights defenders and whistle-blowers, and not to allow any retrogression or new violations of the political rights of Congolese citizens;

15. *Welcomes* the adoption by the National Assembly of the draft law on the prevention and punishment of trafficking in persons in the Democratic Republic of the Congo;

16. *Also welcomes* the adoption by the Council of Ministers of the preliminary bill concerning the establishment of the basic principles on protection and reparations for victims of conflict-related sexual violence and victims of crimes against the peace and security of mankind;

17. *Notes with satisfaction* the operationalization of the National Human Rights Commission and its provincial branch offices, the revitalization of the interministerial committee and its location in a separate building, as well as the logistical support provided by the Office of the United Nations High Commissioner for Human Rights through its office in Kinshasa;

18. *Welcomes* the measures taken by the Government of the Democratic Republic of the Congo to combat hate speech and rhetoric and other incitement to hatred among the population and through certain media, and encourages the Government to intensify its campaign and to rapidly adopt and implement the proposed law aimed at preventing and punishing hate speech and calls for violence and discrimination throughout the country;

19. *Notes* the decision to extend the state of siege declared in the provinces of North Kivu, South Kivu and Ituri, in view of preserving peace, the rule of law and security in this part of the Democratic Republic of the Congo, also notes the human rights violations recorded during this state of siege, and urges the Government to provide information on the scope of that measure in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights;

20. *Encourages* the efforts made by the Government of the Democratic Republic of the Congo to establish a national mechanism for the prevention of torture in accordance with international instruments;

21. *Also encourages* the Democratic Republic of the Congo to submit as soon as possible its combined sixth to eighth periodic reports on the implementation of the Convention on the Rights of the Child, as well as its periodic reports on the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict;

22. *Further encourages* the Democratic Republic of the Congo to submit its initial report on the implementation of the Convention on the Rights of Persons with Disabilities;

23. *Notes* the steps taken by the Ministry for Gender, the Family and Children, together with civil society and other partners, to make the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa more widely known;

24. *Commends* the immediate zero-tolerance campaign against sexual and gender-based violence and impunity, launched by the President on 19 June 2021 in Bunia;

25. *Also commends* the submission by the Democratic Republic of the Congo, in Toronto and Montreal, of its application to the Voluntary Principles Initiative regarding principles on security and human rights in the extractive industries;

26. *Welcomes* the process under way to implement the transitional justice machinery in the Democratic Republic of the Congo through the establishment of a national commission on transitional justice and reconciliation, including the creation of a fund for victims of serious crimes, their family members and their communities, a mechanism that could balance the fight against impunity with reconciliation and the possibility of warding

against the recurrence of such crimes, in accordance with Human Rights Council resolution 38/20 of 6 July 2018, and calls for the implementation of the recommendations of the first team of international experts in that regard;<sup>100</sup>

27. *Also welcomes* the creation of a working group on transitional justice in Congolese civil society, together with the implementation of a transitional justice programme in the province of Kasai Central, which could be replicated in other provinces;

28. *Further welcomes* the establishment of an operational plan on transitional justice in the Democratic Republic of the Congo and of an inter-institutional steering commission on national transitional justice policy, and encourages the Government of the Democratic Republic of the Congo to remain fully engaged in the transitional justice process, together with its partners, including through a strong financial commitment from them;

29. *Commends* the launch by the Minister of Human Rights of national consultations on transitional justice in eight pilot provinces: Kasai, Kasai Central, Tanganyika, North Kivu, Kongo Central, Lualaba, Haut Lomami and Haut-Katanga;

30. *Welcomes* the improvement in prison conditions, particularly in the Kinshasa Penitentiary and Re-education Centre, and encourages the Government of the Democratic Republic of the Congo to safeguard the health and dignity of detainees and convicted prisoners by offering them a framework that is conducive to their rehabilitation and proper reintegration into society;

31. *Notes with satisfaction* the conviction of the killers of human rights defenders Floribert Chebeya and Fidèle Bazana, and encourages the judicial authorities to continue the investigations concerning this case and to prosecute certain persons who were cited during the proceedings as instigators or accomplices, but who have not yet been heard or charged;

32. *Notes* the progress in the proceedings against the killers of two United Nations experts in the Kasai region, which resulted in their conviction by the military court in Kananga, and notes the continuation of the proceedings before the Military High Court of Kinshasa as well as the continuation of the investigation of other alleged perpetrators;

33. *Welcomes* the holding in July 2022 of the general assembly of the Supreme Council of Justice, which set itself the goal of undertaking an earnest assessment of the state of justice in the Democratic Republic of the Congo;

34. *Encourages* the Government of the Democratic Republic of the Congo to continue national consultations on transitional justice throughout the country and to set up the structures and mechanisms that will make it possible to implement its transitional justice policy;

35. *Welcomes* the appointment in the province of Kasai Central of the members of the provincial Commission on Truth, Justice and Reconciliation, and encourages the Government of the Democratic Republic of the Congo to support the effective functioning of this commission, including with the support of the international community;

36. *Decides* to renew, for one year, the mandate of the team of international experts in the Democratic Republic of the Congo, and requests the team to provide the necessary technical support to the Government in its implementation of the national strategy on transitional justice;

37. *Requests* the team of international experts to submit its final report to the Council, in the framework of an enhanced interactive dialogue, at its fifty-fourth session, and to present it with an oral update at its fifty-second session;

38. *Commends* the work done by the team of international experts in the Democratic Republic of the Congo, as well as the technical assistance provided by the Office of the High Commissioner to the judicial authorities in the Democratic Republic of the Congo, in particular in the area of forensic medicine;

39. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance, including forensic expertise, to the Government of

