



United Nations

Report of the Human Rights Council

**Organizational session
(3 December 2018)**

**Fortieth session
(25 February–22 March 2019)**

**Forty-first session
(24 June 2019–12 July 2019)**

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I. Introduction

1. The present document contains the President's statement adopted at the organizational session of the Human Rights Council held on 3 December 2018, and the resolutions and decisions adopted by the Council at its fortieth session, held from 25 February to 22 March 2019, and at its forty-first session, held from 24 June 2019 to 12 July 2019.
2. The reports of the Human Rights Council on the above-mentioned regular sessions are being issued in documents [A/HRC/40/2](#) and [A/HRC/41/2](#).

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

40/17. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

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

Reaffirming its previous resolutions on the Syrian Arab Republic,

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

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population and to respect, protect and fulfil the human rights of all persons within its jurisdiction,

Condemning the grave situation of human rights across the Syrian Arab Republic,

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

Expressing deep concern at the situation of women, children and persons with disabilities, especially those who are internally displaced, who remain among the most vulnerable to violence and abuse,

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

Recalling Security Council resolution 2336 (2016) of 31 December 2016, stressing the continuing need to respect the de-escalation area of Idlib, acknowledging the signing by Turkey and the Russian Federation of the memorandum on the stabilization of the situation in the Idlib de-escalation area on 17 September 2018, and emphasizing the need to establish an effective and lasting nationwide ceasefire in the Syrian Arab Republic,

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

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

Recalling also that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on

medical facilities, patients and personnel and on humanitarian personnel, may amount to war crimes,

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

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming that the Organisation for the Prohibition of Chemical Weapons is putting in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

Recalling the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including on instances of the use of chemical weapons,

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

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,¹ and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

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

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its ninth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the new Special Envoy of the Secretary-General for Syria and his office in Geneva, as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

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

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian regime and

¹ [A/HRC/40/70](#).

its affiliated State and non-State actors, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and siege directed against civilian populations as a method of warfare, and stresses the situation of particular concern in Idlib, where violence continues to cause death and injury among civilians;

7. *Urges* all the relevant parties, including the signatories to the memorandum on the stabilization of the situation in the Idlib de-escalation area of 17 September 2018, to ensure that the ceasefire in Idlib is upheld in order to prevent further death and injury among civilians, including medical and humanitarian personnel, and damage to civilian objects, as well as to avoid a potential humanitarian catastrophe;

8. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

9. *Also strongly condemns* the attacks against all civilian objects and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to medical care and other humanitarian assistance as well as to education, including schools, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores in particular the impact of the denial of humanitarian access on their lives and well-being;

10. *Expresses deep concern* at the suffering of children resulting from the escalation of violence, harsh weather conditions and lack of safe refuge, and calls upon all parties fighting in the Syrian Arab Republic to allow at all times humanitarian workers to reach children and families in need of life-saving assistance, and to prevent and protect children from all exploitation, violations and abuses, including sexual and gender-based violence and child, early and forced marriage, by, among other actions, ending and preventing the recruitment and use of children in the armed conflict, immediately, safely and unconditionally releasing children and handing them over to civilian child-protection actors and ensuring that such authorities have access to detained children associated with armed groups;

11. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their State and non-State allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

12. *Expresses deep concern* about the human rights situation and humanitarian access throughout the Syrian Arab Republic, particularly in areas that have come under the control of the Syrian authorities, and urges them and their allies to ensure unimpeded and sustained humanitarian access and respect for international human rights law and international humanitarian law;

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

14. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they represent a widespread and systematic attack directed against the civilian

population, amounting to crimes against humanity, and that such acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

15. *Strongly condemns* all acts of sexual and gender-based violence and abuse, calls for immediate medical and psychosocial support to be provided to all survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to respect and protect women's and girls' full enjoyment of human rights and to heed the recommendations made by the Commission of Inquiry;

16. *Also strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities retook control in 2018, and notes that the Commission of Inquiry has highlighted that the arbitrary detention of tens of thousands of individuals represents an urgent and large-scale crisis of human rights protection, and also strongly condemns the use of sexual violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports and those depicted in the evidence presented by "Caesar" in January 2014, and recalls that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

17. *Further strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees in military hospitals, including Tishreen and Harasta, and expresses deep concern at reports of mass executions of prisoners at the Saydnaya penitentiary complex as well as reports that the Syrian authorities used a crematorium to conceal the mass killings;

18. *Expresses deep concern* about the number of deaths among individuals detained by the Syrian authorities, as evidenced by their issuing of thousands of death notifications, which provides further indication of systematic violations of international human rights law and international humanitarian law, and urges them to provide families with death certificates and the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody;

19. *Notes* the continued functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, positively notes reports of the simultaneous release, facilitated by the Working Group, of detainees by the conflicting parties on 24 November 2018 and 12 February 2019, underlines the need for further concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

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

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

22. *Urges* all parties to take heed of the recommendations on the issue of detainees by the Commission of Inquiry, in particular the calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities,

to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those whom they have detained to their families;

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

24. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

25. *Gravely concerned* that, according to the Commission of Inquiry in its latest report,¹ more than 1.5 million civilians were forced to flee their homes during 2018, and that thousands more were forcibly displaced pursuant to “evacuation agreements” negotiated among warring parties;

26. *Expresses deep concern* at the situation of the 6.2 million internally displaced persons across the Syrian Arab Republic, and urges all parties to take note of the recommendations on this matter in the latest report of the Commission of Inquiry and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

27. *Deplores* the existence and application of national legislation, in particular Law No. 42/2018, which has a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its immediate repeal;

28. *Expresses concern* that the hostilities have restricted access to or resulted in the loss of civil documentation, thereby limiting freedom of movement and access to essential services, particularly for women, children and persons with disabilities;

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

30. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary, safe and dignified and subject to informed consent to the places of origin, and protect all property and tenancy rights;

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

32. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

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

and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

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

35. *Condemns* in the strongest possible terms the repeated use of chemical weapons by the Syrian authorities, in violation of its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use, and welcomes in this regard the decisions made on 27 June 2018 at the fourth Special Session of the Conference of the States Parties to the Convention and on 20 November 2018 at the twenty-third session of the Conference of States Parties to the Convention and looks forward to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons completing the arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons;

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

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

38. *Also expresses grave concern* that, according to the Commission of Inquiry,² a vast body of evidence suggested that chlorine had been dropped by helicopter on a residential building and it had received information on the death of at least 49 individuals and the wounding of up to 650 others in Duma on 7 April 2018, and at the findings of the Commission in the same report that, in a series of ground attacks in Duma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using prohibited weapons following a pattern previously documented by the Commission concerning the use of chemical weapons;

39. *Further expresses grave concern* at the findings by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that, on the basis of their evaluation and analysis of all the information gathered, there are reasonable grounds to believe that a toxic chemical was used as a weapon in Duma on 7 April 2018, and that the toxic chemical was likely molecular chlorine;

40. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017, March 2018, July 2018 and October 2018, in which it reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

² [A/HRC/39/65](#), para. 92.

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

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

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

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

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

46. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning, and at the same time highlights the importance of sustainable funding and notes the steps taken by the Secretary-General in this respect;

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

48. *Deplores* the grave humanitarian situation in the Syrian Arab Republic and expresses deep concern at the plight of the 11.7 million people in need of full, immediate and safe humanitarian assistance, including the over 5 million Syrians whose needs are particularly acute;

49. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

50. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

51. *Expresses deep concern* for the more than 5.3 million registered refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women, girls and persons with disabilities, while emphasizing the principles of responsibility and burden-sharing;

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

53. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the third conference entitled “Supporting the future of Syria and the region” hosted by the European Union in Brussels from 12 to 14 March 2019, and renews its call for the international community to deliver in full all pledges;

54. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, ethnicity, religion or belief, and welcomes the inclusion of civil society in this process;

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

56. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its forty-first session, and to present an updated written report during an interactive dialogue at its forty-second and forty-third sessions;

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

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

*53rd meeting
22 March 2019*

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

In favour:

Afghanistan, Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Burkina Faso, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Qatar, Rwanda, Saudi Arabia, Slovakia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

China, Cuba, Egypt, Eritrea, Iraq

Abstaining:

Angola, Bahrain, Bangladesh, Cameroon, Democratic Republic of the Congo, India, Nepal, Nigeria, Pakistan, Philippines, Senegal, Somalia, South Africa, Tunisia]

41/14. Equal pay*The Human Rights Council,*

Guided by the Charter of the United Nations,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and also that all forms of discrimination, including discrimination against women and girls, are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights instruments,

Recognizing the importance of the key gender equality conventions and standards of the International Labour Organization, its decent work agenda and its Declaration on Fundamental Principles and Rights at Work, and welcoming in this regard its Centenary Declaration and its recently concluded Violence and Harassment Convention, 2019 (No. 190),

Reaffirming the commitment made to gender equality and the empowerment of all women and girls contained in the outcome documents of relevant international conferences and summits, in particular the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcome documents of their review conferences,

Recalling that the 2030 Agenda for Sustainable Development addresses the need to achieve gender equality and the empowerment of all women and girls in order to ensure that no one is left behind, and that the systematic mainstreaming of a gender perspective in the implementation of the 2030 Agenda is crucial,

Recalling also the commitment to achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value contained in Sustainable Development Goals 5 and 8, in particular target 8.5,

Recalling further the agreed conclusions adopted by the Commission on the Status of Women at its sixty-first session on women's economic empowerment in the changing world of work and Human Rights Council resolution 34/14 of 24 March 2017 on the right to work, in which they recognized the importance of taking legislative and other measures to realize the equal rights of women and men and equal opportunities for women for full and productive employment and decent work, and equal pay for work of equal value,

Taking note of the work of the Secretary-General's High-level Panel on Women's Economic Empowerment and the Joint Declaration on Trade and Women's Economic Empowerment, and their recommendations on removing barriers to women's economic empowerment and ensuring the empowerment of women as free and equal participants in a robust, sustainable and inclusive global economy,

Recalling that the principle of equal pay for work of equal value was first proclaimed in the Constitution of the International Labour Organization and further articulated in its Equal Remuneration Convention, 1951 (No. 100), and in international human rights law through, inter alia, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, as well as in regional instruments that underpin the principle of equal pay for work of equal value,

Recognizing that progress on the achievement of gender equality and the empowerment of women and girls has been held back owing to the persistence of historical and structural unequal power relations between women and men, poverty and inequalities and disadvantages in access to resources and opportunities that limit women's and girls' capabilities, and growing gaps in equality of opportunity, discriminatory laws, policies, negative social norms, attitudes, harmful practices and gender stereotypes,

Expressing deep concern that this progress has been particularly slow when it comes to women's economic empowerment, that jobs traditionally held by women have been undervalued, that women and girls undertake a disproportionate share of unpaid care and domestic work, and that tackling pay inequality has proved to be particularly challenging, especially for women and girls experiencing multiple and intersecting forms of discrimination,

Recognizing that unequal pay is one of the contributory factors of the gender pay gap and that action to address unequal pay contributes towards closing the gender pay gap,

Recognizing also the major contribution made by civil society, including women's and community-based organizations and feminist groups, as well as businesses, workers' and employers' organizations, to promoting the economic empowerment of women and girls and the fulfilment of their right to decent work and education, in particular equal pay for work of equal value,

Recognizing further ongoing efforts to promote equal pay for all, and welcoming in particular the work of the Equal Pay International Coalition and the role of the United Nations Entity for Gender Equality and the Empowerment of Women, the International Labour Organization and the Organization for Economic Cooperation and Development in leading and coordinating it, while underlining the importance of further galvanizing efforts by all relevant stakeholders to continue and strengthen implementation of the common commitment to achieve equal pay,

1. *Expresses deep concern* that pay inequality persists around the world despite the principle of equal pay for work of equal value having been established more than 70 years ago, and recognizes that pay inequality is an impediment to the achievement of gender equality and the economic empowerment of women and girls, and to the full realization of their human rights;

2. *Urges* States, in cooperation with civil society, the private sector, employers' organizations, trade unions and the United Nations system, as applicable:

(a) To enact or strengthen and enforce laws and regulations or other equivalent measures that uphold the principle of equal pay for work of equal value in the public and private sectors as a critical measure to eliminate the gender pay gap, and to provide in this regard effective means of redress and access to justice in cases of non-compliance, including fair and accessible dispute resolution mechanisms;

(b) To promote the implementation of equal pay policies through, for example, social dialogue, collective bargaining, objective appraisals and gender-neutral job evaluations, awareness-raising campaigns, pay analysis and transparency, and gender pay audits, as well as certification and review of pay practices and working conditions, and increased availability of data disaggregated by sex and analysis of the gender pay gap;

(c) To recognize and adopt measures to reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work by promoting and developing or strengthening laws, regulatory frameworks, policies or other equivalent measures that promote the reconciliation and sharing of work and private and family responsibilities for women and men;

(d) To design, implement and promote family-responsive legislation, policies and services, such as shared parental and other leave schemes, increased flexibility in healthy and safe working arrangements for women and men, without reductions in labour and social protection, support for breastfeeding mothers, development of infrastructure and technology, and the provision of services, including universal affordable, accessible and

quality care facilities for children and other dependants, which create an enabling environment for women's labour market participation and their economic independence;

(e) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

(f) To take all appropriate measures to address the wage disparity and reduction experienced by many women when they have children, including by promoting parental and paternity leave and men's use of such leave through, inter alia, dedicated, non-transferable paid leave for fathers, and by ensuring that such leave is connected to the availability of affordable, accessible, inclusive and quality childcare services and facilities, including early childhood services and after-school services for children and adolescents, and to ensure a seamless transition of parents back into the labour market;

(g) To eliminate occupational segregation based on structural barriers, gender stereotypes and negative social norms by promoting women's equal access to and participation in labour markets and in education and training, supporting women and girls so as to diversify their educational and occupational choices in emerging fields and growing economic sectors, such as science, technology, engineering and mathematics and information and communications technology, and recognizing the value of sectors that have a large number of women workers;

(h) To eliminate gender disparities in the realization of the right to education at all levels and to ensure full and equal participation in and completion of inclusive quality education for all, without discrimination, including vocational and technical education free of gender stereotypes;

(i) To promote lifelong learning opportunities for all women and girls and the elimination of female illiteracy and the digital gender gap, including through quality teacher training, recruitment and retention of teachers in rural areas and building gender-responsive education facilities that provide a safe, non-violent, inclusive and effective learning environment for all and facilitate an effective transition from education or unemployment to decent work;

(j) To fully engage men and boys as stakeholders and strategic partners in achieving gender equality and the empowerment of all women and girls by designing and implementing national policies and programmes that address the roles and responsibilities of men and boys, including the equal sharing of responsibilities in caregiving and domestic work, and encourage men and boys to engage fully, as agents and beneficiaries of change, by understanding and addressing the root causes of gender inequality, such as unequal power relations, gender stereotypes and negative social norms that view women and girls as subordinate to men and boys, as a contribution to women's economic empowerment and the achievement of equal pay for work of equal value;

(k) To encourage the private sector to examine its workplace culture and environment, as well as its recruitment, promotion, retention and termination practices, as a means to overcome gender stereotypes and negative social norms in all spheres of life, and to address inequalities, and to take the measures necessary to ensure that employers in all sectors are held accountable when they fail to abide by laws and regulations regarding equal pay;

(l) To remove barriers, including political, legal, social, economic or institutional barriers or those based on cultural and religious interpretations, preventing women's full, equal and effective participation and leadership in political, economic and other decision-making positions, to ensure that women and girls have equal access with men and boys to career development, training, scholarships and fellowships, and to take positive action to build women's and girls' leadership skills and influence, taking into account that promoting women to leadership positions contributes to achieving the goal of equal pay for work of equal value;

(m) To take measures to ensure that all workplaces are free from discrimination and exploitation, violence, sexual harassment and bullying, and that they address all forms of discrimination and violence against women and girls through such measures as regulatory and oversight frameworks and reforms, codes of conduct, including appropriate disciplinary measures, protocols and procedures, and referral of cases of violence to health-care services for treatment and effective accountability mechanisms, and access to justice and remedies, as well as through awareness-raising and capacity-building, in collaboration with employers, unions and workers, including through workplace services and flexibility for victims and survivors;

(n) To promote innovative measures for reaching equal pay for work of equal value on the basis of the work performed and that engage employers and unions, such as equal pay certification programmes, job classifications and evaluations, pay standards, public procurement policies, programmes to ensure wage transparency, training and gender-neutral job evaluation methods, with avenues for recourse, campaigns for career opportunities and other such measures;

3. *Recommends* that the General Assembly declare an international equal pay day to celebrate the efforts of all stakeholders to achieve equal pay for work of equal value and urge further action for the goal of equal pay for work of equal value for all;

4. *Reaffirms* the importance of the continued support of the United Nations system and other relevant stakeholders for national action to achieve equal pay by Governments, businesses, workers' and employers' organizations and social dialogue institutions, and other strategic partners;

5. *Encourages* all actors, including States, the United Nations system, other international organizations and civil society, to continue to support the goal of equal pay for work of equal value and the work of the Equal Pay International Coalition, and welcomes in this regard the Coalition's continued sharing of experiences, lessons learned and good practices in overcoming challenges to the full implementation at the national and international levels of equal pay, and the evaluation of progress in achieving it.

*39th meeting
11 July 2019*

[Adopted without a vote.]