<sup>100</sup> [A/HRC/38/31](#).

the Democratic Republic of the Congo in order to support the judicial authorities in their investigation of allegations of human rights violations and abuses, with a view to bringing those responsible to justice, and to strengthen the technical assistance team by providing it with additional forensic experts and sufficient resources to assist the Government in building national forensic capacity;

40. *Also requests* the High Commissioner to provide the Government of the Democratic Republic of the Congo with technical assistance to support the process under way to develop the transitional justice machinery in the country through the establishment of a national commission on transitional justice and reconciliation;

41. *Further requests* the High Commissioner to make available, to the Government of the Democratic Republic of the Congo, more experts in transitional justice who will be responsible for providing technical assistance in the strategic drafting and adoption of methodological tools necessary for the operation of the reparations fund and the provincial truth and reconciliation commissions, in line with international norms and instruments;

42. *Requests* the High Commissioner to present the Council with an oral update on the situation of human rights in the Democratic Republic of the Congo, in the framework of an enhanced interactive dialogue, at its fifty-second session;

43. *Also requests* the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo and to submit it to the Council, in the framework of an enhanced interactive dialogue, at its fifty-fourth session;

44. *Decides* to remain seized of the matter until its fifty-fourth session.

44th meeting  
7 October 2022

[Adopted without a vote.]

### **51/37. Technical assistance and capacity-building in the field of human rights in the Central African Republic**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights,

*Recalling* the African Charter on Human and Peoples' Rights and other international and African instruments on the protection of human rights,

*Recalling also* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions on technical assistance and capacity-building in the field of human rights in the Central African Republic,

*Recalling further* Security Council resolutions on the situation in the Central African Republic,

*Recalling* the joint communiqué signed between the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Government of the Central African Republic on 1 June 2019, in accordance with Security Council resolution 2106 (2013) of 24 June 2013,

*Reaffirming* that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African human rights instruments to which they are parties,

*Recalling* that the Central African Republic bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity,

*Recalling also* the signing on 6 February 2019 of the Political Agreement for Peace and Reconciliation in the Central African Republic, as well as the Joint Roadmap for Peace

in the Central African Republic adopted on 16 September 2021 in Luanda by the International Conference on the Great Lakes Region,

*Recalling further* the conclusions, in 2015, of popular consultations and of the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main parties to the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

*Reaffirming* its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

*Commending* the Government of the Central African Republic for its efforts to combat the coronavirus disease (COVID-19) pandemic, and welcoming the multifaceted support provided by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations country team and international partners in order to prevent and test for the disease, curb its spread, reduce the number of infections and isolate the sick, while remaining concerned about the health, social, economic and humanitarian consequences of the disease,

*Deeply concerned* about the security situation in the Central African Republic, which remains particularly unstable, and condemning in particular the violations of international humanitarian law and human rights law that continue to be perpetrated by parties to the conflict, including armed groups and other security personnel, in Bangui and the rest of the country, in violation of the Peace Agreement of 6 February 2019, including acts of violence against civilians, United Nations peacekeepers, humanitarian personnel, journalists, and health personnel,

*Condemning* the surge in attacks on humanitarian and medical personnel and on civilian and humanitarian facilities and infrastructure, the unlawful taxation of humanitarian aid by armed groups in a context where the number of displaced persons is increasing and the number of refugees remains high, and the fact that more than half of the population, or some 2.8 million Central Africans, continues to need humanitarian assistance in order to survive,

*Recalling* the need for the Government of the Central African Republic, the international community and humanitarian actors to support the safe, dignified and sustainable voluntary return of displaced persons and refugees and to ensure that they can return and be received in conditions allowing for safe, dignified and sustainable reintegration,

*Welcoming* the efforts of subregional organizations in the ongoing mediation process, as well as the humanitarian assistance provided by the States members of these organizations to the population of the Central African Republic,

*Welcoming also* the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

*Recalling* that the international forces present in the Central African Republic must carry out their duties with full respect for the applicable provisions of international law, particularly international humanitarian law, and must respect human rights and the principle of non-refoulement, expressing its concern at allegations that sexual abuse and other human rights violations or mistreatment have been committed by the parties to the conflict, noting with satisfaction that the Government of the Central African Republic has established a special commission of inquiry to ensure that those responsible for such acts are brought to justice, welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and welcoming the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

*Noting with concern* the joint investigation report issued on 25 July 2022 by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights on violations of human rights and international humanitarian law committed in the village of Boyo between

6 and 13 December 2021, including in particular the recruitment of former anti-balaka militia fighters and dozens of young persons, with the assistance of security personnel,

*Stressing* the urgent and imperative need to end impunity in the Central African Republic, to bring to justice the perpetrators of violations of human rights and of international humanitarian law and to reject any general amnesty for such persons, and the need to strengthen national and hybrid judicial mechanisms to ensure that they are held to account for their actions,

*Recalling* the primary responsibility of the national authorities to create the conditions necessary to carry out prompt, impartial and transparent investigations, to conduct credible prosecutions, to render judgments effectively and independently and to protect victims and at-risk persons against reprisals, and calling upon international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, within its mandate, to support the Central African authorities to this end,

*Recalling also* that the international commission of inquiry tasked with investigating allegations of violations of international humanitarian law and international human rights law and of human rights abuses in the Central African Republic concluded that, since January 2013, the main parties to the conflict had committed violations and abuses that may constitute war crimes and crimes against humanity,

*Stressing* the importance of pursuing investigations into allegations of violations of international humanitarian law and international human rights law and of human rights abuses to complement the work of the international commission of inquiry and the report on the mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