III. President's statement adopted at the organizational session

PRST OS/12/1. Enhancing the efficiency of the Human Rights Council, including by addressing financial and time constraints

At the organizational session of the Human Rights Council held on 3 December 2018, the President of the Council made the following statement:

“The Human Rights Council,

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

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

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

Welcoming the several rounds of open-ended informal consultations on this matter, guided by the principles of transparency, inclusiveness, predictability, consensus and non-selectivity and held under the auspices of the Bureau for the twelfth cycle, as well as efforts by the previous Bureaux,

1. Decides to continue to discuss the scheduling of the adoption of the final outcomes of the universal periodic review;
2. Also decides to develop a three-year programme of work, to be updated and adopted every year at the organizational session in December;
3. Invites the Director-General of the United Nations Office at Geneva to update in a comprehensive manner, orally and in writing, at the organizational session held each year in December, the information provided in his letters dated 9 August 2016 and 21 December 2016 and in the report of the Joint Task Force on the Workload of the Human Rights Council dated 24 August 2017 and its annexes, including information on the actual and envisaged resources linked to conference services provided to the Human Rights Council;
4. Decides to continue to discuss the structure and duration of the general debates;
5. Encourages all stakeholders to further discuss how to avoid the proliferation or duplication of statements;
6. Encourages further measures to be considered, with a view to addressing the challenges faced by small delegations, particularly those of small island developing States and least developed countries;
7. Decides to continue the practice of limiting to two hours the duration of panel discussions held during regular sessions, limiting the number of panellists to four, including the moderator, and ensuring a proper gender and geographic balance among the panellists;
8. Strongly encourages the main sponsors of initiatives to take into consideration the multiannual programme of work when deciding on the

organization of panels, while preserving delegations' prerogatives to propose panels to be held during sessions of the Human Rights Council, with a view to limiting the number of panels;

9. Encourages participants in interactive dialogues to envisage including in their statements questions for mandate holders;

10. Welcomes the voluntary commitments of States to rationalize their initiatives and related outcomes, including, but not limited to, through biennialization and triennialization, and stresses that the process of rationalization should apply to all resolutions as appropriate, and should continue to be inclusive and transparent, based on consensus and implemented in a fair and equitable manner that will respect the leadership of delegations on their resolutions;

11. Decides, in accordance with paragraph 45 of Human Rights Council resolution 16/21, to revise the format of the voluntary yearly calendar for thematic resolutions of the Council as set out in annex I to the present statement, and encourages delegations to take into account the guiding principles also contained in annex I;

12. Also decides that the voluntary yearly calendar will be regularly updated by the Bureau before each session of the Human Rights Council through consultations with the main sponsors of the resolutions;

13. Encourages States to also consider, on a voluntary basis, sharing information on country resolutions, as a way to improve the transparency and predictability of the work of the Human Rights Council;

14. Calls on all States to maintain their efforts to ensure the sustainability of the rationalization of their initiatives, through the regular updating of the calendar and through an exchange of information to be held every year at the organizational session in December;

15. Stresses the need to respect and implement the provisions of Human Rights Council resolutions 5/1 and 16/21 relating to the working of the Council, including the need for early notification of proposals, and for consultations to be scheduled, as much as possible, in a timely, transparent and inclusive manner that takes into account the constraints faced by delegations;

16. Strongly encourages the progressive and full implementation of the measures on the use of modern technology to improve efficiency, as set out in annex II to the present statement;

17. Decides to assess the impact of the implementation of the measures contained in the present statement after its forty-second session and before the organizational session in December 2019;

18. Also decides to remain actively seized of the matter.”

Voluntary yearly calendar for thematic resolutions of the Human Rights Council

MARCH SESSION

Resolutions:

Biennial/triennial resolutions:

Annual resolutions:

Panels:**Special procedures:****SG/HC reports:**

Other: (such as Forums, IGWG, SRSGs, etc.)

JUNE SESSION

Resolutions:

Biennial/triennial resolutions:

Annual resolutions:

Panels:**Special procedures:****SG/HC reports:**

Other:

Resolutions:

Biennial/triennial resolutions:

Annual resolutions:

Panels:

Special procedures:

SG/HC reports:

Other:

Principles guiding the elaboration and maintenance of a yearly voluntary calendar of thematic resolutions and its implementation

(a) The Council has established a voluntary yearly calendar of thematic resolutions synchronizing schedules for resolutions, mandates and presentation of reports taking into account the need for balance between them (resolution 16/21, paragraphs 45, 46, 47). It also aims at assisting delegations in planning resolutions, avoiding duplication and considering voluntarily, the biennialization and triennialization of their initiatives (PRST 29/1, paragraph 1). This calendar will also be used as a tool/space where delegations could share their plans and ideas to rationalize and improve their initiatives. The calendar will be updated by the Bureau before each session of the Council;

(b) All measures to be taken to rationalize initiatives and resolutions should take place in the context of the Institutional Building Package and other related decisions taken by the Council. In this context the Council has adopted documents that guide States in relation to resolutions, their content, their outcomes and possible ways of rationalization that should still guide this exercise (resolution 5/1, resolution 16/21 and PRST 29/1);

The IB package contains several references on how information and consultations related to resolutions should be organised (early notification of proposals, early submission of draft resolutions, early distribution of reports, information on budgetary implications – see resolution 5/1, paragraphs 111, 112, 113, 117 and resolution 16/21, paragraphs 50 and 53). It stresses in particular that at least one informal open-ended consultation should be held on each draft resolution and/or decision before it is considered for action by the Council. Consultations should, as much as possible, be scheduled in a timely, transparent and inclusive manner that takes into account the constraints faced by delegations, particularly smaller ones.

The IB package encourages States to show restraint in resorting to resolutions, in order to avoid proliferation of resolutions, without prejudice to the right of States to decide on the periodicity of presenting their draft proposals, and identify various ways to do so, including for example minimising duplication of initiatives or the staggering of resolutions (see resolution 5/1, paragraph 117, and resolution 16/21, paragraph 45 and 46).

- The IB package contains important principles related to the working culture of the Human Rights Council, such as transparency, inclusiveness and predictability (see resolution 5/1, paragraph 117, resolution 16/21, paragraph 50, and presidential statement 29/1, paragraph 5). It stresses in particular the need to respect and implement the provisions of resolutions 5/1 and 16/21 relating to the working culture of the Council, including the need for early notification of proposals, early submission of draft resolutions and decisions by the end of the penultimate week of

- regular sessions, and early distribution of all reports, and to observe the principles of transparency and inclusiveness with regard to the consultation process. Main sponsors are also encouraged to consider ways to share information on comments made to draft resolutions in a transparent manner.
- The IB package provides some guidance on other work formats and outcomes (see resolution 5/1, paragraphs 115 and 118).
- (c) It is necessary for resolutions, in particular those containing technical assistance provisions, to be accompanied by an adequate assessment of the commensurate resources requirements;
- (d) All measures to be envisaged to rationalize resolutions and initiatives will be voluntary and respect the right of each State to take an initiative at the Human Rights Council and the General Assembly and to decide on its periodicity keeping in mind the specificities and requirements of each initiative;
- (e) The process of rationalization should be inclusive and transparent, be based on consensus and be implemented in a fair and equitable manner by all. Should the main sponsors of a resolution decide to implement some rationalization measures such as the biennialization or triennialization of their resolutions, their leadership on their resolutions should be respected;
- (f) Consideration should be given to how resolutions could be made more action-oriented and how their follow-up and implementation by all concerned could be facilitated, including by devoting enough space for States to discuss the implementation of resolutions and the various outputs requested by these resolutions.

March sessions

<i>Initiative</i>	<i>SG/HC reports</i>	<i>Other HR Mechanisms, Bodies & Annual Panels</i>	<i>Special procedures</i>
Title of the resolution (main sponsors) + symbol number		Ex: panels, forums, IGWGs, seminars, etc.	Title of the mandate and session at which the mandate is expected to be extended
Indicate whether biennial/triennial resolution			
Indicate whether there is a related GA resolution (+ symbol number)			

Annex II

Measures on the use of modern technology to improve the efficiency of the Human Rights Council

1. Measures to be implemented by the 40th session of the Human Rights Council (HRC) in March 2019:

- (a) Ensure the possibility of tabling resolutions online by using e-mail submission;
- (b) Ensure the possibility of uploading statements for Members and Observers or create an automatic system of uploading statements by using copies submitted for translators;
- (c) Create and maintain an up-to-date electronic directory of HRC and UPR WG delegates, as well as the Secretariat with contact details and responsibilities, during and in-between sessions;
- (d) Create and maintain an up-to-date voluntary electronic directory of human rights NGOs;
- (e) Maintain a real-time speakers' list on a HRC online platform/HRC application;
- (f) Make available online all drafts and amended versions of resolutions prior to and after informal consultations and publish all supporting documentation relevant to the draft resolution;
- (g) In the "oral statements" page on the Extranet add, for every ID, the relevant URL link to the webcast; and
- (h) Extranet should have URL links to the UNOG press meeting summaries on the sessions, for quick access to summaries of interventions.

2. Measures to be implemented by the end of 2019:

- (a) Develop and keep an up-to-date and online calendar of events related to the activities of the HRC, including side events organized by delegations and NGOs, and whenever possible, a schedule of informal consultations;
- (b) Ensure the possibility of co-sponsoring resolutions online and showing status of co-sponsorship in real time;
- (c) Allow users to open statements on the Extranet as web pages, instead of downloading them as files;
- (d) Simplify access to information on the Extranet (less clicks to access info);
- (e) Ensure the possibility of online room reservation for side events, informal consultations and meetings of groups;
- (f) Develop different search options for archived information;
- (g) In the statements' data-base, provide the option to indicate not only the agenda item but also the title of the sub-item (for example, dialogue with SR on xxx issue). In the case of joint statements, provide the option to indicate a list of co-sponsoring States; and
- (h) Publish UPR draft reports on the Extranet and ensure the possibility for each delegation to access recommendations online and check its translation, to relieve the work of Troika.

3. Measures to be implemented by the end of 2020:

- (a) Allow users to open the Order of the Day and the Bulletin of Informal Meetings (BIM) on the Extranet as web pages, instead of downloading them as files; and

(b) Develop a HRC application (HRC App) for delegates for mobile devices (for all operating systems).

IV. Fortieth session

A. Resolutions

40/1. Promoting reconciliation, accountability and human rights in Sri Lanka

The Human Rights Council,

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

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Reaffirming Human Rights Council resolutions 30/1 of 1 October 2015 and 34/1 of 23 March 2017 on promoting reconciliation, accountability and human rights in Sri Lanka,

Recalling Human Rights Council resolutions 19/2 of 22 March 2012, 22/1 of 21 March 2013 and 25/1 of 27 March 2014,

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

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

Recognizing the strong role played by democratic institutions in Sri Lanka in the peaceful resolution of the political situation that arose in Sri Lanka from October to December 2018,

Welcoming the establishment of the Office on Missing Persons in September 2017 and the appointment of its commissioners in February 2018, and the assumption of its work to fully implement its mandate,

Welcoming also the visits made by the Special Rapporteur on the promotion and protection of human rights while countering terrorism, from 10 to 14 July 2017,³ the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, from 10 to 23 October 2017, the Working Group on Arbitrary Detention, from 4 to 15 December 2017,⁴ and the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, from 3 to 11 September 2018,⁵

Noting with appreciation the return of some private land previously occupied by the military to civilian ownership, while recalling the repeated public commitments made by the Government of Sri Lanka to release all private land occupied by the military to enable local populations to resume their livelihoods,

Noting other steps taken by the Government of Sri Lanka to implement Human Rights Council resolution 30/1, including the progress made towards establishing an office on reparations and the submission to cabinet of a concept paper on a bill to establish a truth and reconciliation commission, the proposed repeal of the Prevention of Terrorism Act of 1978 and the preparation of a draft counter-terrorism act, while reiterating in this context the need for further significant progress and encouraging in this regard the adoption of a time-bound implementation strategy,

1. *Takes note with appreciation* of the comprehensive report presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its fortieth session,⁶ pursuant to the request made by the Council in its resolution 34/1, and

³ See [A/HRC/40/52/Add.3](#).

⁴ See [A/HRC/39/45/Add.2](#).

⁵ See [A/HRC/40/57/Add.2](#).

⁶ [A/HRC/40/23](#).

requests the Government of Sri Lanka to implement fully the measures identified by the Council in its resolution 30/1 that are outstanding;

2. *Welcomes* the positive engagement of the Government of Sri Lanka with the High Commissioner and the Office of the High Commissioner since October 2015, and with relevant special procedure mandate holders, and encourages the continuation of that engagement in the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

3. *Requests* the Office of the High Commissioner and relevant special procedure mandate holders, in consultation with and with the concurrence of the Government of Sri Lanka, to continue to strengthen their advice and technical assistance on the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

4. *Requests* the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes relating to reconciliation, accountability and human rights in Sri Lanka, and to present a written update to the Human Rights Council at its forty-third session, and a comprehensive report, to be followed by a discussion on the implementation of Council resolution 30/1, at its forty-sixth session.

52nd meeting
21 March 2019

[Adopted without a vote.]

40/2. Promotion and protection of human rights in Nicaragua

The Human Rights Council,

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

Reaffirming the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

Reaffirming also that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, including the national framework for the exercise of the rights to freedom of peaceful assembly, of association and of expression, are in compliance with international human rights law,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights entitled “Human rights violations and abuses in the context of protests in Nicaragua: 18 April–18 August 2018”, published in August 2018,

Recalling in particular that the United Nations High Commissioner for Human Rights has the mandate to, inter alia, play an active role in removing the current obstacles and meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world,

Bearing in mind the events in Nicaragua, beginning in April 2018, that have led to a serious political and human rights crisis, as documented in the report of the Office of the High Commissioner,

1. *Expresses grave concern* at reports of serious human rights violations and abuses, beginning in April 2018 with the disproportionate use of force by the police to repress social protests, and acts of violence by armed paramilitary groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, and torture and sexual and gender-based violence in detention;

2. *Expresses concern* over the increasing restrictions on civic space and expressions of dissent in Nicaragua, including the closure of independent media outlets and

the cancellation of the legal registration, and seizure of assets and goods, of a number of civil society organizations, particularly targeting human rights defenders, including women human rights defenders, and over reported acts of intimidation and reprisal;

3. *Urges* the Government of Nicaragua to respect the rights to freedom of peaceful assembly, of association and of expression, and the independence of the media and the judiciary, and calls upon the Government to release all those arbitrarily or illegally detained, to guarantee due process rights and to ensure that conditions of detention are compliant with its human rights obligations and commitments;

4. *Deeply regrets* the decision by the Government to withdraw the invitation extended to the Office of the United Nations High Commissioner for Human Rights to visit Nicaragua, one day after its report was published, to suspend the mission of the Interdisciplinary Group of Independent Experts and to withdraw the invitation extended to the Special Follow-up Mechanism for Nicaragua, both of the Inter-American Commission on Human Rights;

5. *Calls upon* the Government to resume its cooperation with the Office of the High Commissioner, the mechanisms of the Human Rights Council and the relevant treaty bodies, as well as the Organization of American States and the Inter-American Commission on Human Rights, including by facilitating visits, granting unfettered access throughout the country, including to detention facilities, and preventing and refraining from all acts of intimidation or reprisal, and to positively consider the recommendations made in their reports, and offers of technical assistance;

6. *Urges* the Government and the Civic Alliance for Justice and Democracy to resume the national dialogue that began on 27 February 2019 and that allowed for the adoption of a road map, and calls upon all parties to ensure a wide, credible, representative, inclusive and transparent dialogue, with the support of the international community, to allow for a peaceful and democratic resolution of the crisis;

7. *Urges* the Government to guarantee a thorough and transparent accountability process with a view to ensuring access to justice and reparation for the victims of human rights violations and abuses in Nicaragua and that all perpetrators are held accountable;

8. *Requests* the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the human rights situation in Nicaragua and to present it to the Human Rights Council at its forty-second session, to be followed by an enhanced interactive dialogue, and to present an oral update on the human rights situation to the Council at its forty-first and forty-third sessions.

*52nd meeting
21 March 2019*

[Adopted by a recorded vote of 23 to 3, with 21 abstentions. The voting was as follows:

In favour:

Afghanistan, Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

Cuba, Egypt, Eritrea

Abstaining:

Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Democratic Republic of the Congo, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia]

40/3. The negative impact of unilateral coercive measures on the enjoyment of human rights

The Human Rights Council,

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

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

Reaffirming Human Rights Council resolutions 34/13 of 24 March 2017, 36/10 of 28 September 2017 and 37/21 of 23 March 2018, and General Assembly resolutions 72/168 of 19 December 2017 and 73/167 of 17 December 2018,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which all States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures that impede the full achievement of economic and social development, particularly in least developed and developing countries,

Recalling the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial Human Rights Council panel discussion on unilateral coercive measures and human rights,⁷

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

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

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

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

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

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

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

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

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

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the

⁷ [A/HRC/37/31](#).

international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

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

Welcoming the final document and declaration adopted at the seventeenth summit of Heads of State and Government of the Movement of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

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

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

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

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. *Also expresses its grave concern* that, in some countries, the socioeconomic conditions of family members, particularly women and children, are adversely affected by unilateral coercive measures, imposed and maintained contrary to international law and the Charter, that create obstacles to trade relations among States, restrict movement through various means of transport, impede the full realization of social and economic development

and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

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

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

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

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

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

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

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

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

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

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

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

19. *Acknowledges* the need to ensure that all relevant United Nations human rights treaty bodies and subsidiary organs of the Human Rights Council mainstream the issue of the negative impact of unilateral coercive measures on the enjoyment of human

rights and perform specific activities, such as during the review of periodic reports submitted by States to such bodies and under the universal periodic review;

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

21. *Welcomes* the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights;⁸

22. *Requests* the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to continue his work on identifying and proposing concrete measures to ensure the removal of unilateral coercive measures affecting the enjoyment of human rights of victims, and to focus on the resources and compensation necessary to promote accountability and reparations for victims in his next reports to the Human Rights Council and to the General Assembly;

23. *Also requests* the Special Rapporteur, taking into account the views of Member States, to continue his work on identifying a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights, and to submit those elements to the Human Rights Council in his next report;

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

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

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

27. *Requests* the Office of the High Commissioner to organize a biennial panel discussion, in accordance with Human Rights Council resolution 27/21 of 26 September 2014, entitled “The way forward to a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development”, for the forty-second session with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, and requests the Special Rapporteur to act as rapporteur for the panel discussion and to prepare a report thereon, and to submit and present the report to the Council at its forty-third session;

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

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

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

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

⁸ [A/HRC/39/54](#).

32. *Decides* to continue its consideration of the issue of the negative impact of unilateral coercive measures on the enjoyment of human rights in accordance with its programme of work.

*52nd meeting
21 March 2019*

[Adopted by a recorded vote of 27 to 15, with 5 abstentions. The voting was as follows:

In favour:

Angola, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Australia, Austria, Brazil, Bulgaria, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Argentina, Mexico, Peru, Senegal]

40/4. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

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

Reaffirming the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also the General Assembly resolutions on preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption, the most recent of which is Assembly resolution 73/190 of 17 December 2019, and General assembly resolution 73/222 of 20 December 2018, on the promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012, 22/12 of 21 March 2013, 25/9 of 27 March 2014, 28/5 of 26 March 2015, 31/22 of 24 March 2016 and 34/11 of 23 March 2017,

Recalling that human rights, as recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, are universal, indivisible, interrelated and interdependent, and reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote, protect and respect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Concerned that flows of funds of illicit origin deprive countries of resources required to progressively realize human rights, including economic, social and cultural rights, and in particular the right to development, in such a way that threatens the stability and sustainable development of States, undermines the values of democracy, the rule of law and morality and jeopardizes social, economic and political development,

Noting the particular concern of developing countries and countries with economies in transition regarding the urgent need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

Concerned about the fact that funds of illicit origin, which are urgently needed for development and the realization of all human rights, are stalled in banks of developed countries, which continue to accrue gains from them,

Concerned also that developing countries lose billions of dollars every year through illicit financial flows, and that, in Africa, it is estimated that, over the past 50 years, the continent has lost \$1 trillion in illicit financial flows, an amount equivalent to all the official development assistance received in the same time frame,

Recognizing that fighting corruption at all levels is a priority, that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and full involvement of other stakeholders,

Reaffirming the commitment of States parties to the United Nations Convention against Corruption thereunder, and that the return of assets is one of the main purposes and a fundamental principle of the Convention, and underlining its central role in fostering international cooperation to combat corruption and to facilitate the return of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, and the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly the relevant decisions adopted at its fourth, and fifth, sixth and seventh sessions,

Recognizing that strong and efficient domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Affirming the responsibilities of requesting and requested States in the return of the proceeds of crime, cognizant that requesting States must seek return as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that requested States, on the other hand, have a duty to assist and facilitate the return of the proceeds of crime, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Concerned at the challenges and difficulties that both requested and requesting States face in the return of the proceeds of crime owing to, inter alia, lack of political will in the requested States due to the benefits gained from the illicit financial flows, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles, and noting also the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, and applying conditionalities by requested States,

Reaffirming the 2030 Agenda for Sustainable Development, in particular targets 16.4, 16.5, 16.6 and 16.10 of the Sustainable Development Goals, which underline the commitment of States to significantly reduce by 2030 illicit financial and arms flows, and the Addis Ababa Action Agenda, adopted at the Third International Conference on Financing for Development, held in Addis Ababa in July 2015, which underlined, in particular, that measures to curb illicit financial flows will be integral to achieving sustainable development,

Welcoming the work carried out by different United Nations bodies and mechanisms, including the United Nations Conference on Trade and Development, the United Nations Office on Drugs and Crime, and by international and regional organizations in preventing and combating all forms of corruption, and encouraging them to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon, and to coordinate their efforts in this regard,

Noting with appreciation the Lausanne process initiative on practical guidelines for efficient asset recovery, the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and the outcome of the fourteenth session of the United Nations Conference on Trade and Development, held in Nairobi in 2016, and encouraging coordination among existing initiatives,

1. *Welcomes* the research-based study by the Advisory Committee on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, prepared pursuant to Human Rights Council resolutions 31/22 of 24 March 2016 and 34/11 of 23 March 2017;⁹

2. *Also welcomes* the work undertaken by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and requests him to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

3. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

4. *Underscores* that the repatriation of funds of illicit origin is key for States that are undergoing a reform process and for improving the realization of economic, social and cultural rights, including the right to development, and for fulfilling their obligation to meet the legitimate aspirations of their peoples;

5. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, in particular embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin;

⁹ [A/HRC/39/61](#).

6. *Urges* requested States to ensure the prompt and unconditional repatriation of funds of illicit origin to the countries of origin, and to actively participate in adopting a renewed, decisive and proactive commitment to tackle the phenomenon of illicit financial flows and their ensuing negative impact on human rights and the right to development, and to take urgent action to push forward the procedures aimed at the recovery of stolen assets;

7. *Encourages* requested States parties to the United Nations Convention against Corruption to respond to requests for assistance and to adopt such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the said Convention, in the absence of dual criminality;

8. *Asserts* the urgent need to return the proceeds of crime to the requesting countries without conditionalities, in accordance with the United Nations Convention against Corruption and with due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows and to strengthen regulatory frameworks at all levels;

9. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas, in compliance with their international obligations, including international human rights law;

10. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of and remedy for business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;

11. *Calls upon* all States to seek to reduce opportunities for tax avoidance, to consider inserting anti-abuse clauses in all tax treaties and to enhance disclosure practices and transparency in both source and destination countries, including by seeking to ensure transparency in all financial transactions between Governments and companies to relevant tax authorities;

12. *Also calls upon* all States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contributes to the achievement of the Sustainable Development Goals;

13. *Reiterates* the importance of full compliance with international human rights law in relation to the return of proceeds of crime, in particular due process rights in criminal or civil law matters against persons presumed to be responsible for corruption, tax evasion or other related criminal conduct and with respect to freezing and forfeiture;

14. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the return of the proceeds of crime, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of the proceeds of crime and to strengthen international cooperation in asset recovery;

15. *Calls upon* States to continue to consider the establishment of an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to explore further policy responses to the phenomenon;

16. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons, in accordance with article 33 of the United Nations Convention against Corruption and the

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

17. *Welcomes* national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the return of the proceeds of crime, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of the proceeds of crime, and ensuring their return, and the provision of technical assistance to developing countries;

18. *Encourages* all States to share best practices in the freezing and recovery of funds of illicit origin;

19. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

20. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to the requesting States in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

21. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

22. *Reaffirms* that it is the obligation of the State to investigate and then prosecute corruption on the basis of evidence, and calls upon all States to strengthen criminal and/or civil proceedings directed at freezing or restraining funds of illicit origin, and in this context encourages requested States to provide information on legal frameworks and procedures to the requesting State and to remove barriers to asset recovery, including by simplifying their legal procedures and responding to requests for mutual legal assistance;

23. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on best practices, practical experience and the lessons learned from past cases, while being mindful to seek to add value by building upon existing work in this area through innovative and efficient means;

24. *Encourages* States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice, and any other relevant instruments;

25. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, and calls upon States to seek

appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

26. *Requests* the Advisory Committee, in preparation of the study requested by the Human Rights Council in its resolution 34/11 on the possibility of utilizing non-repatriated illicit funds, including through monetization and/or the establishment of investment funds, to seek the views of regional and international experts and organizations, as well as United Nations bodies and non-governmental organizations, including by holding a one-day meeting in Geneva in April or May 2019;

27. *Requests* the United Nations High Commissioner for Human Rights to provide all assistance and financial resources necessary to allow the Advisory Committee to carry out the mandate set out in the present resolution, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, and other international and regional entities to cooperate fully with the Advisory Committee in this regard;

28. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and the forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption and the United Nations Conference on Trade and Development;

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

*52nd meeting
21 March 2019*

[Adopted by a recorded vote of 31 to 2, with 14 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Japan, Ukraine

Abstaining:

Australia, Austria, Bahamas, Bulgaria, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Mexico, Slovakia, Spain, United Kingdom of Great Britain and Northern Ireland]

40/5. Elimination of discrimination against women and girls in sport

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 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 all other relevant international human rights instruments,

Recalling Human Rights Council resolutions 32/4 of 30 June 2016, 33/9 of 29 September 2016, 34/19 of 24 March 2017, 35/18 of 22 June 2017, 37/18 of 23 March 2018 and 38/1 of 5 July 2018, and all relevant resolutions on the elimination of racial discrimination and of discrimination against women and girls adopted by the Council, the General Assembly and other United Nations agencies and bodies,

Recalling also General Assembly resolution 70/1 of 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and the Sustainable Development Goals enshrined therein, including, inter alia, those pertaining to reducing inequality based on race and gender,

Recognizing that racial discrimination does not always affect women and men equally or in the same way, and that some forms of racial discrimination have a unique and specific impact on women, and the need for explicit recognition and acknowledgement of the different life experiences of women,

Recognizing also the potential value of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness and as a means to combat all forms of discrimination and to promote social inclusion for all,

Recognizing further the imperative need to engage women and girls in the practice of sport and to enhance, to this end, their participation in sporting events at the national and international levels,

Noting with concern that many women and girls face multiple and intersecting forms of stigma and discrimination in sport, and are still subjected to discriminatory laws and practices based on their race and gender, and that States have an obligation to ensure and promote a broader framework of substantive equality for women and girls,

Noting with concern also that the eligibility regulations for the female classification published by the International Association of Athletics Federations that came into effect on 1 November 2018 may not be compatible with international human rights norms and standards, including the rights of women with differences of sex development, and concerned that there may have been a lack of legitimate and justifiable evidence for the regulations to the extent that they may not be reasonable and objective, and lack proportionality between their aim and the measures proposed,

Noting the interim arbitral award issued on 24 July 2015 by the Court of Arbitration for Sport, according to which many variables were legitimately associated with performance in sports, including a range of physical and biological traits, as well as social and economic factors,

1. *Expresses concern* that regulations, rules and practices that require women and girl athletes with differences of sex development, androgen sensitivity and levels of testosterone to medically reduce their blood testosterone levels may contravene international human rights norms and standards, including the right to equality and non-discrimination, the right to the highest attainable standard of physical and mental health, the right to sexual and reproductive health, the right to work and to the enjoyment of just and favourable conditions of work, the right to privacy, the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment, and full respect for the dignity, bodily integrity and bodily autonomy of the person;

2. *Recognizes* that sports regulations and practices that discriminate against women and girls on the basis of race, gender or any other ground of discrimination can lead to the exclusion of women and girls from competing as such on the basis of their physical and biological traits, reinforce harmful gender stereotypes, racism, sexism and stigma, and infringe upon the dignity, privacy, bodily integrity and bodily autonomy of women and girls;

3. *Calls upon* States to ensure that sporting associations and bodies implement policies and practices in accordance with international human rights norms and standards,

and refrain from developing and enforcing policies and practices that force, coerce or otherwise pressure women and girl athletes into undergoing unnecessary, humiliating and harmful medical procedures in order to participate in women's events in competitive sports, and to repeal rules, policies and practices that negate their rights to bodily integrity and autonomy;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the intersection of race and gender discrimination in sports, including in policies, regulations and practices of sporting bodies, and elaborating on relevant international human rights norms and standards, and to present the report to the Human Rights Council at its forty-fourth session;

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

52nd meeting
21 March 2019

[Adopted without a vote.]

40/6. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

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

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

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

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

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

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

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

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

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

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;
3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;
4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;
5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;
6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;
7. *Also recognizes* that respect for cultural rights is essential for development, peace, the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;
8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;
9. *Welcomes* the work and contributions of the Special Rapporteur in the field of cultural rights, and takes note with appreciation of her latest report submitted to the Human Rights Council,¹⁰ which commemorates the 10 years of the mandate;
10. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the discharge of the mandate, to provide the mandate holder with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;
11. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;
12. *Requests* the Special Rapporteur to pay due attention to the enjoyment of cultural rights by persons with disabilities;
13. *Also requests* the Special Rapporteur to continue to work, within her mandate, with relevant stakeholders towards the comprehensive promotion and protection of cultural rights, and to report regularly to the Human Rights Council and the General Assembly, in accordance with their respective programmes of work;
14. *Further requests* the Special Rapporteur, within the scope of her mandate, to participate in relevant international forums relating to the implementation of the 2030 Agenda for Sustainable Development, and to contribute to its implementation, including by providing advice to States, international organizations, civil society and other stakeholders on the effective respect, protection and fulfilment of cultural rights in the implementation of the 2030 Agenda;
15. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

*52nd meeting
21 March 2019*

[Adopted without a vote.]

¹⁰ [A/HRC/40/53](#).

40/7. The right to food

The Human Rights Council,

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

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

Recalling further the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

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

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

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

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

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

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security,

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

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

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

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of

international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

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

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

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

Recognizing also the need to urgently assist some African countries that are facing drought, starvation and famine threats that could affect millions of people, most of whom are women and children, who risk losing their lives,

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

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

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

Stressing also the importance of the second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, at which the two main outcome documents, namely, the Rome Declaration on Nutrition and the Framework for Action, were endorsed,

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

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

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

to working tirelessly for the full implementation of the Agenda by 2030, and recognizing that achieving the Sustainable Development Goals can help to ensure the end of hunger in all its forms by 2030 and to achieve food security,

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

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

3. *Considers* it intolerable that, as estimated by the United Nations Children's Fund, nearly half of all deaths of children under the age of 5 are attributable to undernutrition, translating into the loss of about 3 million young lives a year, and that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people in the world affected by undernourishment or chronic food deprivation increased to nearly 821 million in 2017 – approximately one out of every nine people in the world – while, according to the Organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its deep concern* that, according to the publication entitled *The State of Food Insecurity and Nutrition in the World 2018: Building Climate Resilience for Food Security and Nutrition*,¹¹ the number of hungry people in the world is unacceptably on the rise and the vast majority of hungry people live in developing countries, and that, without increased efforts, there is a risk of falling far short of achieving the target of the Sustainable Development Goals on ending hunger by 2030;

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

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

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

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

¹¹ Issued by the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, the United Nations Children's Fund, the World Food Programme and the World Health Organization.

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

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

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

12. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, including for many indigenous peoples and local communities;

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

14. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

15. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take action to address those obstacles and challenges and the continuous discrimination against indigenous peoples;

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

17. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,¹² held on 22 and 23 September 2014, and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

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

19. *Recognizes* the need to strengthen national commitments and international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food, and in particular to develop national

¹² General Assembly resolution 69/2.

protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

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

21. *Also stresses* the importance of international cooperation and development assistance as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each State has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

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

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

24. *Takes note with appreciation* of the report of the Special Rapporteur;¹³

25. *Decides* to extend the mandate of the Special Rapporteur for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

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

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

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

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

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

31. *Decides* to continue its consideration of this matter under the same agenda item at its forty-third session.

*52nd meeting
21 March 2019*

[Adopted without a vote.]

¹³ [A/HRC/40/56](#).

40/8. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

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

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 37/11 of 22 March 2018,

Reaffirming also Human Rights Council resolution 34/11 of 23 March 2017,

Reaffirming further Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

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

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

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

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

Stressing also the determination expressed in the 2030 Agenda to assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and to address the external debt of highly indebted poor countries to reduce debt distress,

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

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication, and that, for many developing and some developed countries, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recognizing that States have the obligation to respect and protect human rights, even in times of economic and financial crisis, and to ensure that their policies and measures do not result in impermissible retrogression in the realization of human rights, as recognized in relevant international human rights instruments, and acknowledging that the guiding principles on human rights impact assessments of economic reforms¹⁴ constitute an important reference for Member States in that regard,

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

Recognizing further that illicit financial flows, including tax evasion by high net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Emphasizing that inequality continues to increase worldwide, and that it often contributes to social exclusion and the marginalization of certain groups and individuals,

Recognizing the severe human rights impact of the recent financial crisis, and that human rights have not always been taken into account in the development of policy responses to the crisis,

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

1. *Welcomes* the work and contributions of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

2. *Takes note with appreciation* of the guiding principles on human rights impact assessments of economic reforms, as presented in the most recent report of the Independent Expert,¹⁵ and drafted in consultation with States and other relevant stakeholders;

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes and other intergovernmental organizations to consider taking into account the guiding principles in the formulation and implementation of their economic reform policies and measures, and encourages national human rights institutions, non-governmental organizations and the private sector to give due consideration to the guiding principles in their work;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the guiding principles on human rights impact assessments of economic reforms;

5. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and to that end has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

6. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the 2030 Agenda for Sustainable Development, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously,

¹⁴ See [A/HRC/40/57](#).

¹⁵ [A/HRC/40/57](#).

ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

7. *Reiterates* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries covered by the programme in return for their making demonstrable commitments to poverty reduction;

8. *Stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

9. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

10. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

11. *Also reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

12. *Takes note* of the work of the Advisory Committee on the activities of vulture funds and their impact on human rights, and looks forward to the submission of the final report thereon to the Human Rights Council at its forty-first session;

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

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

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

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

17. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its forty-third session;

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

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21 March 2019*

[Adopted by a recorded vote of 27 to 14, with 6 abstentions. The voting was as follows:

In favour:

Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Australia, Austria, Brazil, Bulgaria, Croatia, Czechia, Denmark, Hungary, Italy, Japan, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Argentina, Bahamas, Iceland, Mexico, Peru]

40/9. Human rights, democracy and the rule of law

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

Reaffirming also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant international human rights instruments,

Acknowledging that, by adopting the 2030 Agenda for Sustainable Development, Member States have pledged to leave no one behind in the implementation of the Sustainable Development Goals, including, inter alia, 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,

Acknowledging 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 by involving Governments, parliaments, the United Nations system and other international organizations, local authorities, national human rights institutions, indigenous peoples, persons belonging to minorities, human rights defenders, civil society, business and the private sector, the scientific and academic communities, as well as all other interested stakeholders,

Recalling all previous resolutions on democracy and the rule of law adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolutions 19/36 of 23 March 2012, 28/14 of 26 March 2015 and 34/41 of 24 March 2017, in which the Council established the Forum on Human Rights, Democracy and the Rule of Law and decided on the themes of its first two sessions,

Recognizing the link between human rights, democracy, the rule of law and good governance, and recalling the Human Rights Council resolutions and all other resolutions relevant to the role of good governance in the promotion of human rights,

Convinced that the independence and impartiality of the judiciary, 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 should therefore be respected in all circumstances,

Reaffirming that democracy is 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,

Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty, territorial integrity and the right to self-determination,

Bearing in mind that challenges to democracy arise in all democratic societies,

Acknowledging the fundamental importance of education and training for human rights in consolidating democracy and contributing to the promotion, protection and effective realization of all human rights,

Underlining that, while States have the primary responsibility for safeguarding and strengthening democracy and the rule of law, the United Nations has a critical role in providing assistance and coordinating international efforts to support States, on their request, in their democratization processes,

Urging States to acknowledge the important contribution of civil society, including human rights defenders, journalists and media workers, to the promotion of human rights, democracy and the rule of law, and to ensure a safe and enabling environment for their work, both online and offline,

Recognizing the value of the Forum on Human Rights, Democracy and the Rule of Law for exchange, dialogue, mutual understanding and cooperation on the interrelationship between human rights, democracy and the rule of law, in accordance with the principles and purposes of the Charter, and acknowledging the importance of existing regional formats in the field of human rights,

Stressing that human rights, democracy and the rule of law are interdependent and mutually reinforcing, and in this regard recalling the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,¹⁶ in which the Secretary-General addressed the ways and means of developing further the linkages between the rule of law and the three main pillars of the United Nations, namely, peace and security, human rights and development,

1. *Notes* the completion, in November 2018, of the second session of the Forum on Human Rights, Democracy and the Rule of Law, and commends the engaged participation of stakeholders, including representatives of Parliaments, who emphasized the role of Parliaments as key actors in the promotion of human rights, democracy and the rule of law;

2. *Takes note* of the report of the Chairperson on the work of the second session of the Forum on Human Rights, Democracy and the Rule of Law,¹⁷ and invites States and other stakeholders to consider and implement the relevant recommendations contained therein;

3. *Decides* that the theme of the third session of the Forum, to be held in 2020, will be “Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection”;

4. *Also decides* that participation in the third session of the Forum will be in accordance with the modalities set out by the Human Rights Council in its resolutions 28/14 and 34/41;

5. *Encourages* States and all stakeholders to pay particular attention to ensuring the broadest possible and most equitable participation in the Forum, with due regard to geographical and gender balance, and considering the participation of youth;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Forum, at its third session, with all the necessary services and facilities, including interpretation in all official languages of the United Nations.

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[Adopted without a vote.]

¹⁶ [A/72/268](#).

¹⁷ [A/HRC/40/65](#).

40/10. Freedom of religion or belief

The Human Rights Council,

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

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

Recalling further Human Rights Council resolution 37/9 of 22 March 2018, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

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

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

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

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

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

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

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

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention, on that account, and to bring to justice all perpetrators of violations of these rights;

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

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

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

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

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

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

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

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

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

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

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

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

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

13. *Takes note* of the thematic report presented by the Special Rapporteur on the relationship between the right to freedom of religion or belief and the right to freedom of opinion and expression, and the recommendations therein;¹⁸

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

15. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years, and invites the Special Rapporteur to discharge the mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37 of 14 December 2007;

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

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

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

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

*52nd meeting
21 March 2019*

[Adopted without a vote.]

40/11. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development

The Human Rights Council,

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

Guided also by the United Nations Framework Convention on Climate Change, the Paris Agreement and the Convention on Biological Diversity,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome and informed by other instruments, such as the Declaration on the Right to Development,

Recalling also the United Nations Conference on Sustainable Development in 2012 and its outcome document entitled, “The Future We Want”, which reaffirmed the principles of the Rio Declaration on Environment and Development,

Recalling further General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders, and the continued validity and application of all

¹⁸ A/HRC/40/58.

its provisions, and reiterating the importance of the Declaration and its promotion and full and effective implementation,

Recalling all other previous resolutions on this subject, including Human Rights Council resolutions 22/6 of 21 March 2013, 31/32 of 24 March 2016 and 34/5 of 23 March 2017, and General Assembly resolutions 68/181 of 18 December 2013, 70/161 of 17 December 2015 and 72/247 of 24 December 2017, and recalling also Council resolutions on human rights and the environment, the most recent of which are resolutions 31/8 of 23 March 2016, 34/20 of 24 March 2017 and 37/8 of 22 March 2018,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Reaffirming that States have the primary responsibility and are under the obligation to respect, protect and fulfil all human rights and fundamental freedoms of all persons, and welcoming the steps taken by many States to create a safe and enabling environment for human rights defenders,

Reaffirming also the importance of the Declaration on Human Rights Defenders and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women and indigenous human rights defenders, is essential to the overall enjoyment of human rights and for the protection and conservation of the environment, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, including adequate food and housing, safe drinking water and sanitation, and cultural rights,

Recognizing the positive, important and legitimate role played by human rights defenders in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, and deeply concerned that human rights defenders working in environmental matters, referred to as environmental human rights defenders, are among the human rights defenders most exposed and at risk,

Underscoring that more than 150 States have recognized some form of a right to a healthy environment in, inter alia, international and regional agreements, their constitutions, legislation or policies,

Recognizing that the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change in 2018 operationalized the Local Communities and Indigenous Peoples Platform, adopted as part of decision 1/CP.21 on the Paris Agreement, in order to recognize their climate actions, their role in climate policy, and strengthening the role of traditional knowledge in mitigating and adapting to climate change,

Recognizing also the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in the safeguarding of the environment, as well as the multiple and intersecting forms of violence and discrimination against women human rights defenders, indigenous peoples, children, persons belonging to minorities and rural and marginalized communities,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations, and that the specific nature of indigenous peoples and rural and local communities can aggravate their vulnerability, as they can be located in isolated areas without communication access or network support, and recognizing also 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,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,¹⁹ and noting with concern her findings with regard to attacks against and the criminalization of indigenous human rights defenders, and calling upon all States to consider the recommendations contained in the report,

Alarmed by the increasing rate of killings, violent acts, including gender-based violence, threats, harassment, intimidation, smear campaigns, criminalization, judicial harassment, forced eviction and displacement of environmental human rights defenders, including indigenous and women human rights defenders, and human rights defenders addressing issues relating to land rights, their family members, communities, associates and legal representatives, as reported by the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights defenders and other special procedures,

Cognizant that the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has called for States to prioritize action to protect environmental human rights defenders,²⁰

Recognizing the need to develop protection mechanisms for environmental human rights defenders, taking into account the intersectional dimensions of violations against women human rights defenders, indigenous peoples, rural and marginalized communities, and persons belonging to minorities, and to take concrete steps to prevent and stop the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

Noting with appreciation international instruments, such as the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), for the protection of environmental human rights defenders,

Recognizing that the protection of environmental human rights defenders is inherently linked to the protection of their communities and can only be fully achieved in the context of a holistic approach that includes the strengthening of democratic institutions, the fight against impunity, a reduction in economic inequality and equal access to justice,

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

Gravely concerned that national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, are in some instances misused to target human rights defenders or have hindered their work and endangered their safety in contravention of international law, and mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, discrimination, obstructions or restrictions thereof contrary to the obligations and commitments of States under international human rights law,

1. *Expresses grave concern* at the situation of environmental human rights defenders around the world, and strongly condemns the killing of and all other human rights violations or abuses against environmental human rights defenders, including women and indigenous human rights defenders, by State and non-State actors, and stresses that such acts may violate international law and undermine sustainable development at the local, national, regional and international levels;

2. *Stresses* that human rights defenders, including environmental human rights defenders, must be ensured a safe and enabling environment to undertake their work free from hindrance and insecurity, in recognition of their important role in supporting States to

¹⁹ [A/HRC/39/17](#).

²⁰ See [A/HRC/40/55](#), para. 82.

fulfil their obligations under the Paris Agreement and to realize the 2030 Agenda for Sustainable Development, including the pledge that no one will be left behind and to reach the furthest behind first;

3. *Urges* all States to take all measures necessary to ensure the rights, protection and safety of all persons, including environmental human rights defenders, who exercise, inter alia, the rights to freedom of opinion, expression, peaceful assembly and association, online and offline, which are essential for the promotion and protection of human rights and the protection and conservation of the environment;

4. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, including his reports presented to the Human Rights Council and the General Assembly, and strongly encourages all States to cooperate with and to assist the Special Rapporteur;

5. *Recognizes* that democracy and the rule of law are essential components for the protection of human rights defenders, and urges States to take measures to strengthen democratic institutions, safeguard civic space, uphold the rule of law and combat impunity;

6. *Urges* States to acknowledge, through public statements, policies, programmes or laws, the important and legitimate role of human rights defenders in the promotion of all human rights, democracy and the rule of law as essential components of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work, including with regard to the environment;

7. *Calls upon* States to ensure that all legal provisions and their application affecting human rights defenders are clearly defined, determinable and non-retroactive in order to avoid potential abuse, to the detriment of fundamental freedoms and human rights, and specifically to ensure that the promotion and the protection of human rights are not criminalized, and that human rights defenders are not prevented from enjoying universal human rights owing to their work, whether they operate individually or in association with others;

8. *Urges* States to take concrete steps to prevent and put an end to arbitrary arrest and detention, including of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms;

9. *Also urges* States to develop and appropriately resource protection initiatives for human rights defenders, to ensure that human rights defenders are meaningfully consulted in the provision and implementation of protection measures, and also to ensure that the measures are holistic, including both individual and collective protection aspects, and that these measures also function as early warning and rapid response mechanisms that enable human rights defenders, when threatened, to have immediate access to authorities that are competent and adequately resourced to provide effective protective measures, taking into account the intersectional dimensions of violations and abuses against women human rights defenders, indigenous peoples, children, persons belonging to minorities, and rural and marginalized communities;

10. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and pursuing accountability for all attacks and threats by State and non-State actors against any human rights defender, or against lawyers and legal representatives, journalists and media workers covering these issues, as well as against their family members and their associates, and by condemning publicly all cases of violence, discrimination, intimidation and reprisal, underlining that such practices can never be justified;

11. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, including sexual and gender-based violence, and calls upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to investigate threats and attacks against human rights

defenders, and to create a safe and enabling environment for the defence of human rights, as called for by the General Assembly in its resolutions 68/181 and 72/247;

12. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council and its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

13. *Strongly condemns* reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national, regional and international mechanisms;

14. *Calls upon* States:

(a) To respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges, including the rights to life and to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food and housing, safe drinking water and sanitation, and cultural rights, and to human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment;

(b) To adopt and implement strong and effective laws or policies ensuring, among other things, the right to take part in the conduct of public affairs and in cultural life, the freedom to seek, receive and impart information and equal access to justice, including to an effective remedy, in the field of the environment;

(c) To facilitate public awareness of and participation in environmental decision-making, implementation, monitoring and follow-up and review of the 2030 Agenda for Sustainable Development, including of civil society, women, children, youth, indigenous peoples, rural and local communities, peasants and others who depend directly on biodiversity and the services provided by ecosystems, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association, both online and offline;

(d) To implement fully their obligations to respect, protect and fulfil human rights without distinction of any kind, including in the application of environmental laws and policies;

(e) To provide a safe and empowering context for initiatives organized by young people and children to defend human rights relating to the environment;

(f) To promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, including biodiversity, can operate free from violence, threats, hindrance and insecurity;

(g) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of a safe, clean, healthy and sustainable environment, in accordance with their international obligations and commitments;

(h) To establish or maintain effective legal and institutional frameworks to regulate the activities of public and private actors in order to prevent, reduce and remedy harm to biodiversity, taking into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(i) To take into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the gender-responsive implementation of and follow-up to the 2030 Agenda for Sustainable Development, bearing in mind the integrated and multi-sectoral nature of the latter;

15. *Also calls upon* States to promote and enable public participation, and to promote transparency, accountability and effective governance, in the prevention of and the fight against corruption involving State officials, business representatives and other non-State actors, and in raising public awareness regarding the existence, causes and gravity of

and the threat posed by corruption, including all possible impact on the enjoyment of economic, social and cultural rights, and further calls upon all States to respect, promote and protect the freedom of everyone to seek, receive, publish and disseminate information concerning corruption, including by protecting the actors doing so, including environmental human rights defenders;

16. *Urges* States to bear in mind the importance of the empowerment and capacity-building of indigenous peoples, including their full and effective participation in decision-making processes in matters that affect them directly, and of consultations in order to obtain their free, prior and informed consent, and the important role indigenous human rights defenders play in this regard, and encourages States to work towards achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and also encourages those States 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;

17. *Encourages* States to ensure that information held by public authorities, including that relating to environmental, land, natural resources and development issues, is proactively disclosed and not unnecessarily classified or otherwise withheld from the public, and calls upon all States to adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities 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;

18. *Encourages* all States to ensure to the maximum extent possible that the competent authorities generate, collect, publicize and disseminate environmental information relevant to their functions in a systematic, proactive, timely, regular, accessible and comprehensible manner, and periodically update that information and encourage the disaggregation and decentralization, where appropriate, of environmental information at the subnational and local levels;

19. *Underlines* the value of national human rights institutions, established and operating in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in the continued engagement with human rights defenders, including environmental human rights defenders;

20. *Recognizes* the important and legitimate role of human rights defenders in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for States to take the measures necessary to safeguard space for such public dialogue and its participants;

21. *Calls upon* all States to implement the Guiding Principles on Business and Human Rights, including to develop a national action plan or other such framework, and to encourage all business enterprises to carry out human rights due diligence, including with regard to human rights relating to the enjoyment of a safe, clean and healthy environment and by conducting meaningful and inclusive consultations with potentially affected groups and other relevant stakeholders;

22. *Underscores* the responsibility of all business enterprises, both transnational and others, in accordance with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, including environmental human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, and the importance that business enterprises establish or participate in effective and accessible operational-level grievance mechanisms for individuals and communities who may be adversely impacted;

23. *Encourages* all business enterprises, as part of their human rights due diligence in accordance with the Guiding Principles on Business and Human Rights, to

share and exchange best practices in this regard, and to communicate in an accessible form on how they address their adverse human rights impacts, particularly when concerns are raised by or on behalf of affected stakeholders, including by environmental human rights defenders;

24. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection, individually and collectively, of human rights defenders, including environmental human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures, and other relevant international agencies and organizations, and with other States;

25. *Takes note* of the report of the Secretary-General on the twentieth anniversary of the Declaration on Human Rights Defenders,²¹ in which he called for the development of a more coherent and comprehensive approach to support the Declaration by the United Nations, and also of the environmental defenders policy launched by the United Nations Environment Programme in 2018 as a positive example, and encourages other agencies to do the same;

26. *Encourages* the Office of the High Commissioner, in consultation with the Special Rapporteurs and other special procedures, to continue to compile and share information on best practices and challenges in this regard, and also encourages the Special Rapporteur on the situation of human rights defenders to continue to address the situation of human rights defenders, including good practices and challenges, in his work and reporting, including through collaboration and coordination with relevant United Nations agencies, organizations and mechanisms, the treaty bodies and other relevant special procedures, in accordance with the mandate;

27. *Invites* the Secretary-General to draw attention to the present resolution in the United Nations system and to continue to include alleged acts of intimidation and reprisal against human rights defenders, including environmental human rights defenders, who seek to cooperate, are cooperating or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including against their family members, associates and legal representatives, in his annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

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

52nd meeting
21 March 2019

[Adopted without a vote.]

40/12. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

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

Guided also by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be

²¹ [A/73/230](#).

treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the respect, promotion and fulfilment of one category of rights should never exempt States from the respect, promotion and fulfilment of the other rights,

Recalling also the United Nations Millennium Declaration, in which the Heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law, as well as peace, development and respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and believing that broad and sustained efforts are needed to build a community of shared future for all human beings in which the human person is the central subject of human rights and fundamental freedoms,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner, building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of the Agenda by 2030,

Recalling the New York Declaration for Refugees and Migrants adopted by the General Assembly on 19 September 2016, which was aimed at, inter alia, the adoption of a global compact on refugees and a Global Compact for Safe, Orderly and Regular Migration that address the human rights of all refugees and migrants, regardless of status, and that include a pledge to fully protect such rights,

Recognizing that the 17 Sustainable Development Goals and the 169 targets of the 2030 Agenda cover a wide range of issues relating to economic, social and cultural rights, in particular availability, accessibility, affordability and quality of services, and many dimensions of civil and political rights, as well as issues that are related to domestic resource mobilization, international cooperation and the right to development, and recognizing also that the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part of the 2030 Agenda and that the implementation of the 2030 Agenda must be consistent with a State’s obligations under international human rights law,

Recalling its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments of States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality, participation and accountability, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

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

Recalling the commitment included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, and welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-

alone goal, and its integration into all goals and targets of the 2030 Agenda and throughout the implementation process,

Recognizing that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

Mindful that empowering people and ensuring equality and inclusiveness in accordance with States' obligations under international human rights law are among the main elements for achieving sustainable development, and that the normative framework for economic, social and cultural rights offers guidance for the implementation of the Sustainable Development Goals in a more effective and inclusive manner,

Noting that an essential aspect of a human rights-based approach to sustainable development is promoting the knowledge of human rights, including economic, social and cultural rights, thus enabling individuals and stakeholders to participate in decision-making processes that affect their lives, including through the exercise of civil and political rights,

Mindful that leaving no one behind not only is about reaching the furthest behind but also requires all stakeholders to work together in combating discrimination and inequalities within and among countries,

Recognizing that persistent and growing inequalities within and among countries are a major challenge to poverty eradication, particularly affecting those who are living in extreme poverty and in vulnerable situations,

1. *Welcomes* the most recent accession to the International Covenant on Economic, Social and Cultural Rights, and calls upon all States that have not yet signed and ratified or acceded to the Covenant to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

2. *Calls upon* all States to give full effect to economic, social and cultural rights and to take all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 37/13 of 22 March 2018;

3. *Welcomes* the most recent accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified or acceded to the Optional Protocol to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

4. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization of economic, social and cultural rights in all countries, with a special focus on the role of economic, social and cultural rights in empowering people and ensuring inclusiveness and equality, submitted pursuant to Human Rights Council resolution 37/13,²² and of the conclusions contained therein;

5. *Emphasizes* that, in General Assembly resolution 70/1, States committed to taking bold and transformative steps that were urgently needed to shift the world onto a sustainable and resilient path, pledged that no one would be left behind and that they would endeavour to reach the furthest behind first, recognized that the dignity of the human person was fundamental, envisaged a world of universal respect for equality and non-discrimination and included the concepts of resilience and sustainability in the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development;

6. *Urges* States to adopt or further develop procedures for information-gathering and measurement that may, if analysed in the light of international human rights law principles and standards, serve as national indicators for State decision-making processes, and that are transparent and participatory and allow for accountability;

7. *Notes with appreciation* the contributions of international human rights mechanisms, including the international human rights treaty bodies, the Human Rights

²² [A/HRC/40/29](#).