*Welcoming* the holding of the most recent presidential and legislative elections and calling for the free and fair conduct of the forthcoming local and municipal elections in 2023, the organization of which might create conditions conducive to the voluntary, safe and dignified return of refugees and displaced persons,

*Stressing* that the preparations for the holding of local and municipal elections in 2023 must include an effective framework for consultations among political actors, civil society and other relevant stakeholders in the country, with the support of the guarantors and facilitators of the Peace Agreement of 6 February 2019 and of the initiators of the joint road map of 16 September 2021, and with the support of the international community, for an open and inclusive dialogue aimed at seeking consensus and restoring confidence among the various actors,

1. *Strongly condemns* all human rights abuses and violations and violations of international humanitarian law, including killings, acts of torture and other cruel, inhuman or degrading treatment or punishment, conflict-related, sexual and other gender-based violence, abductions, arbitrary arrests and deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on schools, on the injured and the sick, on medical personnel and on health centres and medical vehicles, the denial of humanitarian assistance, the illegal destruction of property and all violations committed against civilians, in particular populations in situations of vulnerability, including women, children and displaced persons, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, humanitarian workers, health workers, humanitarian supplies and United Nations personnel, and urges armed groups to observe an immediate ceasefire in accordance with their commitment under the Peace Agreement of 6 February 2019 and the joint road map of 16 September 2021;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict



respect for all human rights and all fundamental freedoms, for victims to have access to justice and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* at the humanitarian situation, stresses that insecurity and lack of funding constitute obstacles to the complete, safe and unhindered delivery of humanitarian assistance, calls upon the international community to offer greater support for humanitarian assistance and stabilization efforts in the country and requests all parties to authorize and facilitate rapid, complete, safe and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

5. *Calls upon* the Government of the Central African Republic, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and to take measures so that those responsible for such acts are held accountable for them when violence, including on ethnic and religious grounds, takes place, and recalls that individuals or entities who commit or provide support for acts that undermine the peace, stability and security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians or attack peacekeepers, incite others to violence, including intercommunity violence, or to hatred, particularly on ethnic or religious grounds, or to sexual or gender-based violence, or prepare, commit or order the commission of acts that are contrary to human rights and international humanitarian law, recruit children for use in armed conflict, or impede the delivery or distribution of or access to humanitarian assistance, may be sanctioned by the Security Council;

6. *Welcomes* the report of the Independent Expert on the situation of human rights in the Central African Republic<sup>101</sup> and the recommendations contained therein;

7. *Calls upon* the authorities of the Central African Republic to fulfil expeditiously the commitments undertaken in 2019 with the signing of the joint communiqué between the United Nations and the Government of the Central African Republic with a view to combating sexual violence in conflict, and the relevant recommendation of the Independent Expert;

8. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

9. *Calls upon* the authorities of the Central African Republic to provide support to the National Observatory for Gender Parity and to strengthen the organization and operations of the National Commission on Human Rights and Fundamental Freedoms, the High Council for Communication, the High Authority for Good Governance, the National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination, and other State institutions working for the promotion, protection and fulfilment of human rights, the fight against corruption and the promotion of democracy and good governance;

10. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement, in support of the authorities of the Central African Republic and as provided in its mandate, a proactive and effective approach to the protection of civilians, and to lend the necessary assistance to the work of the Special Criminal Court;

11. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse and other forms of sexual violence, and calls upon troop-contributing countries and international forces acting under the mandate of the Security Council to take appropriate measures to prevent such acts and to prevent impunity among their personnel in order to ensure justice for victims;

<sup>101</sup> [A/HRC/51/59](#).

12. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations country team, to revitalize the disarmament, demobilization, reintegration and repatriation process, and requests Member States and international organizations to continue and to strengthen their financial support for the process, for the operationalization of the Truth, Justice, Reparation and Reconciliation Commission and for initiatives to promote peace, security and reconciliation within the population and the stabilization of the country;

13. *Deplores* the fact that children continue to be used by armed groups as combatants, human shields, domestic workers and sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent the recruitment and use of children and early and forced marriages, and in this regard calls upon them to honour the commitments assumed by several of them under the Peace Agreement of 6 February 2019;

14. *Encourages* the Government of the Central African Republic to promptly adopt a national child protection plan and to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

15. *Also encourages* the Government of the Central African Republic to implement, with the support of technical and financial partners, a national strategy for technical and agricultural training and vocational training as a social lever for the transitional process, for the benefit of youth;

16. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate in a sustainable manner all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls, in particular those who have been victims of violence;

17. *Remains deeply concerned* about the extent of conflict-related sexual violence perpetrated by the parties to the conflict, in particular against women, girls and boys, encourages the national authorities and the Special Criminal Court to carry out a systematic follow-up of cases of sexual violence, to ensure that prosecutions are conducted and that criminal penalties are applied, and to protect and support victims, recalls in this regard the establishment of the Joint Rapid Response Unit to Combat Sexual Violence against Women and Children, and calls upon the authorities of the Central African Republic to take further steps to provide it with the means necessary for its operation and to ensure, through the relevant services, the provision of psychotherapeutic and socioeconomic support to victims;

18. *Welcomes* the opening on 19 April 2022 of the first trial of the Special Criminal Court related to the killings in Koundjili and Lemouna in 2019, and calls upon the Central African authorities, neighbouring States, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the international community to provide the necessary support for the conduct of investigations, access to relevant documents and the execution of arrest warrants;