Council and its subsidiary bodies, the special procedures and the universal periodic review in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations, and encourages States to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring the progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes;

8. *Underlines* the importance of access to justice and an effective remedy for violations of economic, social and cultural rights, and in this regard notes with appreciation the measures taken to facilitate access to complaints procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

9. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts, and in this regard underlines the need to consider justiciability when determining the best way to give domestic legal effect to the rights in the International Covenant on Economic, Social and Cultural Rights;

10. *Recognizes* that the 17 Sustainable Development Goals and their 169 targets are aimed at, inter alia, realizing the human rights of all and achieving gender equality and the empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development, namely the economic, social and environmental, calls upon States to implement the 2030 Agenda consistent with the principles of equality and non-discrimination, and in this regard encourages States to consider appropriate measures to promote de facto equality;

11. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of acting consistently with the principles of non-discrimination, transparency, participation and accountability;

12. *Underlines* the importance of developing human rights training and education, which can help to build societies that respect dignity, equality, inclusion, integrity, diversity and the rule of law;

13. *Encourages* the use of international human rights standards and the analysis and recommendations of the human rights bodies and mechanisms to identify who is being left behind, marginalized or discriminated against in each country context and the root causes, including multiple and intersecting forms of discrimination, as well as the measures necessary to combat discrimination and inequalities;

14. *Calls upon* States:

(a) To promote the use of human rights indicators to measure progress in the implementation of laws, policies and actions to address discrimination and inequalities;

(b) To identify patterns of discrimination in law, policies and practices, and to address entrenched structural barriers and unequal power relations that generate and perpetuate inequality over generations;

(c) To strengthen the role and capacity of 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) and of equality bodies, to protect civic space and to contribute to providing support for stakeholders in the identification of appropriate solutions for achieving the Sustainable Development Goals at the national and local levels;

15. *Notes with appreciation* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the elaboration of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the Covenant, the examination of individual communications;

16. *Also notes with appreciation* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

17. *Encourages* enhanced cooperation and increased coordination between the Committee on Economic, Social and Cultural Rights and other human rights treaty bodies, United Nations bodies, specialized agencies and programmes and mechanisms of the Human Rights Council whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

18. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions, to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

19. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

20. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the role of new technologies for the realization of economic, social and cultural rights;

21. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

*52nd meeting
21 March 2019*

[Adopted without a vote.]

40/13. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

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

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

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

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

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

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

Expressing its appreciation to the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, the independent commission of inquiry on the 2014 Gaza conflict, and all other relevant United Nations mechanisms, as well as the treaty bodies and other United Nations bodies, for their reports,

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

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

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

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes and crimes against humanity, including the findings of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, of the independent commission of inquiry on the 2014 Gaza conflict, of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, of the United Nations Fact-Finding Mission on the Gaza Conflict, and of the boards of inquiry convened by the Secretary-General,

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

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

Deploing the non-cooperation by Israel with all Human Rights Council fact-finding missions, the independent commission of inquiry on the 2014 Gaza conflict and the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, and the refusal to grant access to and cooperate with international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting the lack of implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict,²³ the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,²⁴ and the United Nations Fact-Finding Mission on the Gaza Conflict,²⁵ which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

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

²³ [A/HRC/29/52](#).

²⁴ [A/HRC/22/63](#).

²⁵ [A/HRC/12/48](#).

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

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

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

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

1. *Welcomes* the report of the independent commission of inquiry on the protests in the Occupied Palestinian Territory;²⁶

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

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

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

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

6. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

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

²⁶ A/HRC/40/74.

8. *Condemns* the apparent intentional use of unlawful lethal and other excessive force by Israel, the occupying Power, against civilians, including against civilians with special protected status under international law, notably children, journalists, health workers and persons with disabilities, who pose no imminent threat to life;

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

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

11. *Requests* the United Nations High Commissioner for Human Rights to strengthen the field presence of the Office of the High Commissioner in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, and to deploy the personnel and expertise necessary to monitor and document the ongoing violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, in accordance with the findings of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, to follow up on the implementation of the recommendations contained in the report of the commission of inquiry and to provide the Human Rights Council with an oral update at its forty-second session, and to present a report to the Council at its forty-third session, to be followed by an interactive dialogue;

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

*53rd meeting
22 March 2019*

[Adopted by a recorded vote of 23 to 8, with 15 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Chile, China, Cuba, Egypt, Eritrea, Iraq, Mexico, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Spain, Tunisia

Against:

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

Abstaining:

Argentina, Bahamas, Croatia, Democratic Republic of the Congo, Denmark, Iceland, India, Italy, Japan, Nepal, Rwanda, Slovakia, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay]

40/14. Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard for the respect, protection and fulfilment of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation,

Emphasizing also the Convention on the Rights of Persons with Disabilities and the progress it entails for the advancement of the rights and respect for the dignity of children

with disabilities, and the Optional Protocol to the Convention, and calling for their universal ratification,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 37/20 of 23 March 2018 and Assembly resolution 73/155 of 17 December 2018,

Welcoming the commemoration in 2019 of the thirtieth anniversary of the adoption of the Convention on the Rights of the Child and the sixtieth anniversary of the Declaration of the Rights of the Child, and the progress made over the years in safeguarding the rights of the child,

Recalling all other relevant international human rights treaties, in particular 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 and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled,

Reaffirming 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,

Welcoming the work of the Committee on the Rights of the Child, of the Committee on the Rights of Persons with Disabilities and of other treaty bodies, and noting in particular the general comments of the Committees,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, in particular the work of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights by persons with albinism, as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed conflict, and taking note of their most recent reports submitted to the Council,²⁷

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching, indivisible and people-centred set of universal and transformative Sustainable Development Goals and targets, and the commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner and to realizing the human rights of all, leaving no one behind and reaching those furthest behind first, and recognizing that achieving the Sustainable Development Goals will contribute to the realization of the rights of the child, including children with disabilities,

Recognizing that global estimates for the number of children with disabilities range from 93 million to 150 million, and deeply concerned about barriers that impede access to inclusive education for children with disabilities and that a significant percentage are either out of school or in school but not learning properly owing to a lack of access to accessible learning materials, inclusive curricula, teacher support and assistive devices, making children with disabilities, especially girls with disabilities, one of the most marginalized and excluded groups with regard to education,

Noting that children with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various social, legal, structural, financial, cultural, attitudinal and environmental barriers may hinder their full and effective participation in society on an equal basis with other children, and reaffirming

²⁷ [A/HRC/40/51](#), [A/HRC/40/54](#), [A/HRC/40/62](#), [A/HRC/40/50](#), [A/HRC/40/49](#).

that disability is a social construct and that impairments must not be taken as a legitimate ground for denial or restriction of human rights,

Concerned that the majority of persons with disabilities, including children with disabilities, live in conditions of poverty and inequity, and recognizing the critical need to address the negative impact of poverty on those children,

Concerned also that children with disabilities, in particular girls with disabilities, are often at greater risk, both within and outside the home, including in institutions, of stigmatization, discrimination or exclusion and are disproportionately subjected to violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual and gender-based violence,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, that the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted,

Deeply concerned that children with disabilities are particularly vulnerable to institutionalization on the basis of impairment, and are separated from their families and placed in institutions,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on empowering children with disabilities, including through inclusive education;²⁸

2. *Urges* States to take all measures necessary to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, without discrimination of any kind;

3. *Calls upon* States to ensure that in all actions concerning children with disabilities, including those with multiple impairments, the best interests of the child shall be a primary consideration, including when defining the legal framework, decision-making processes, implementation of policies and programmes and provision of services and covering all aspects of care, support and protection in all settings;

Child rights-based approach to children with disabilities

4. *Calls upon* States to respect, protect and fulfil the human rights of all children with disabilities, and to develop and implement a rights-based approach to the empowerment of children with disabilities in accordance with their obligations under international law and underpinned by the principles of, inter alia, equality and non-discrimination, the best interests of the child, survival and development, participation, respect for dignity, autonomy, diversity, accessibility, respect for evolving capacities and for the right of children with disabilities to preserve their identities, cooperation and accountability;

5. *Urges* States to take all measures to prevent and eliminate all forms of discrimination against children with disabilities, including by explicitly prohibiting disability as a ground for discrimination in law and in practice, ensuring that reasonable accommodation is provided, guaranteeing equal and effective legal protection against discrimination, providing effective and accessible remedies in the event of violations of their rights and conducting awareness-raising and education campaigns throughout society, including to address stereotypes, misconceptions and stigmatization;

6. *Also urges* States to pay particular attention to the situation of girls with disabilities, who are subject to multiple and intersecting forms of discrimination and violence, including violence perpetrated by support providers, health-care providers and others in positions of authority, by taking all measures necessary to ensure that girls with disabilities are empowered, that their human rights are respected, protected and fulfilled,

²⁸ A/HRC/40/27.

and that they have equal access to all services as provided to other children and are fully included in society;

7. *Calls upon* States to collect, analyse, disaggregate and disseminate relevant information, including statistical and research data on the basis of, inter alia, the Washington Group short set of questions on disability, as appropriate, in order to identify and address all types of barriers faced by children with disabilities and formulate and implement evidence-based policies to ensure the realization of their human rights;

8. *Urges* States to meaningfully involve and empower children with disabilities in the promotion and protection of their rights, including the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, regardless of their impairment, on an equal basis with other children, and to be provided with disability- and age-appropriate assistance to realize that right;

9. *Encourages States* to take steps to establish or strengthen, as appropriate, national monitoring and accountability mechanisms, with broad inclusive multi-stakeholder participation, including that of children with disabilities and their representative organizations, to ensure that laws, policies and programmes are oriented for the promotion and protection of the rights of children with disabilities;

10. *Urges States* to ensure full and effective access to justice for children with disabilities on an equal basis with other children, including through the provision of child- and disability-sensitive information, legal aid and other appropriate assistance, and procedural and age- and gender-appropriate accommodations, in order to ensure the safeguarding of their rights and to facilitate their effective role as direct and indirect participants, including as victims and witnesses, in all legal proceedings, and to promote appropriate training for those working in the field of administration of justice, including judges, police and other law enforcement and prison staff;

Special protection measures for children with disabilities

11. *Calls upon* States to take all appropriate measures, ensuring that they are age, gender and disability sensitive, to protect children with disabilities, both within and outside the home, including in institutions, from all forms of exploitation, violence and abuse, including emotional, verbal and physical abuse, sexual and gender-based violence, harassment, discriminatory social norms and harmful practices, female genital mutilation, child, early and forced marriage, forced or coercive medical procedures, bullying and cyberbullying, and other crimes, such as trafficking and smuggling;

12. *Also calls upon* States to take all measures and to exercise due diligence to prevent children with disabilities, on an equal basis with other children, from being subjected to torture or cruel, inhuman or degrading treatment or punishment, or violation of their physical and mental integrity, including through forced sterilization, forced abortion and forced contraception;

13. *Urges* States to ensure the right of children with disabilities to social protection, including by providing access to appropriate and affordable services, assistive devices and inclusive technologies, and the maintenance thereof, and other assistance for disability-related needs, and to social-inclusion and poverty-reduction programmes, including assistance with disability-related expenses, adequate training, counselling, financial assistance and respite care for families and caregivers, in particular for those living in situations of poverty;

14. *Also urges* States to ensure that children with disabilities enjoy the right to the highest attainable standard of physical and mental health, without stigmatization or discrimination of any kind, and to provide them with the same range, quality and standard of free or affordable health-care services, information and education to enjoy that right in practice as provided to other children, including with regard to sexual and reproductive health, and those services needed specifically because of their disabilities, including early identification and intervention, as well as psychological and physical care, habilitation and rehabilitation, and sustainable support and provision of services designed to protect and

respect their dignity, integrity, choices and inclusion in the community and to minimize and prevent further impairments;

15. *Further urges* States to pay particular attention to the situation of children with psychosocial disabilities and to abandon all practices that fail to fully promote, protect and respect their rights, will and preferences, on an equal basis with other children, with a view to preventing practices that lead to power imbalances, stigmatization, violence, abuse and discrimination in mental health and other settings;

16. *Urges* States to provide early and comprehensive information, services and support to children with disabilities and their families with a view to preventing concealment, abandonment, neglect and segregation and to ensuring they have equal rights with respect to family life, and in this regard encourages States to replace institutionalization with appropriate measures to support family and community-based services and, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family and, failing that, within the community in a family setting, bearing in mind the best interests of the child and taking into account the child's will and preferences;

17. *Recognizes* that children with disabilities are particularly vulnerable in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters and human-made hazards, and reaffirms the obligations of States under international law, including international humanitarian law and international human rights law, to take all measures necessary to ensure their safety and protection in such situations, including by reviewing emergency response programmes and support facilities to make them accessible for children with disabilities and providing timely and appropriate reintegration and rehabilitation assistance to children with disabilities;

Inclusive education for children with disabilities

18. *Calls upon* States to respect, protect and fulfil the right to education for all children with disabilities, including with regard to its availability, accessibility, acceptability, adaptability, quality and inclusiveness;

19. *Also calls upon* States to take all steps necessary to ensure an inclusive, quality education system, including by developing and implementing a comprehensive and coordinated legislative and policy framework that takes into account the rights, requirements and varying needs of children with disabilities at all levels and promotes life-long learning opportunities for the full development of their potential and sense of dignity and self-worth, the strengthening of respect for their human rights, fundamental freedoms and human diversity, and the development of their personality, skills, talents and creativity, as well as their mental and physical abilities, to their fullest potential, thus enabling children with disabilities to participate effectively and freely in a free society and fostering the sense of belonging to a community;

20. *Further calls upon* States to ensure, consistent with their obligations under international law, that they take reasonable, appropriate and effective measures to ensure that children with disabilities are not excluded from the general education system on the basis of disability, that they can access an inclusive, quality and free primary and secondary education on an equal basis with other children and in the communities in which they live, and that they are able to access tertiary education and vocational training without discrimination, and to foster knowledge and skills to facilitate the transition to the labour market and opportunities for professional growth;

21. *Calls upon* States to promote early childhood interventions, development, care and pre-primary education to strengthen the capacity of children with disabilities to benefit from inclusive and quality education, promoting their enrolment and attendance, and to prevent the risk of discrimination, marginalization, stigmatization and violence;

22. *Also calls upon* States to include within the general education system, at all levels, the support required by children with disabilities to facilitate their effective education, including the development of inclusive curricula and effective individualized support measures in environments that maximize academic and social development,

consistent with the goal of full inclusion, and ensure that reasonable accommodation is provided, taking into account the individual's requirements;

23. *Urges* States to take appropriate measures to enable children with disabilities to learn life and social-development skills, including through peer support, to facilitate their full and equal participation in education and as members of the community, ensuring that education for children who are autistic, blind, deaf or deafblind is delivered in the most appropriate language and mode and means of communication for the individual, including by facilitating the learning of Braille and other means and formats of communication, the learning of orientation and mobility skills, the use of information and communications technology, including assistive technologies, the learning of sign language and the promotion of the linguistic identity of the deaf community, in environments that maximize academic, social and personal development;

24. *Also urges* States to take appropriate measures to train teachers and other professionals and staff at all educational levels in the development of the core competencies, qualifications and values necessary for working in an inclusive education environment, as well as in the use of sign language and/or Braille, to incorporate in such training disability awareness and the use of appropriate means and formats of communication, educational techniques and materials to support children with disabilities, including by developing inclusive university curricula for all future teachers, and to recruit more teachers with disabilities;

25. *Calls upon* States, in line with their commitments under the 2030 Agenda for Sustainable Development to leave no one behind, to take immediate and effective steps to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for all children at risk of being left behind, including children with disabilities, as well as to build and upgrade education, water, sanitation and hygiene facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all, and to ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including through human rights education, the promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of the contribution of culture to sustainable development;

26. *Urges* States to promote accessibility by children with disabilities to school buildings, and to roads and transportation leading to schools, including by identifying and eliminating existing obstacles and barriers, to undertake or promote research and development of universally designed facilities and school environments, which should require the minimum possible adaptation and the least cost to meet the specific needs of a child with disabilities and should not exclude assistive devices for particular groups of persons with disabilities where needed, and to promote the availability and use of such services, facilities and environments;

27. *Also urges* States to take effective measures, including through peer support, to provide habilitation and rehabilitation services within the education system, as appropriate, including health, occupational, physical, social counselling and other services;

28. *Calls upon* States to realize their obligation to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

29. *Also calls upon* States to promote partnerships with teachers', students' and parents' associations, organizations of children with disabilities, sports organizations and other school support groups, and the involvement of children with disabilities, in accordance with their age and maturity, of parents, of caregivers and of the community, including, as appropriate, in all aspects of planning, implementation, monitoring and evaluation of inclusive education policies;

30. *Further calls upon* States to support national efforts to advance inclusive, quality education through international, bilateral and multilateral cooperation, including international development programmes, by facilitating capacity-building and the exchange and sharing of information, experiences, training programmes and best practices, as well as

research and access to scientific and technical knowledge, including by promoting the availability, knowledge and use of appropriate, suitable, affordable, accessible and inclusive assistive devices and technologies;

31. *Urges* States to take steps to adopt inclusive strategies for comprehensive school safety and security in emergencies, including with respect to disaster risk reduction, that are sensitive to learners with disabilities, in order to address the disproportionate impact of armed conflict, humanitarian emergencies and natural and human-made hazards on the right to education, including for children with disabilities who are displaced or compelled to migrate due to such situations;

Follow-up

32. *Encourages* the special procedures and other human rights mechanisms of the Human Rights Council to continue to integrate a child rights perspective while implementing their mandates, and to include in their reports information, qualitative analysis and recommendations on the rights of the child, paying particular attention to the rights of children with disabilities;

33. *Invites* all human rights treaty bodies to continue to integrate the rights of the child into their work, in particular in their concluding observations, general comments and recommendations, paying attention to the protection of children from discrimination on the basis of disability;

34. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next annual full-day meeting on the theme “Realizing the rights of the child through a healthy environment”, and requests the United Nations High Commissioner for Human Rights to prepare a report thereon, in close cooperation with all relevant stakeholders, including States, the United Nations Children’s Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including children themselves, and to present it to the Human Rights Council at its forty-third session with a view to providing information for the annual day of discussion on the rights of the child.

*53rd meeting
22 March 2019*

[Adopted without a vote.]

40/15. Thirtieth anniversary of the Convention on the Rights of the Child

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 human rights instruments,

Noting that 2019 marks the thirtieth anniversary of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, which constitutes the standard in the promotion and protection of the rights of the child, and the sixtieth anniversary of the Declaration of the Rights of the Child, proclaimed by the Assembly in its resolution 1386 (XIV) of 20 November 1959,

Recognizing that the Convention on the Rights of the Child is the most widely ratified international human rights instrument,

Noting the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure,

Welcoming the work of the Committee on the Rights of the Child,

Emphasizing that the anniversaries offer a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization and continued advancement of the rights of the child,

Stressing the necessity for continued national efforts aimed at the full realization of all human rights and fundamental freedoms, including the rights of the child, and acknowledging the benefits of enhanced international cooperation to that end,

1. *Calls for* renewed efforts towards the full implementation of the Convention on the Rights of the Child by all parties and ratification by non-party States;

2. *Also calls for* wider ratification of the Optional Protocols to the Convention on the Rights of the Child;

3. *Invites* the President of the Human Rights Council to consider the theme “Thirty years of implementation of the Convention on the Rights of the Child: challenges and opportunities” for the annual high-level panel discussion on human rights mainstreaming, to be held at the forty-third session of the Council;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, treaty bodies, in particular the Committee on the Rights of the Child, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussion, and to make the panel discussion fully accessible for persons with disabilities;

5. *Requests* the United Nations High Commissioner for Human Rights to make provisions and to provide resources for the above-mentioned panel discussion, and to circulate the relevant information among States and other stakeholders;

6. *Invites* the High Commissioner to make provisions for events and arrangements for the celebration of the anniversary of the Convention on the Rights of the Child and to circulate the relevant information among States and other stakeholders, from within existing resources and, where appropriate, in partnership with other international and regional organizations;

7. *Encourages* States to use the anniversary of the Convention on the Rights of the Child as a tool to raise awareness of the Convention and to maintain momentum and increase action with respect to the rights of the child.

*53rd meeting
22 March 2019*

[Adopted without a vote.]

40/16. Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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,

Bearing in mind General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011,

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

Expressing deep concern at the perpetration of violations of human rights and fundamental freedoms in the context of the fight against terrorism and at the effects of terrorism on the enjoyment of human rights and fundamental freedoms, notably in respect of victims,

Recalling Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Human Rights Council resolutions 6/28 of 14 December 2007, 15/15 of 24 September 2010, 22/8 of 21 March 2013 and 31/3 of 20 April 2016, entitled “Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism”,

1. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years, with the same terms as provided for by the Human Rights Council in its resolution 31/3;

2. *Recognizes* the work of the Special Rapporteur in addressing the human rights and fundamental freedoms of victims of terrorism, and encourages the Special Rapporteur to continue to address this issue, in consultation with Governments, the individuals concerned, their families, their representatives and civil society organizations;

3. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur’s urgent appeals and providing the information requested;

4. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

5. *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;

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

*53rd meeting
22 March 2019*

[Adopted without a vote.]

40/17. The human rights situation in the Syrian Arab Republic

For the text of the resolution, see chapter II.

40/18. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

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

Recalling Human Rights Council resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014, 28/21 of 27 March 2015, 31/19 of 23 March 2016, 34/23 of 24 March 2017 and 37/30 of 23 March 2018, General Assembly resolution 73/181 of 17 December 2018 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting

the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,²⁹ and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

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

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its forty-third session and to the General Assembly at its seventy-fourth session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*53rd meeting
22 March 2019*

[Adopted by a recorded vote of 22 to 7, with 18 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Bahrain, Bulgaria, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Saudi Arabia, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Afghanistan, China, Cuba, Eritrea, India, Iraq, Pakistan

Abstaining:

Angola, Bangladesh, Brazil, Burkina Faso, Cameroon, Democratic Republic of the Congo, Egypt, Nepal, Nigeria, Philippines, Qatar, Rwanda, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay]

40/19. Situation of human rights in South Sudan

The Human Rights Council,

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

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,

Recalling Human Rights Council resolutions 34/25 of 24 March 2017 and 37/31 of 23 March 2018, the twenty-sixth special session of the Council, including its resolution S-26/1 of 14 December 2016 on the situation of human rights in South Sudan, and its resolution 31/20 of 23 March 2016, in which the Council established the Commission on

²⁹ [A/HRC/40/67](#).

Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,

Deeply alarmed by the report of the Commission on Human Rights in South Sudan,³⁰ in which it noted that some of the human rights violations and abuses may amount to crimes against international law, including war crimes and crimes against humanity, and that the armed conflict and violence in South Sudan includes attacks against civilians, killings, abductions, torture, rape and other forms of sexual and gender-based violence, deliberate denial of food, the looting and destruction of homes and villages, violence against children, the unlawful recruitment and use of children by armed groups, and attacks on schools and hospitals,

Welcoming the joint reports of the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan of July 2018, entitled "Indiscriminate attacks against civilians in southern Unity: April–May 2018", of October 2018, entitled "Violations and abuses against civilians in Gbudue and Tambura states (Western Equatoria)", and of February 2019, entitled "Conflict-related sexual violence in northern Unity: September–December 2018", noting the recommendations contained therein and deeply concerned by their findings,

Welcoming also the reports of the Secretary-General, and expressing grave concern at the findings in his report on children and armed conflict in South Sudan,³¹ and of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) of 3 March 2015 and renewed pursuant to resolution 2428 (2018) of 13 July 2018,

Welcoming further the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan on 12 September 2018, and calling upon all parties to the agreement to implement it fully with a view to bringing peace, stability and sustainable improvement to the situation in South Sudan,

Urging all parties to the conflict to fully respect the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017 and the permanent ceasefire and transitional security arrangements that came into effect on 1 July 2018, and expressing concern at ongoing violations of the permanent ceasefire,

Noting all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union of 26 April and 10 October 2018, in which the Council, inter alia, re-emphasized its request to the Government of South Sudan and the African Union Commission to accelerate the establishment of the hybrid court for South Sudan and called for government efforts to be scaled up in establishing the commission for truth, reconciliation and healing and the compensation and reparation authority as provided for in the Revitalized Agreement,

Welcoming the commitment of the Government of South Sudan to cooperate with the Human Rights Council and its mechanisms, including the universal periodic review and the Commission on Human Rights in South Sudan, and the Office of the High Commissioner,

Expressing grave concern that up to 6.2 million South Sudanese people are classified as food insecure by the International Food Security Phase Classification and that 1.9 million are internally displaced within South Sudan and approximately 2.3 million are displaced outside the country, according to statistics of the Office for the Coordination of Humanitarian Affairs, noting that the humanitarian crisis is caused primarily by armed conflict, deeply concerned by the targeting and occupation of schools and hospitals by parties to the conflict, commending humanitarian agencies for their continued assistance to the affected populations, and recalling the need for all parties to the conflict to allow and facilitate the full, safe, rapid and unhindered access of relief personnel, equipment and supplies free of unnecessary duties and taxes and the timely delivery of humanitarian

³⁰ A/HRC/40/69.

³¹ S/2018/865.

assistance to all those in need, in particular to internally displaced persons and refugees, based on the United Nations guiding principles of humanitarian assistance, including humanity, neutrality, impartiality and independence,

Noting the return of some internally displaced persons and refugees,

Emphasizing the inviolability of United Nations premises, and underlining that targeting civilians and attacks against United Nations missions may constitute war crimes,

Condemning in the strongest terms all attacks against humanitarian personnel and facilities, which have resulted in the death of at least 112 humanitarian personnel since December 2013, including 14 in 2018 alone, and expressing grave concern for the civilians who sought safety in protection-of-civilians sites who have been attacked, killed, traumatized or displaced, at the serious damage caused to the sites, including to medical clinics and schools, which were burned down and destroyed, and at sexual and gender-based violence committed against women and girls exiting protection-of-civilians sites,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights, and recalling that the Government of South Sudan has the responsibility to protect all of its population in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Gravely concerned about ongoing reports of widespread sexual and gender-based violence committed against women and girls and instances of conflict-related rape and gang rape used as a weapon against the civilian population, including the rape of women and girls near Bentiu, coupled with beatings, abductions, sexual slavery and forced marriage, and recognizing the urgency and importance of timely investigations and of timely assistance and protection for survivors of sexual and gender-based violence, including sexual and reproductive health, psychosocial, legal and livelihood support and other multisectoral services for survivors of sexual and gender-based violence, and of working with communities to reintegrate those affected by sexual and gender-based violence, and taking into account the specific needs of persons with disabilities,

Emphasizing the importance of good governance and the rule of law as key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, and stressing the responsibility of the Government of South Sudan to promote and protect democratic space in South Sudan, including through freedom of expression, of peaceful assembly and of association, and by preventing attacks on and harassment of journalists, media workers and human rights defenders, in the interest of fostering an open and inclusive political environment that supports sustainable peace,

Expressing concern at continued impunity in South Sudan, while noting that the prosecution and conviction of members of the national armed forces for the killing of a journalist and rape of humanitarian aid workers at the Terrain Hotel in July 2016 represents a step towards greater justice and accountability in South Sudan, and that the parties to the Revitalized Agreement have re-endorsed the transitional justice mechanisms in its chapter V,

Noting the establishment of investigation committees at the national and state levels to investigate violations of human rights and international humanitarian law, and stressing the need for these committees to produce credible, accurate and public reports while respecting the rights of survivors and victims,

Recognizing that transitional justice mechanisms are important elements in a national reconciliation process, as they, inter alia, address accountability, reparations, truth-seeking and guarantees of non-recurrence, emphasizing the importance of the agreed principles for transitional justice and the establishment of the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority, as outlined in chapter V of the Revitalized Agreement, and underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Recognizing also the importance of an inclusive political process, and noting that the steps taken to unify the Sudan People's Liberation Movement could be a part of that process,

1. *Condemns in the strongest possible terms* the ongoing violations and abuses of human rights and violations of international humanitarian law in South Sudan, including those involving the targeted killing of civilians and widespread sexual and gender-based violence, including rape and gang rape, which continue to be used as a weapon of war, the recurring unlawful recruitment and use of children by armed groups, arbitrary arrests and detention, torture, the arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel by all parties, and the impunity for such violence by all armed groups, and condemns the harassment and violence directed at civil society, human rights defenders, humanitarian personnel and journalists;

2. *Stresses* that those responsible for violations and abuses of human rights and violations of international humanitarian law, including any that amount to war crimes or crimes against humanity, should be held accountable with a view to ending impunity and ensuring redress while affording fair trial protections to the accused and supporting victims and protecting potential witnesses before, during and after legal proceedings;

3. *Demands* that all parties to the conflict put a halt to all violations and abuses of human rights and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan to ensure the protection and promotion of human rights and fundamental freedoms;

4. *Notes with appreciation* the report of the Commission on Human Rights in South Sudan,³⁰ and the recommendations contained therein;

5. *Recognizes* the important role and efforts of the Intergovernmental Authority on Development in bringing parties together to work towards a peaceful resolution to the conflict, supporting the inclusion of civil society, women and youth in the negotiations and securing the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

6. *Also recognizes* the important role of the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism in supporting the implementation of the Revitalized Agreement and its ceasefire provisions, and urges all parties and international partners to engage constructively with all the bodies created pursuant to the Revitalized Agreement;

7. *Further recognizes* the importance of an inclusive process for national dialogue and the implementation of the Revitalized Agreement, and urges all parties and international partners to engage constructively with the African Union Commission, the African Union High Representative for South Sudan and the bodies created pursuant to the Revitalized Agreement;

8. *Urges* the Government of South Sudan to strengthen efforts to protect and promote the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations and, inter alia, to ensure that members of civil society organizations and the media can operate freely and without intimidation;

9. *Strongly urges* all parties to end and prevent violations and abuses of human rights committed against children, and calls upon all parties to end immediately the unlawful recruitment and use of children by armed groups and to release all children that have been unlawfully recruited to date;

10. *Recognizes* the important role that women play in building peace, and calls for the protection and promotion of the rights of women and their empowerment and participation in peacebuilding, conflict resolution, post-conflict processes and humanitarian responses, in accordance with Security Council resolution 1325 (2000) of 31 October 2000

and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

11. *Emphasizes* the need for the Government of South Sudan to ensure the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation and to have regard to the need to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

12. *Supports* the establishment of transitional justice institutions, and calls upon all parties to cooperate fully in the implementation of the Revitalized Agreement, including the establishment of the commission for truth, reconciliation and healing, the hybrid court for South Sudan and the compensation and reparation authority, as outlined in its chapter V;

13. *Notes with appreciation* that the Government of South Sudan has cooperated with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to cooperate fully and constructively with and to provide unhindered access to them, as well as to the United Nations Mission in South Sudan, and regional, subregional and international mechanisms on the ground;

14. *Recognizes* that continued cooperation and engagement by the Government of South Sudan with the Commission on Human Rights in South Sudan and an improved human rights and security situation should inform future consideration of South Sudan by the Human Rights Council, including the appropriate agenda item pertaining thereto;

15. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensuring that those responsible are held to account, and welcomes the recommendations made by the Commission on ending impunity and ensuring accountability;

16. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(a) To monitor and report on the situation of human rights in South Sudan, and to make recommendations to prevent deterioration of the situation with a view to its improvement;

(b) To determine and report the facts and circumstances of, to collect and preserve evidence of, and to clarify responsibility for alleged violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Revitalized Agreement, including the hybrid court for South Sudan, once established in cooperation with the African Union;

(c) To report on the factual basis for transitional justice and reconciliation;

(d) To provide guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and to make recommendations on technical assistance to the Government of South Sudan to support accountability, reconciliation and healing;

(e) To engage with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan and the African Union, including by building upon the work of the African Union Commission of Inquiry on South Sudan and African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the reconstituted Joint Monitoring and Evaluation Commission and civil society, with a

view to promoting accountability for human rights violations and abuses committed by all parties;

(f) To make recommendations on technical assistance and capacity-building, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

17. *Urges* the Government of South Sudan, through its Ministry of Gender, Child and Social Welfare, to intensify efforts to halt violations and abuses, particularly against women and children, including sexual and gender-based violence, and to provide for all forms of assistance for and protection and reintegration of survivors;

18. *Requests* the Office of the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, including computer software to support the Commission's evidence collection function, and resources for strengthening the Commission's resources in relation to communications- and media-related tasks;

19. *Requests* the Commission on Human Rights in South Sudan to present an oral update to the Human Rights Council at its forty-second session in an interactive dialogue, and to present a comprehensive written report to the Council at its forty-third session in an interactive dialogue;

20. *Also requests* the Commission on Human Rights in South Sudan to submit its report and recommendations to the Human Rights Council and then to share them with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

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

*53rd meeting
22 March 2019*

[Adopted without a vote.]

40/20. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

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

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 37/28 of 23 March 2018 and Assembly resolution 73/180 of 17 December 2018, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

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

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,³² which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

³² [A/HRC/25/63](#).

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and at the impunity of perpetrators, as described in the report of the commission of inquiry,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting that the General Assembly in its resolution 73/180 recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators were prosecuted and brought to justice,

Concerned that the precarious humanitarian situation in the country is exacerbated by the restrictions imposed by the Government of the Democratic People's Republic of Korea on the free and unimpeded access for humanitarian agencies to all populations in need,

Acknowledging General Assembly resolution 73/180, in which the Assembly noted with concern the findings of the United Nations that over 10 million people in the Democratic People's Republic of Korea were estimated to be undernourished and that most children under 24 months of age and 50 per cent of pregnant and breastfeeding women had insufficient dietary diversity, leading to micronutrient deficiencies and an unacceptably high prevalence of chronic and acute malnutrition, condemning the Democratic People's Republic of Korea for its national policies that, among others, divert its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people and their access to food, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence, and taking note in this regard of the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second to fourth periodic reports of the Democratic People's Republic of Korea³³ and the concluding observations of the Committee on the Rights of the Child on the fifth periodic report of the Democratic People's Republic of Korea,³⁴

Noting with appreciation the visit of the Special Rapporteur on the rights of persons with disabilities to the Democratic People's Republic of Korea, encouraging the Democratic People's Republic of Korea to implement all of the recommendations contained in the report of the Special Rapporteur on her visit to the Democratic People's Republic of Korea, submitted to the Human Rights Council at its thirty-seventh session,³⁵ and noting with appreciation also the submission of the initial report of the Democratic People's Republic of Korea on the implementation of the Convention on the Rights of Persons with Disabilities in December 2018,

Acknowledging the participation of the Democratic People's Republic of Korea in the second cycle of the universal periodic review, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and

³³ CEDAW/C/PRK/CO/2-4.