19. *Also welcomes* the opening of an investigation by the International Criminal Court in September 2014 at the request of the authorities of the Central African Republic, focusing principally on war crimes and crimes against humanity committed since 1 August 2012, the arrest on 17 November 2018 of Alfred Yekatom, who was surrendered to the Court by the authorities of the Central African Republic, the arrest on 12 December 2018, by the authorities of France, pursuant to an arrest warrant issued by the Court on 7 December 2018, of Patrice-Edouard Ngaïssona, senior leader and national general coordinator of the anti-balaka, and the surrender of Mahamat Said Abdel Kani to the Court on 24 January 2021 by the authorities of the Central African Republic pursuant to an arrest warrant issued on 7 January 2019, notes the opening of the trial of Alfred Yekatom and Patrice-Édouard Ngaïssona on 16 February 2021 and the mobilization of the population of the Central African Republic to follow it remotely, and welcomes the transfer to the Court on 14 March 2022 of Maxime Jeoffroy Eli Mokom Gawaka, a former leader of the anti-balaka armed group and former Minister for the disarmament, demobilization, reintegration and repatriation

programme, and the fact that, on 28 July 2022 the Court unsealed the arrest warrant issued on 7 January 2019 for Nouredine Adam, the founder of the Convention des patriotes pour la justice et la paix armed group;

20. *Urges* neighbouring States of the Central African Republic to cooperate in combating insecurity and the impunity of members of armed groups, including through cooperation with national and international courts and the Truth, Justice, Reparation and Reconciliation Commission;

21. *Welcomes* the efforts of the authorities of the Central African Republic that led to the operationalization of the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government of the Central African Republic, with support from the international community, to continue its cooperation with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

22. *Calls upon* the authorities of the Central African Republic to strengthen the financial and human resources allocated for the purpose of re-establishing the effective authority of the State over the entire country by continuing to redeploy the State administration, particularly in the areas of criminal justice and prison administration, in the provinces with a view to combating impunity and ensuring stable, responsible, inclusive and transparent governance at the national and local levels;

23. *Urges* the authorities of the Central African Republic to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings and to establish appropriate programmes to provide victims of violations and their families with material and symbolic reparations, at both the individual and collective levels;

24. *Encourages* the authorities to fully implement security sector reform in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and recalls that these forces must respect the principles of accountability and the rule of law in order to win and retain the trust of local communities, including by ensuring that candidates for recruitment are subject to appropriate vetting and background checks, particularly with regard to respect for human rights;

25. *Invites* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure that the conduct of the national security forces and other security personnel is monitored and that their members are held accountable for their actions, and to continue to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

26. *Stresses* the need for effective access to health care, the need for the effective functioning of schools and vocational training centres whose premises are occupied by armed groups and security personnel or have been destroyed or damaged because of the conflict, the need for access to sanitation and drinking water in places where storage, treatment and distribution facilities have deteriorated as a result of the conflict, the need for the resumption of agropastoral activities disrupted by insecurity and the COVID-19 pandemic, the need to register births and civil status, and the need to ensure the provision of local justice services in the context of the inadequate restoration of State authority, and requests the partners of the Central African Republic to help the country to meet these challenges;

27. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to local populations in response to the food insecurity affecting nearly 63 per cent of the population by supporting humanitarian assistance and stabilization efforts, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

28. *Requests* the international community to enhance its support for the fight against the COVID-19 pandemic in the Central African Republic in order to prevent the health crisis from turning into a social, economic and humanitarian crisis that could lastingly undermine the results achieved in several areas, in particular the progress made on priorities

such as the mechanisms implementing the Peace Agreement of 6 February 2019, the normative framework, efforts to combat impunity and reconciliation mechanisms at the local level;

29. *Urges* the authorities of the Central African Republic to provide the Truth, Justice, Reparation and Reconciliation Commission with all appropriate means for the effective fulfilment of its mandate, including with respect to the fight against impunity and the promotion of reparation and guarantees of non-repetition, complementing the Special Criminal Court and the ordinary courts;

30. *Also urges* the authorities of the Central African Republic to continue inclusive efforts for the effective implementation of transitional justice mechanisms, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and other international partners;

31. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of victims, women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

32. *Strongly encourages* the Central African authorities to implement the recommendations of the republican dialogue;

33. *Remains concerned* about the surge in the number of children recruited by armed groups, calls for the establishment and implementation of socioeconomic reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, and calls upon armed groups to end such serious violations and abuses and upon the authorities of the Central African Republic to enforce the Child Protection Code;

34. *Remains deeply concerned* about the conditions in which displaced persons and refugees are living, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

35. *Calls upon* the national authorities to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

36. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned, and also donors, to provide the Central African Republic with technical assistance and capacity-building in order to assist it in promoting respect for human rights and undertaking reform of the justice and security sectors, and to stand ready to respond to the urgent needs and priorities identified by the Central African Republic;

37. *Decides* to renew, for one year, the mandate of the Independent Expert on the situation of human rights in the Central African Republic, which is to assess, monitor and report on the situation with a view to making recommendations relating to technical assistance and capacity-building in the field of human rights;

38. *Requests* the Independent Expert to pay particular attention to violations of human rights and international humanitarian law alleged to have been committed by all parties to the conflict;

39. *Requests* all parties to cooperate fully with the Independent Expert in carrying out his mandate;

40. *Decides* to convene, at its fifty-second session, a high-level dialogue to enable it to assess human rights developments on the ground, placing special emphasis on the situation of children;

41. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

42. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

43. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

44. *Requests* the Independent Expert to provide an oral update on his report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its fifty-third session and to submit a written report to the Council at its fifty-fourth session, and to the seventy-eighth session of the General Assembly;

45. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the technical, financial and human resources necessary to enable him to carry out fully his mandate;

46. *Decides* to remain seized of this issue.

44th meeting  
7 October 2022

[Adopted without a vote.]