³⁴ CRC/C/PRK/CO/5.

³⁵ A/HRC/37/56/Add.1.

to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the urgency and importance of the issue of international abductions and of the immediate return of all abductees, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming the ongoing diplomatic efforts, and noting the importance of dialogue, including inter-Korean dialogue, and engagements for the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Noting the urgency and importance of the issue of separated families, and in this regard welcoming the resumption of reunions of separated families across the border in August 2018 and the commitments made on this issue at the inter-Korean summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in and by the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(a) The denial of the right to freedom of thought, conscience and religion, and of the rights to freedom of opinion, expression and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment, with harsh sentences imposed on innocent individuals;

(f) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge its crimes and human rights violations in and outside of the country, and to

take immediate steps to end all such crimes and violations through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry and General Assembly resolution 73/180, including, but not limited to, the following steps:

- (a) Ensuring the right to freedom of thought, conscience and religion, and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media;
- (b) Ending discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and taking immediate steps to ensure gender equality and to protect women from gender-based violence;
- (c) Ensuring the right to freedom of movement, including the freedom to choose one's place of residence and employment;
- (d) Promoting equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons, including individuals in detention;
- (e) Halting immediately all human rights violations relating to prison camps, including the practice of forced labour and the use of torture and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, and ensuring that justice sector reforms provide protections for fair trials and due process;
- (f) Resolving the issue of all persons who have been abducted or otherwise forcibly disappeared and their descendants, in a transparent manner, including by ensuring their immediate return;
- (g) Ensuring the reunion of separated families across the border;
- (h) Abolishing immediately the practice of guilt-by-association punishment;
- (i) Ensuring that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;
- (j) Providing nationals of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with and access to consular officers, in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

3. *Recalls* General Assembly resolution 73/180, in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

4. *Also recalls* paragraph 11 of Security Council resolution 2371 (2017), paragraph 17 of Council resolution 2375 (2017) and, in particular, paragraph 8 of Council resolution 2397 (2017), in which the Council decided that Member States shall repatriate to the Democratic People's Republic of Korea all nationals of the Democratic People's Republic of Korea earning income in their jurisdictions and all Democratic People's Republic of Korea government safety oversight attachés monitoring Democratic People's Republic of Korea workers abroad immediately but no later than 24 months from 22 December 2017, unless the particular Member State determines that the national is a national of that Member State or is prohibited from repatriation under applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations or the Convention on the Privileges and

Immunities of the United Nations, and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers repatriated to the Democratic People's Republic of Korea;

5. *Further recalls* paragraph 4 of General Assembly resolution 73/180, in which the Assembly underscored its very serious concern regarding reports of torture, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

6. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

7. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

8. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages all States, the United Nations system, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and other stakeholders to cooperate with accountability efforts, especially the efforts made by the Office of the United Nations High Commissioner for Human Rights, and to ensure that these crimes do not remain unpunished;

9. *Welcomes* General Assembly resolution 73/180, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations, which the commission has said may constitute crimes against humanity;

10. *Also welcomes* the decision of the Security Council to hold a fourth Council meeting on 11 December 2017, following the ones held in December 2014, December 2015 and December 2016, during which the situation of human rights in the Democratic People's Republic of Korea was discussed in the light of the serious concerns expressed in the present resolution, and looks forward to the continued and more active engagement of the Council on this matter;

11. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

12. *Welcomes* the report of the Special Rapporteur;³⁶

13. *Recalls* the recommendations of the commission of inquiry and General Assembly resolution 73/180, and reiterates the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the High Commissioner to strengthen those activities;

14. *Welcomes* the steps taken to strengthen the capacity of the Office of the High Commissioner, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process;

15. *Decides* to continue to strengthen, for a period of two years, the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process;

16. *Requests* the High Commissioner to provide an oral update on the progress made in this regard to the Human Rights Council at its forty-third session, and to submit a full written report on the implementation of the recommendations to the Council at its forty-sixth session;

17. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 37/28, for a period of one year;

18. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

19. *Encourages* the continuing endeavours of the field-based structure of the Office of the High Commissioner in Seoul, welcomes its regular reports to the Human Rights Council, and invites the High Commissioner to provide the Council with regular updates on the situation of human rights in the Democratic People's Republic of Korea;

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

21. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

22. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

³⁶ A/HRC/40/66.

23. *Urges* the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with all special procedure mandate holders, especially the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

24. *Encourages* the Government of the Democratic People's Republic of Korea to participate in the third cycle of the universal periodic review in 2019, to provide comprehensive information on the implementation of recommendations accepted in the second cycle, and to further expand cooperation with other United Nations human rights mechanisms in order to address all human rights violations and abuses in the country;

25. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

26. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;

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

28. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

29. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

30. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

*53rd meeting
22 March 2019*

[Adopted without a vote.]

40/21. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolutions 73/23 of 30 November 2018 and 73/100 of 7 December 2018, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Recalling further General Assembly resolutions 72/86 of 7 December 2017 and 73/98 of 7 December 2018,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Deploing the announcement by the Israeli occupying authorities in July 2017 that municipal elections would be held on 30 October 2018 in the four villages in the occupied Syrian Golan, which constitutes another violation to international humanitarian law and to relevant Security Council resolutions, in particular resolution 497 (1981),

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,³⁷ and in this connection deploing the Israeli settlements in the occupied Arab territories, and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolutions 34/27 of 24 March 2017 and 37/33 of 23 March 2018,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, *inter alia*, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan “Come to the Golan” and referred to as the “farms project”, to desist also from the construction of 1,600 new settlement units in the occupied Syrian Golan as announced by Israel in November 2016, and to desist further from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;³⁷

³⁷ A/73/499.

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 30 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Expresses grave concern* about the Israeli practices in the occupied Syrian Golan described in the report of the Secretary-General submitted to the Human Rights Council at its fortieth session,³⁸ highlighting the arbitrary arrests of Syrians, the lack of due process guarantees afforded to Syrians and the unlawful mine-laying practices of the Israeli occupation forces in the occupied Syrian Golan, expresses regret at the non-cooperation of Israel with the Office of the United Nations High Commissioner for Human Rights, and deplores the Israeli settlement expansion plans in the occupied Syrian Golan and Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories mentioned in the report;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its forty-third session;

11. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its forty-third session.

*53rd meeting
22 March 2019*

[Adopted by a recorded vote of 26 to 16, with 5 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Burkina Faso, Chile, China, Cuba, Egypt, Eritrea, India, Iraq, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, South Africa, Tunisia, Uruguay

Against:

Australia, Austria, Brazil, Bulgaria, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Slovakia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Cameroon, Democratic Republic of the Congo, Fiji, Rwanda, Somalia]

³⁸ A/HRC/40/41.

40/22. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this *jus cogens* norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploing the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and expressing deep regret about the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the diaspora,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Noting that the failure to bring the occupation to an end after 50 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine remains unresolved 70 years since the resolution on partition,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Calls upon* Israel, the occupying Power, to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and further reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Expresses grave concern* at any action taken in contravention of the General Assembly and Security Council resolutions relevant to Jerusalem;

4. *Also expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

5. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

6. *Calls upon* all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel, in particular of the prohibition of the acquisition of territory by force, in order to ensure the exercise of the right to self-determination, and also calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of Israel's illegal policies and practices;

7. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

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

54th meeting
22 March 2019

[Adopted by a recorded vote of 41 to 3, with 2 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, China, Croatia, Cuba, Czechia, Egypt, Eritrea, Fiji, Hungary, Iceland, India, Iraq, Italy, Japan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Senegal, Slovakia, Somalia, South Africa, Spain, Togo, Tunisia, Ukraine, Uruguay

Against:

Australia, Denmark, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Cameroon, Democratic Republic of the Congo]

40/23. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,³⁹ and other relevant recent reports of the Human Rights Council,

Stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties and to ensure respect for international humanitarian law,

Stressing the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

³⁹ [A/73/447](#) and [A/HRC/40/73](#).

Expressing grave concern at the continuing violations of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid, contributing to a coercive environment that leads to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory, including when carried out as an act of collective punishment in violation of international humanitarian law; incidents of harassment of and attacks on schoolchildren and attacks on educational facilities by Israeli settlers and as a result of Israeli military action; and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Deploping all conflicts in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and all violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of previous Israeli military operations, and about the firing of rockets into Israel,

Expressing deep concern at the detrimental impact of continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

Stressing the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

Stressing also the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

Convinced that the Israeli occupation has gravely impeded the efforts made to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

Deploing all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

Recalling also the prohibition under international humanitarian law of transfers and deportations of civilians from or to occupied territories,

Deploing the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

Stressing the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attack, harassment, arbitrary detention or criminal prosecution,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron, and regretting the unilateral decision by Israel not to renew its mandate, thereby dispensing with one of the few established mechanisms for conflict resolution between Israelis and Palestinians, which may therefore have a negative impact on the situation,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

6. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and calls for full cooperation by Israel with the Human Rights Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

8. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 and ES-10/13, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

10. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including the construction of settlements in various areas; the demolition of residential structures, the forced eviction of Palestinian inhabitants and the application of the policy of punitive home demolitions; the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws; the excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

11. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

12. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water

tanks and other water and irrigation facilities under military and settler operation since 1967;

13. *Expresses concern* about the so-called Basic Law: Israel as the Nation-State of the Jewish People, adopted by the Knesset, currently under judicial review, which has raised further concerns regarding compliance with international law, including the law of occupation, insofar as it applies to the Occupied Palestinian Territory, including East Jerusalem;

14. *Also expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

15. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

16. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

17. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where the bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, United Nations facilities, and agricultural lands, the large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of protests in the West Bank and in the Gaza Strip;

18. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

19. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

20. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

21. *Calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts,

to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

22. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody, and calls upon Israel to immediately release all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

23. *Calls for urgent attention* to be paid to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

24. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

25. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

26. *Emphasizes* the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

27. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

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

54th meeting
22 March 2019

[Adopted by a recorded vote of 39 to 3, with 5 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, China, Croatia, Cuba, Czechia, Egypt, Eritrea, Fiji, Iceland, India, Iraq, Italy, Japan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Slovakia, Somalia, South Africa, Spain, Tunisia, Ukraine, Uruguay

Against:

Australia, Denmark, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Cameroon, Democratic Republic of the Congo, Hungary, Rwanda, Togo]

40/24. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, and reaffirming that States should not recognize as lawful a situation arising from breaches of peremptory norms of international law,

Affirming that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded, inter alia, that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, and the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,⁴⁰

⁴⁰ [A/HRC/22/63](#).

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

Noting that Israel has been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Recalling also General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and also of the follow-up report thereon of the Secretary-General,⁴¹

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the destruction of property, including homes and projects funded by the international community, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, disruption to the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Affirming that the Israeli settlement policies and practices in the Occupied Palestinian Territory, including East Jerusalem, seriously endanger the viability of the two-State solution, undermining the physical possibility of its realization and entrenching a one-State reality of unequal rights,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination, and deeply concerned that the magnitude, persistence and character of the settlement enterprise suggest that the occupation has been established with the intention of making it permanent, in violation of the prohibition of acquisition of territory resulting from the use of force,

Noting also that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Deploing in particular the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining its viability, creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the

⁴¹ [A/67/738](#).

Armistice Line of 1949, and making the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

Expressing concern at ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Noting that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

Aware that numerous Israeli policies and practices related to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, amount to blatant discrimination, including through the creation of a system privileging Israeli settlements and settlers, against the Palestinian people and in violation of their human rights,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, aware that the conditions of harvesting and production of products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their

legal obligations in this regard, including the obligation to ensure respect for the Fourth Geneva Convention,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel, and concerned about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Noting that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and to cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and in this regard calls for the full implementation of all relevant Security Council resolutions, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 497 (1981) of 17 December 1981, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice, including to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, and to make reparation for the damage caused to all natural or legal persons affected by the construction of the wall;

5. *Condemns* the continuing settlement and related activities by Israel, including the construction and expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the forcible transfer of Palestinians, including entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, constitute a violation of international humanitarian law, in particular article 49 of the Fourth Geneva Convention, and of international human rights law, and undermine the viability of the two-State solution;

6. *Expresses its grave concern* at declarations by Israeli officials calling for the annexation of Palestinian land, and reaffirms the prohibition of acquisition of territory resulting from the use of force;

7. *Also expresses its grave concern* at and calls for the cessation of:

(a) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and “relocation” plans, the obstruction and destruction of humanitarian assistance and the creation of a coercive environment and unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of “State lands”, closed “military zones”, “national parks” and “archaeological” sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel’s obligations under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing the full participation of Palestinians in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(a) To end without delay its occupation of the territories occupied since 1967, to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its so-called E-1 plan;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(c) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of institutionalized discrimination;

(d) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called State land, and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all practices and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including the confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the

Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

10. *Urges* all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and to continue to actively pursue policies that ensure respect for their obligations under international law with regard to these and all other illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention;

12. *Calls upon* all States:

(a) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories with regard to, inter alia, the issue of trade with settlements, consistent with their obligations under international law;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the inmitigable nature of the adverse impact of their activities on human rights;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(d) To increase monitoring of settler violence with a view to promoting accountability;

13. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights, and to avoid contributing to the establishment, maintenance, development or consolidation of Israeli

settlements or the exploitation of the natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Requests* the United Nations High Commissioner for Human Rights to report to the Human Rights Council on the implementation of the provisions of the present resolution at its forty-third session, with particular emphasis on the policies and practices linked to the settlement enterprise that discriminate against the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem;

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

*54th meeting
22 March 2019*

[Adopted by a recorded vote of 32 to 5, with 10 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Burkina Faso, Chile, China, Cuba, Egypt, Eritrea, Fiji, Iceland, India, Iraq, Italy, Japan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Spain, Tunisia, Uruguay

Against:

Australia, Denmark, Hungary, Togo, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Austria, Brazil, Bulgaria, Cameroon, Croatia, Czechia, Democratic Republic of the Congo, Rwanda, Slovakia, Ukraine]

40/25. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014, 28/29 of 27 March 2015, 31/26 of 24 March 2016, 34/32 of 24 March 2017 and 37/38 of 23 March 2018, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014, 70/157 of 17 December 2015,

71/195 of 19 December 2016, 72/196 of 19 December 2017 and 73/164 of 17 December 2018,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons on the basis of their religion or belief in all regions of the world,

Deploping any advocacy of discrimination or violence based on religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Recalling General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and recalling the initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme “United in diversity” and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons on the basis of their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence and of negative stereotyping of individuals on the basis of religion or belief continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of expert meetings held in Washington, D.C., London, Geneva, Doha, Jeddah and Singapore in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that open, public debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws upon his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence on the basis of religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of their ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 37/38 summarizing contributions received from States,⁴² and also takes note of the conclusions of the report based on those contributions;

⁴² A/HRC/40/44.

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its forty-third session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief.

*55th meeting
22 March 2019*

[Adopted without a vote.]

40/26. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

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

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, 31/28 of 24 March 2016, 34/39 of 24 March 2017 and 37/39 of 23 March 2018, by which it extended the mandate of the Independent Expert,

Reaffirming the primary responsibility of all States to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the deterioration in security conditions in Mali, especially the expansion of terrorist activities, the rise in violent extremism, the proliferation of small arms, drug trafficking and migrant smuggling, trafficking in persons and other forms of transnational organized criminal activities in the central and northern regions, as well as the intensification of intercommunal violence in the centre of Mali,

Deeply concerned also about continued human rights violations and breaches, including abuses, and violations of international humanitarian law, the slow progress in the implementation of some relevant provisions of the Agreement on Peace and Reconciliation in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,

Remaining concerned about the food and humanitarian crisis faced by the populations affected by the conflict and about the insecurity which hinders humanitarian access, and condemning the attacks against humanitarian personnel,

Noting with satisfaction that the Government of Mali has established a three-year emergency plan for the period 2018–2020 for the restoration of basic social services in two regions of the centre of the country, and calling upon the Government to implement the plan,

Noting also with satisfaction the renewed commitment of the Government of Mali and the signatory groups to expeditiously fulfil their obligations under the Agreement on Peace and Reconciliation in Mali, including the measures provided for in Security Council resolution 2423 (2018) of 28 June 2018,

Welcoming in this regard the signing on 15 October 2018 between the Government of Mali and the United Nations of the Pact for Peace in Mali, which commits the Malian parties to pursuing and accelerating the peace process in a more inclusive way,

Welcoming also the launch of an accelerated process of disarmament, demobilization, reintegration and integration for 1,600 combatants, and the establishment of 10 interim administrations at *cercle* level in Kidal, Ménaka, Timbuktu and Taoudéni regions,

Welcoming further Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against, in particular, those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, including women and children, and noting the adoption by the Security Council of a first series of sanctions on 20 December 2018,

Noting the commitment made by the Government of Mali at a number of sessions of the Human Rights Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Welcoming the cooperation of the Malian authorities with international human rights mechanisms, notably the participation of Mali in the third cycle of the universal periodic review, and the invitations issued to special procedures mandate holders of the Human Rights Council,

Taking note of the latest report of the Secretary-General on the situation in Mali,⁴³ in which he urges the Malian authorities to spare no effort to ensure that the perpetrators of human rights violations or abuses or violations of international humanitarian law are held to account, emphasizing in this regard that significant progress is needed in the fight against impunity, if there are to be successful reconciliation initiatives that contribute to rebuilding the social fabric, building confidence and bringing society together and opening the way to lasting peace,

Urging the Government to redouble its efforts to investigate crimes that threaten to destabilize the peace process, including terrorism-related offences and violations and breaches of international law, and to bring the perpetrators to justice,

Taking note with satisfaction of the report of the Independent Expert on the situation of human rights in Mali,⁴⁴

Noting the account taken by the joint force of the Group of Five for the Sahel (G5 Sahel) of the human rights due diligence policy on United Nations support to non-United Nations security forces,

Noting also the establishment of the framework for ensuring the compliance of the joint force operations with human rights and international humanitarian law,

⁴³ [S/2018/1174](#).