## **51/38. Assistance to Somalia in the field of human rights**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Reaffirming also* its previous resolutions on Somalia,

*Recalling* its resolutions 5/1 and 5/2 of 18 June 2007,

*Recognizing* that the primary responsibility for promoting and protecting human rights in Somalia rests with the Somali authorities, and that enhancing the legal framework, human rights protection systems and the capacity, transparency and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and abuses and to encourage reconciliation,

*Recognizing also* the need for all authorities engaged in security to uphold their international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

*Recognizing further* the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal member state levels, and acknowledging the Mutual Accountability Framework, which is aimed at accelerating reforms regarding human rights, as well as reforms regarding security, economic and political institutions and elections,

*Underscoring* the importance of cooperation and consensus for making further progress on key national priorities, including the implementation of the national security architecture, the constitutional review, power and resource-sharing in the federal order, including fiscal federalism, and reaching agreement on a federated justice system, all of which require political agreements that can form the basis for legislation in the federal Parliament,

*Recognizing* the sustained and vital commitment of the African Union Mission in Somalia, followed by the African Union Transition Mission in Somalia, and the loss and sacrifice of personnel killed in action over the past 15 years, and recognizing also that the African Union Transition Mission is critical to creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

*Recognizing also* the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to end sexual and gender-based violence, including conflict-related sexual violence, female genital mutilation, child, early and forced marriage, and all other forms of unlawful violence in situations of armed conflict, to end impunity and, consistent with international law, to prosecute those responsible for sexual and gender-based violence against women and girls, and the importance of promoting their economic empowerment and full, equal and meaningful participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security,

*Recognizing further* the increased commitment of the Federal Government of Somalia and some federal member state authorities to strengthening the promotion and protection of human rights through their respective ministries, while urging increased advocacy for and implementation of human rights commitments in Somalia and engagement with the international human rights system,

1. *Welcomes* the commitment of the Somali authorities to improving the situation of human rights in Somalia, and in that regard also welcomes:

(a) The successful conclusion of the electoral process in Somalia in May 2022 and the formation of a Government in August 2022, but expresses concern that the 30 per cent women's quota failed to be met during parliamentary elections, and encourages renewed commitment to ensuring that women play a full, equal and meaningful role in political decision-making;

(b) The enforcement by the Attorney General's Office of an order of the Banadir Regional Court, following a petition submitted by the National Union of Somali Journalists, through the appointment on 8 September 2020 of a special prosecutor, to investigate and prosecute those responsible for killing journalists in Somalia, as a step in the right direction to put an end to impunity for crimes committed against Somali journalists and to hold perpetrators accountable, but calls upon the Federal Government of Somalia to empower the special prosecutor to use the role to its full effect and prosecute those responsible for killing journalists in Somalia;

(c) Revisions to the Somalia Transition Plan, which should support the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Transition Mission in Somalia to increased Somali ownership, appreciating, in particular, that this approach is underpinned by a focus on the rule of law, reconciliation, justice, respect for human rights and the protection of women and children, and girls in particular;

(d) The Federal Government's establishment of a national disability agency in August 2020, its ratification of the Convention on the Rights of Persons with Disabilities in August 2019 and its commitment to entrenching the rights of persons with disabilities in social, educational, political and economic life through the first-ever national disability bill for Somalia and other legislative mechanisms, by improving the collection of data on persons with disabilities;

(e) The continued cooperation with the Independent Expert on the situation of human rights in Somalia, including by implementing the Emergency Response and Preparedness Plan of 2021 to support internally displaced people and establishing alternative dispute resolution centres to handle small civil cases to improve citizens' access to justice, and the cooperation with the special representatives of the Secretary-General, including the Special Representative on Sexual Violence in Conflict and the Special Representative for Children and Armed Conflict;

(f) The genuine commitment and cooperation of Somalia with the treaty bodies, in particular the submission of the initial report of Somalia under article 44 of the Convention on the Rights of the Child to the Committee on the Rights of the Child on 10 September 2019, and the spirit of transparency and cooperation in which the delegation of Somalia engaged with the Committee in the consideration of that report during its ninetieth session;

2. *Also welcomes* the active engagement of the Federal Government with the universal periodic review process in May 2021, and in this regard further welcomes its acceptance of many recommendations made during the review,<sup>102</sup> encourages the Government to implement them as a matter of priority, and welcomes its commitment to completing a midterm review on the implementation of recommendations;

3. *Expresses concern* at the reports of violations and abuses of human rights in Somalia, including by all armed actors, underscores the need to uphold respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes, including those committed against women and children, and girls in particular, such as the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming and rape, and other forms of sexual and gender-based violence, including child, early and forced marriage and all forms of female genital mutilation and harmful practices, and emphasizes the importance of children formerly associated with armed groups being recognized as victims and the need to establish and implement rehabilitation and reintegration programmes and to strengthen existing ones;

4. *Also expresses concern* that internally displaced persons, including those who may be in vulnerable situations, who may include women, children, young persons, persons with disabilities and persons belonging to minority and marginalized groups, are the most at risk of violence, abuse and violations;

5. *Further expresses concern* at the attacks against and harassment of human rights defenders and the media in Somalia, including journalists and media workers, especially in the form of harassment, arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

6. *Expresses concern* about the deteriorating situation of human rights in Somaliland in 2022, in particular the sharp increase in the number of journalists arrested, the nationwide shutdown of the Internet and the use of lethal force by the police during the protests on 11 August, and encourages the Somaliland authorities to uphold the right to freedom of expression and of peaceful assembly in line with international human rights standards and to reconsider implementing the draft media law and 2018 sexual offences bill, which would improve protections for journalists and the rights of women, children and persons with disabilities;

7. *Also expresses concern* that those belonging to minority clans and marginalized groups, including women and girls, continue to be at the periphery of economic and political opportunities and decision-making in Somalia, and encourages the Somali authorities to increase efforts to widen opportunities for their participation in public affairs, recognizing that women and girls belonging to minority groups continue to be more vulnerable to sexual and gender-based violence owing to poverty, marginalization and discriminatory attitudes;

8. *Expresses deep concern* about the failure of the Lower House of Parliament to pass the Sexual Offences bill endorsed by the Cabinet in May 2018 and about its decision to

<sup>102</sup> See [A/HRC/48/11](#).

instead table in August 2020 a bill on “sexual intercourse-related crimes”, which is incompatible with the obligations of Somalia under international human rights law and under the Provisional Federal Constitution of Somalia, and encourages the Lower House of Parliament to reconsider its decision and to table the Sexual Offences bill endorsed by the Cabinet in 2018;

9. *Expresses concern* about the signing into law in August 2020 of the amended 2016 media law and provisions of the 1964 Penal Code that do not comply with international human rights law, such as those providing for imprisonment as a punishment for media-related offences, and encourages the Federal Government of Somalia to consider repealing such provisions;

10. *Also expresses concern* about the large number of instances of the six types of grave violations committed against children in armed conflict as identified by the Secretary-General and documented in his annual report,<sup>103</sup> and demands that all parties to the conflict take appropriate measures to comply with applicable international humanitarian law;

11. *Further expresses concern* that the exposure and sensitivity of Somalia to climate change and environmental degradation are vast and structural, and that this vulnerability is a driver of fragility, conflict and humanitarian need, including hunger, which is reflected in the grave humanitarian crisis in Somalia and the wider region;

12. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable and to support internally displaced persons in Somalia;

13. *Also recognizes* the efforts of Somalia, despite its own struggles, to accept and not turn its back on refugees from other countries in the region;

14. *Calls upon* the Federal Government of Somalia, federal member states and key political stakeholders, with the support of the international community:

(a) To make urgent progress towards finalizing a new constitution through inclusive and regular high-level dialogue at all levels, including the full, equal and meaningful participation of women, with a view to reaching political agreement among the Federal Government, all federal member states and the federal Parliament in order to deliver shared political and security commitments, through inclusive and regular high-level dialogue at all levels, that promote the building of peace and the rule of law, protect the freedoms of expression and association and include targeted provisions that enable and facilitate the advancement of women, children, young persons, persons with disabilities and persons belonging to minority and disadvantaged groups in the areas of access to justice, education, health, water, security and economic recovery;

(b) To expedite the establishment of a national human rights commission consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), providing it with adequate resources to monitor and ensure accountability for violations and abuses, including a recruitment process that provides equal opportunities for the representation of women, persons belonging to marginalized groups and persons with disabilities;

(c) To hold free, fair, inclusive and transparent one-person, one-vote elections at the federal member state and district levels;

(d) To continue its cooperation with the Special Representative of the Secretary-General for Somalia;

(e) To encourage an inclusive and accessible approach to political participation at the Federal Government and federal member state levels by ensuring full, equal and meaningful opportunities for women, internally displaced persons, persons with disabilities

<sup>103</sup> [A/76/871-S/2022/493](#).



and persons belonging to minority and marginalized groups, and agreement on a future electoral model that encourages inclusivity at all stages;

(f) To realize its commitments to security sector reform, including by ensuring the active and meaningful participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, *inter alia*, sexual and gender-based violence, and on the prevention of extrajudicial killings, and to the strengthening of internal and external accountability of all relevant security forces and institutions, including by drawing from the experience of the African Union Transition Mission in Somalia Civilian Casualty Tracking, Analysis and Response Cell to support the development of Somali civilian casualty monitoring, mitigation and prevention policies and mechanisms;

(g) To strengthen the legal and operational framework for the protection of children in Somalia, including by swiftly implementing the Child Rights bill, to consider becoming a party to the optional protocols to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, to prevent the unlawful recruitment and use of children in armed forces of all types, including forces operating at the national, federal member state and local levels and groups such as Al-Shabaab, to work with specialized organizations, such as the United Nations Children's Fund, to ensure that former child soldiers and children unlawfully used in armed conflict are treated as victims and rehabilitated, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, and to identify those responsible for such violations and abuses and hold them accountable;

(h) To implement the Safe Schools Declaration, which the Federal Government of Somalia endorsed in October 2015, to ensure that education facilities, students and education personnel are protected;

(i) To accelerate the implementation of the joint communiqué and the implementation of the national action plan against sexual violence in conflict;

(j) To accelerate the finalization, adoption and full implementation of the national action plan on women and peace and security, in close cooperation with civil society, in line with Security Council resolution 1325 (2000) and the Council's subsequent resolutions on that issue, noting that the Cabinet endorsed a Somali women's charter to strengthen women's participation in peacebuilding and socioeconomic progress in stabilization and rebuilding efforts for Somalia;

(k) To review the amended media law signed in August 2020 and to ensure its compliance with international human rights law, and to accelerate the work of the special prosecutor for investigating crimes against journalists;

(l) To realize its commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses by ensuring prompt, thorough and effective investigations and by reforming State and traditional justice mechanisms, in accordance with international human rights standards, to increase the representation of women in the judiciary and to improve access to justice for women and children;

(m) To encourage the Parliament to pass the original Sexual Offences bill approved by the Cabinet in 2018, and to ensure that any bill passed into law reflects international obligations and commitments on the protection of all women and children, and girls in particular, and to implement it and other laws as necessary to combat sexual and gender-based violence, including child, early and forced marriage and all forms of female genital mutilation, while ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(n) To continue to acknowledge the importance of inclusive dialogue and local reconciliation processes for stability in Somalia, including in the context of the national reconciliation framework and process, and calls upon the Federal Government and federal

member states to increase leadership and engagement in de-escalating tensions and engage in constructive dialogue;

(o) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, in particular the Ministry for Women and Human Rights Development at the federal and State levels, including by fully funding the Joint Programme on Human Rights, which is a key vehicle for fulfilling the human rights commitments of Somalia, as well as the judiciary, the police and correctional services;

(p) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Prevention and Punishment of the Crime of Genocide;

(q) To realize the commitment it made at the Global Disability Summit, in particular by supporting the national disability agency in its work, in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of persons with disabilities;

(r) To harmonize national and federal member state-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(s) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(t) To implement the Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted on 25 March 2017;

(u) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practices for relocations, and to provide sites that afford safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(v) To ensure safe, timely, sustained and unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate safe, timely, sustained and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minority groups requiring humanitarian assistance;

(w) To regard primarily as victims those children who have been released or otherwise separated from armed forces and armed groups, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, and to cease detaining children on national security charges whenever doing so would be in violation of applicable international law;

15. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

16. *Underlines* the importance of the realization by the African Union Transition Mission in Somalia of its mandate throughout Somalia and the need to strengthen synergies with the work of the Office of the United Nations High Commissioner for Human Rights;

17. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

18. *Decides* to renew the mandate of Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year, to assess, monitor and report

on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

19. *Acknowledges* the progress that Somalia has made and its cooperation with United Nations bodies, including the Office of the High Commissioner and the mandate of the Independent Expert since its creation in 1993, also acknowledges that the situation of human rights in Somalia determines the action most appropriate for the Human Rights Council to take, and in this regard welcomes the transition plan towards deeper thematic engagement with the special procedures of the Council and other experts, as well as the Office of the High Commissioner, as proposed by the Independent Expert, in cooperation with the Federal Government of Somalia, in her most recent report,<sup>104</sup> in which she included clear steps and benchmarks to inform appropriate follow-up actions by the Council, considering the recommendations of the Independent Expert and the human rights commitments of Somalia;

20. *Requests* the Independent Expert to continue to work closely with the Federal Government and other relevant authorities at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the African Union Transition Mission in Somalia, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

- (a) Its national and international human rights obligations;
- (b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;
- (c) Recommendations accepted in the context of the universal periodic review;
- (d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and persons belonging to marginalized groups, such as minority clans, freedom of expression and assembly, the protection of the media and civil society, including women peacebuilders, access for women and members of minority groups to justice and accountability for violations of their human rights, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

21. *Also requests* the Independent Expert to report to the Human Rights Council at its fifty-fourth session and to the General Assembly at its seventy-eighth session;

22. *Further requests* the Independent Expert to provide an update to the Human Rights Council in her report on progress on the implementation of the benchmarks and indicators in the transition plan to inform future action by the Council;

23. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out the mandate fully;

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

*44th meeting  
7 October 2022*

[Adopted without a vote.]

## **51/39. Technical assistance and capacity-building for Yemen in the field of human rights**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

<sup>104</sup> [A/HRC/48/80](#).

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

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

*Recalling* Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016, 36/31 of 29 September 2017, 39/23 of 28 September 2018, 42/31 of 27 September 2019, 45/26 of 6 October 2020 and 48/21 of 11 October 2021,

*Emphasizing* Security Council resolutions 2216 (2015) of 14 April 2015, 2451 (2018) of 21 December 2018 and 2624 (2022) of 28 February 2022,

*Welcoming* the announcement on 1 April 2022 by the Special Envoy of the Secretary-General for Yemen that a truce had been agreed between the Government of Yemen and the Houthis, his announcement on 2 August 2022 that the truce had been extended until 2 October, expressing with appreciation for the Special Envoy's ongoing efforts to renew the United Nations-mediated truce, and welcoming also the Stockholm Agreement, accepted by the Government of Yemen and the Houthis, for a ceasefire in the city of Hudaydah, and the mutual redeployment of the forces from the ports of Hudaydah, Salif and Ra's Isa, thereby establishing a mechanism for activating the exchange of prisoners, lifting the siege of the city of Ta'izz and facilitating the delivery of humanitarian aid,

*Reiterating* its strong support for the international efforts to reach a comprehensive ceasefire, to end the conflict in Yemen and to renew a meaningful and inclusive political dialogue for peace, represented by the initiative of the Special Envoy of the Secretary-General for Yemen, the initiative of Saudi Arabia, the efforts of the Special Envoy of the United States of America for Yemen and some countries in the region, and recalling the need for all parties to the conflict to react to these efforts in a flexible and constructive manner, without preconditions, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

*Recognizing* that the promotion, protection and fulfilment of human rights are essential factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

*Recalling* the agreement by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, including the completion of the drafting of a new constitution,

*Recalling with appreciation* Presidential Decree No. 9 of 28 September 2021, in which the mandate of the National Commission of Inquiry was extended for a period of two years with a view to investigating all human rights violations since 2011,

*Recalling* the Riyadh Agreement signed by the Government of Yemen and the Southern Transitional Council, and encouraging the speedy and full implementation of the Agreement as an important step towards a political solution in Yemen,

*Welcoming* the establishment of the Presidential Leadership Council to lead the legitimate Government of Yemen, and calling for the pursuit of negotiations with the Houthis under the supervision of the Special Envoy of the Secretary-General for Yemen with a view to reaching a final and comprehensive political settlement in Yemen, and welcoming also the position adopted by the Government of Yemen in favour of the resumption of international flights from Sana'a airport and the unimpeded entry of commercial and humanitarian shipping into all Yemeni ports, including the ports of Hudaydah and Salif,

*Expressing concern* about the potential environmental, economic and humanitarian risks posed by the situation of the oil tanker Safer and its possible impact on the enjoyment of human rights of the people of Yemen and the whole region,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of fundamental human rights, including social and economic rights, and that the parties to the conflict must facilitate the rapid, safe and unhindered delivery of humanitarian aid,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building in Yemen;<sup>105</sup>

2. *Notes* the comments made by the Government of Yemen on the report of the High Commissioner during the present session;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies and mechanisms;

4. *Takes note* of the tenth report of the National Commission of Inquiry;

5. *Welcomes* the work carried out by the Joint Incident Assessment Team and its cooperation with the Office of the High Commissioner and its country office in Yemen;

6. *Notes with appreciation* the work done to date by the National Commission of Inquiry despite the challenges it has faced, and welcomes the progress it has made, such as the regular field visits made throughout Yemen, the consultations held with civil society groups and the improved reporting on different types of human rights violations and abuses and violations of international humanitarian law by all parties to the conflict;

7. *Calls upon* the Houthis to lift the siege they are imposing on the city of Ta'izz, and upon all parties to immediately implement the Stockholm Agreement in order to begin negotiations for a comprehensive and inclusive political solution to the current crisis in Yemen;

8. *Expresses deep concern* at the serious human rights abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including those involving sexual and gender-based violence, the continued recruitment of children, contrary to international treaties, the abduction of political activists, the human rights violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, persecution on the basis of religion or belief, the cutting of electricity and water supplies, attacks against hospitals and ambulances and the destruction of crops, irrigation canals, fishing vessels and food supplies;

9. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law, to immediately cease attacks on civilians, including on those delivering medical supplies and on aid workers, and to facilitate rapid, safe and unhindered humanitarian access to the affected population nationwide;

10. *Expresses deep concern* at all attacks against civilian objects, in violation of international humanitarian law, recalls the obligations of all parties to the conflict to take all precautions necessary to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including water installations, supplies and foodstuffs, and strongly condemns the launching of ballistic and other missiles targeting the territory of neighbouring countries and posing a major threat to regional peace and stability and the security of international trade in Red Sea shipping lanes;

11. *Urges* the Government of Yemen to take measures to protect civilians and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, violence against journalists and the detention of journalists and political activists;

12. *Requests* all parties to the conflict in Yemen to fully implement Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement

<sup>105</sup> [A/HRC/51/62](#).

to end the conflict while ensuring the full participation of women in the political and peacemaking process;

13. *Demands* that all parties to the conflict in Yemen abide by the truce, cease all military operations, continue the inter-Yemeni negotiations with a view to reaching a mutually agreed comprehensive and lasting political solution to the conflict, and allow access for humanitarian assistance to all Yemeni towns and villages, urges the Houthis to respond to the requests of the Special Envoy of the Secretary-General for Yemen for them to open the crossing points to the city of Ta'izz, end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

14. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within the territory that it controls and that is subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, which is further exacerbated by the spread of the coronavirus disease (COVID-19), expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the United Nations Yemen humanitarian response plan for 2022, calls upon all States to increase their financial support for United Nations relief operations and urges States to fulfil their pledges to the relevant United Nations humanitarian appeal;

16. *Reaffirms* the responsibilities of all parties to the conflict to facilitate the immediate, safe and unhindered delivery of humanitarian assistance to all those who are in need, in accordance with the principles of international human rights law and international humanitarian law;

17. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

18. *Welcomes* the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry, and requests the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and all requisite technical and logistical support to the National Commission of Inquiry, at the same level as any investigation commission, to enable it to continue to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 9 of 28 September 2021, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

19. *Requests* the High Commissioner to present a report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its fifty-fourth session.

44th meeting  
7 October 2022

[Adopted without a vote.]

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## B. Decisions

### 51/101. Appropriate support for the Human Rights Council

*The Human Rights Council,*

At its 40th meeting, on 6 October 2022, the Human Rights Council decided, without a vote, to adopt the text below:

“*Recalling* General Assembly resolution 60/251 of 15 March 2006, in particular paragraph 10 thereof, in which the Assembly decided that the Human Rights Council shall meet regularly throughout the year and schedule no fewer than three sessions per year for a total duration of not less than 10 weeks, and shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council,

*Reaffirming* Human Rights Council resolutions 5/1 of 18 June 2007 on institution-building of the Council, and 16/21 of 25 March 2011 on the review of the work and functioning of the Council,

*Taking* into account the heavy and increasing volume of work of the Human Rights Council and the need to give adequate consideration to all items in its annual programme of work in the most cost-efficient manner possible,

1. *Requests* the Secretary-General to provide the Human Rights Council with the support necessary to be able to meet not less than 14 weeks to fulfil its annual programme of work;

2. *Decides* to continue to make every effort to organize its work in the most efficient manner.”

[Adopted without a vote.]

## C. President's statements

### PRST 51/1. Reports of the Advisory Committee

At the 40th meeting, held on 6 October 2022, the President of the Human Rights Council made the following statement:

“The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its twenty-seventh and twenty-eighth sessions,<sup>106</sup> and notes that the Advisory Committee has made four research proposals.”<sup>107</sup>

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<sup>106</sup> [A/HRC/AC/27/2](#) and [A/HRC/AC/28/2](#).

<sup>107</sup> See [A/HRC/AC/27/2](#), annex III and [A/HRC/AC/28/2](#), annex III.