⁴⁴ [A/HRC/40/77](#).

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, including those involving violations and abuses of women's rights, notably sexual and gender-based violence, violations and abuses of children's rights, in particular the recruitment and use of children in violation of international law, and extrajudicial and summary executions, arbitrary arrests and detention, mistreatment of prisoners, killing and maiming, and attacks on schools and hospitals;

2. *Calls upon* all parties to respect the civilian character of schools in accordance with international humanitarian law and to cease the detention of children on national security charges in violation of applicable international law, and urges all parties to put an end to such violations and abuses and to comply with their obligations under applicable international law, including international human rights law and international humanitarian law;

3. *Recalls*, in this regard, that all perpetrators of such acts must be held accountable before the competent courts, at both national and international levels;

4. *Strongly condemns* the attacks, including terrorist attacks, on civilians, representatives of local, regional and central institutions, and the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces deployed in the framework of Operation Barkhane, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

5. *Also strongly condemns* the escalation of intercommunal violence in the past year, and calls upon the Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the international community, to continue its efforts towards national reconciliation and to prevent violence in identified hotspots of tension;

6. *Underlines* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance, development and reconciliation, as well as respect for, and protection and promotion of, human rights;

7. *Welcomes* measures taken by the Government of Mali in support of the implementation of the integrated security plan for the central regions, a comprehensive plan to re-establish State presence in central Mali, notes in this context the improvement of the situation on the ground with the signing, in August 2018, of the Koro peace agreement, as well as the deployment of Malian security and defence forces to Dialloubé (Mopti *cercle*), Kouakourou (Djenné *cercle*) and Dioungani (Koro *cercle*), and underlines the need for continued efforts in this regard;

8. *Reiterates* its call for an immediate halt to all human rights violations and abuses and violations of international humanitarian law and for the strict observance of all human rights and fundamental freedoms;

9. *Calls upon* all parties to facilitate free, safe and unhindered access for the timely delivery of aid to all persons in need across Mali, and to ensure the safety and protection of civilians receiving assistance and of humanitarian and health personnel operating in Mali;

10. *Calls upon* the Government of Mali to continue and to step up its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

11. *Encourages* the Government of Mali to take the necessary steps for the implementation of the recommendations accepted during the third cycle of the universal periodic review of Mali, and calls, in particular, for accelerated efforts towards the adoption of the law against gender-based violence;

12. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament,

demobilization and reintegration of former fighters, the redeployment of Malian armed forces throughout the territory, decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes the involvement of the Carter Center as an independent observer of the Peace Agreement;

13. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the recruitment and use of children in violation of international law, and to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account;

14. *Notes* the initiation in January 2013 by the Prosecutor of the International Criminal Court of an investigation into crimes committed on the territory of Mali since January 2012, and also notes that, on 27 September 2016, the Court found an individual guilty of war crimes for having intentionally directed attacks against buildings of a religious and historical character in Timbuktu, and that all Malian stakeholders decided to lend the Court their support and cooperation;

15. *Supports* in this regard the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before impartial and independent courts, urges it to intensify its efforts to combat impunity and notes its commitment to continue its cooperation with the International Criminal Court;

16. *Welcomes* the investigations initiated by the Government of Mali into allegations of human rights violations committed against civilians, and urges the Government to bring the proceedings to conclusion to ensure that the perpetrators face justice for such acts;

17. *Strongly condemns* the summary executions of several civilians, including in Kobaka, Nantaka and Boulkessy in May and June 2018, and commends the United Nations Multidimensional Integrated Stabilization Mission in Mali for its investigation into the incidents in Boulkessy on 19 May 2018 and the Malian authorities for initiating a judicial investigation in order to bring to justice those responsible for these serious human rights violations;

18. *Encourages* the Government of Mali to ensure that measures taken to promote national harmony are developed in an inclusive manner and meet the expectations of civil society by ensuring the prosecution of the most serious crimes and the provision of adequate compensation for the victims;

19. *Welcomes* the launch of the work of the International Commission of Inquiry provided for in the Agreement for Peace and Reconciliation in Mali set up by the Secretary-General to investigate serious human rights violations and abuses and violations of international humanitarian law committed in Mali since January 2012, and encourages the Commission to coordinate its work with the Malian judiciary and the justice and reconciliation mechanisms established under the Agreement;

20. *Also welcomes* the commitment of the Government of Mali to ensure that women participate more fully in the national reconciliation process and in all decision-making structures relating to the peace process, including through the appointment in September 2019 of a Government that will ensure greater involvement of women, in conformity with the relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the Government in December 2015, and to heighten the political empowerment of women at all levels;

21. *Further welcomes* the establishment by the Malian authorities of the first ministerial department responsible for social cohesion, dedicated to coordinating the Government's action to implement the Agreement on Peace and Reconciliation in Mali, commends the progress achieved by the Truth, Justice and Reconciliation Commission, which has made it possible to collect more than 10,000 statements from victims in several regions of Mali, and encourages the Malian authorities to ensure that the Commission has the independence and means needed to fulfil its mandate to support the victims of the crises in Mali;

22. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards the establishment of peace and security in Mali;

23. *Commends* the work of the United Nations Multidimensional Integrated Stabilization Mission in Mali in supporting the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life suffered by it, including in the attack on 20 January 2019 that cost the lives of 10 peacekeepers;

24. *Emphasizes* that the efforts of the G5 Sahel joint force to counter the cross-border activities of terrorist groups and other organized criminal groups will help to create a more secure environment and establish the conditions required to improve the human rights situation in Mali, emphasizes the need to operationalize the human rights protection and accountability mechanisms and commends the efforts already made to develop and implement the human rights compliance framework of the joint force;

25. *Calls on* the G5 Sahel joint force to continue those efforts, including by ensuring the effectiveness of its own accountability mechanisms, which are essential to ensuring that each incident involving civilian victims or alleged human rights violations or abuses or violations of international humanitarian law is subject to a prompt, impartial, independent and thorough investigation, and that immediate steps are taken against the units and individuals alleged to be responsible;

26. *Requests* all parties to respect human rights and to ensure the strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations;

27. *Reiterates its appreciation* for the humanitarian assistance already provided to civilians and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate humanitarian assistance, in conditions of security, to refugees and displaced persons, particularly in the centre and north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

28. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali, urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme, and also urges the Government to accelerate the return of the administration and basic services in the centre and north of the country and to work towards establishing an acceptable level of security;

29. *Requests* friendly countries and partner organizations that have pledged contributions at successive conferences on the development of Mali to honour those pledges in order to assist the Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

30. *Welcomes* the successful holding of the presidential election in 2018 and reiterates the need for a continued just, free, transparent and inclusive electoral process for the holding of the constitutional referendum and legislative, senatorial and local elections in 2019, guaranteeing freedom of expression and the will of the people;

31. *Also welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

32. *Notes with satisfaction* the undertaking by the Government of Mali to take into consideration the recommendations made by the Independent Expert following his visits to Mali;

33. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

34. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

35. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

36. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its forty-third session;

37. *Decides* to hold a dialogue at its forty-third session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the human rights situation in the country, with a particular focus on the participation of civil society, including women and young people, in the peace and reconciliation process;

38. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

39. *Requests* the High Commissioner to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, commends the Malian authorities for having brought the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and for having provided it with the necessary means to carry out its work independently, and encourages the Government to take the necessary steps to enable the Commission to attain A status;

40. *Urges* the international community to continue to provide the necessary assistance to Mali to ensure its stability with a view to promoting respect for all human rights and resolutely combating impunity, which will pave the way for national reconciliation, peace and social cohesion;

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

55th meeting
22 March 2019

[Adopted without a vote.]

40/27. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

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

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

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

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

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Reaffirming its previous resolutions on Libya,

Expressing full support for the United Nations Support Mission in Libya and for the action plan presented on 20 September 2017 by the Special Representative of the Secretary-General for Libya and recalibrated on 8 November 2018 to support a Libyan-led transition that will lead to a sustainable, stable, unified, representative and effective governance structure under the framework of the Libyan Political Agreement,

Looking forward to the United Nations-led national conference, and encouraging all Libyans and Libyan institutions to work together in a spirit of compromise and to engage constructively in the inclusive political process set out in the action plan, and reiterating the importance of the equal and full participation of women in the political process, including in the national conference process,

Expressing deep concern at the impact of the security, economic and humanitarian situation in Libya on its people, and at the continued human rights violations and abuses committed in Libya and continued mass displacement, and its particular impact on women and children,

Expressing grave concern at the human rights violations and abuses committed in Libya against irregular migrants, including in detention centres, and sharing the concern of the Government of National Accord at the horrific accounts of human trafficking,

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law should be held accountable through effective judicial processes and access to justice,

Underlining the need for the coordination of efforts to tackle the root causes of irregular migration to prevent the exploitation of irregular migrants by smugglers, human traffickers and terrorist groups, including but not limited to the so-called Islamic State in Iraq and the Levant (Daesh), and to facilitate their voluntary return or repatriation to a third country, in accordance with applicable international law,

1. *Welcomes* the commitment of the Government of National Accord to improve human rights in Libya, and its continued cooperation with the Human Rights Council and its mechanisms, including the universal periodic review, and emphasizes the pressing need for the implementation of the recommendations accepted by Libya during the second review cycle;

2. *Also welcomes* the meeting between the Chair of the Presidency Council, Fayez Serraj, and the Commander of the Libyan National Army, Khalifa Haftar, hosted in Abu Dhabi on 27 February 2019 by the Special Representative of the Secretary-General, on the need to end the transitional stage in Libya by holding general elections, and to maintain stability in the country, and to unify its institutions;

3. *Takes note* of the oral update delivered by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-ninth session on the situation of human rights in Libya, including the steps taken by the Government of National Accord to ensure accountability for human rights violations and abuses, in accordance with Council resolution 37/41 of 23 March 2018;

4. *Also takes note* of the report presented by the High Commissioner to the Human Rights Council at its fortieth session on the situation of human rights in Libya,⁴⁵ including on the effectiveness of technical assistance and capacity-building measures for the Government of National Accord;

5. *Welcomes* the commitment of the Special Representative of the Secretary-General for Libya, on behalf of the United Nations country team, to intensify the work on the ground of the United Nations to help to improve the living conditions of all people in Libya, including irregular migrants, and looks forward to an increase in the presence of the United Nations in Libya, to plans for a new round of voluntary funding for 2019 for the Libya Humanitarian Response Plan and the Stabilization Facility for Libya and to recommendations to increase the strategic coordination of the United Nations Support Mission in Libya and United Nations agencies, funds and programmes in Libya;

6. *Also welcomes* the visit by the Special Rapporteur on the human rights of internally displaced persons to Libya from 25 to 31 January 2018, and calls upon the Government of National Accord to continue to implement the recommendation made by the

⁴⁵ A/HRC/40/46.

Special Rapporteur in her report⁴⁶ to prioritize the creation of a national road map to establish a common strategy, and to help to guide and to ensure a coordinated response for appropriate and effective responses to internal displacement;

7. *Further welcomes* the decision of the Government of National Accord to approve the request of the Working Group on Arbitrary Detention to visit Libya, and encourages the Working Group to conduct its visit as soon as possible;

8. *Welcomes* the renewal of the invitation extended by the Government of National Accord to the United Nations High Commissioner for Human Rights to visit Libya, and to continue existing cooperation between Libya and the Office of High Commissioner;

9. *Also welcomes* the constructive cooperation between the Government of National Accord and the International Organization for Migration, including the invitation recently extended by the Government to the newly elected Director General of the Organization to address the situation of irregular migrants held in detention centres in Libya, giving priority to children and women, and the positive results achieved in coordination with the Government and with the support of Member States, including neighbouring States, and regional organizations;

10. *Underlines* the importance of an inclusive response for irregular migrants in Libya and strengthened international cooperation with the Government of National Accord;

11. *Also underlines* the need for the coordination of efforts to tackle the root causes of irregular migration, and to prevent the exploitation of irregular migrants by smugglers, human traffickers and terrorist groups;

12. *Takes note with appreciation* of the report on the meeting of the African Union High-level Committee on Libya, held in Addis Ababa on 10 February 2019;

13. *Encourages* the Government of National Accord to cooperate with the United Nations Support Mission in Libya, the African Union and relevant stakeholders to facilitate the holding of the national conference in 2019, and subsequent electoral processes;

14. *Requests* the Government of National Accord to cooperate with the United Nations Support Mission in Libya and African Union-related entities to organize and facilitate the holding of an inclusive Libyan national peace and reconciliation forum in 2019;

15. *Requests* the Government of National Accord and relevant United Nations and African Union bodies to take the measures necessary for the organization of free and fair presidential and legislative elections before the end of 2019, in support of the United Nations-led process;

16. *Stresses* the importance of respecting the principles of international law concerning the development of friendly relations and cooperation among States in accordance with the Charter of the United Nations, including the principle of non-intervention in internal affairs and respect for the independence and sovereignty of States;

17. *Recognizes* the efforts made by States to trace and freeze stolen assets, and the importance of effective cooperation between the international community and the Government of National Accord for their recovery, taking into account the important contribution of these assets to improving security and development, and the promotion and protection of human rights, in Libya;

18. *Welcomes* the joint statement issued in Cairo on 30 April 2018 on the meeting of the quartet on Libya, comprising the United Nations, the League of Arab States, the African Union and the European Union, reaffirming the commitment to the sovereignty and independence of Libya and its territorial integrity and affirming support for the political process and the efforts of the Presidency Council of the Government of National Accord

⁴⁶ [A/HRC/38/39/Add.2](#).

and all international and local actors for the establishment of security and institution-building;

19. *Also welcomes* the decision of the Presidency Council of the Government of National Accord of 22 November 2018 to establish a preparatory committee for the comprehensive national reconciliation in Libya;

20. *Commends* the decision of the Presidency Council of the Government of National Accord on 19 April 2018 to establish a high committee to follow up on the affairs of Libyans displaced in and outside of the country;

21. *Welcomes* the signing of a peace agreement by the cities of Misrata and Tawergha on 4 June 2018;

22. *Also welcomes* the decision of the Presidency Council of the Government of National Accord to establish a committee responsible for security arrangements to secure Tripoli and its outskirts, and calls upon the United Nations and the international community to provide the Presidential Guard of the Presidency Council with the technical support and capacity-building required to achieve its tasks;

23. *Commends* the conferences held in Paris and in Palermo, Italy to find a political solution to the Libyan crisis, and also commends the international community for its assistance, and also that of neighbouring countries;

24. *Welcomes* the technical assistance and capacity-building measures provided by Member States and international and regional organizations to assist Libya, at its request, including to secure its southern borders and to prevent, investigate and prosecute acts of smuggling of irregular migrants and trafficking in persons through its territory, in accordance with national law and relevant international conventions to which Libya is a State party, and calls upon Member States and regional organizations to continue to do so, in partnership with the Presidency Council and in support of the United Nations country team;

25. *Strongly condemns* the terrorist attacks that targeted the Ministry of Foreign Affairs, the National Oil Corporation and the High National Elections Commission, based in Tripoli, and other institutions throughout Libya committed by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Qaida in the Islamic Maghreb and other entities associated with them in Libya listed by the Security Council, and expresses grave concern at the negative impact of the presence of the so-called Islamic State in Iraq and the Levant (Daesh) and its deadly actions in Libya, neighbouring States and the region;

26. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of National Accord to increase its efforts to protect and promote human rights and to prevent any violations or abuses, and in that regard encourages its continued engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

27. *Strongly condemns* all acts of violence in Libya, including all violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against civilians and irregular migrants, including women and children, as well as violations and abuses, including but not limited to unlawful detentions, abductions, enforced disappearances, torture and unlawful killings, including alleged extrajudicial killings and alleged attacks, intimidation, harassment and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

28. *Notes with concern* the humanitarian situation in Libya, while welcoming the efforts of the Government of National Accord to improve it, and calls for rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, on the request of Libya, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

29. *Calls upon* the Government of National Accord to increase efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable;

30. *Expresses concern* at the number of detainees, including conflict-related detainees, encourages the Government of National Accord to intensify its efforts to address allegations, expresses its concern at reports of torture, sexual and gender-based violence and harsh conditions in prison detention centres, and requests the Government to establish full and effective control over all detention centres in order to ensure that detainees, including irregular migrants, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

31. *Recognizes* the efforts of the Government of National Accord to address the plight of internally displaced persons, and encourages the Government to continue its efforts to improve that situation, including by implementing the agreement brokered by the Presidency Council, and calls for the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

32. *Encourages* the Government of National Accord to further promote, protect and respect the human rights of irregular migrants, refugees and internally displaced persons, to hold human traffickers accountable and to provide a framework for the enhanced engagement of the Office of the United Nations High Commissioner for Refugees, and to continue to cooperate with the International Organization for Migration;

33. *Repeats* its call to all parties in Libya to comply immediately with their applicable obligations under international human rights law and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all leaders to declare that violations and abuses of human rights or violations of international humanitarian law by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty;

34. *Requests* the Government of National Accord, the international community, the United Nations and all parties to the conflict in Libya to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, and encourages the Presidency Council to ensure that its women's support and empowerment unit, established in November 2018, is fully operational;

35. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

36. *Calls upon* the Government of National Accord to increase efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable to the judicial authorities of Libya, and notes the cooperation between the Government of National Accord and the International Criminal Court in that regard;

37. *Requests* the Office of the United Nations High Commissioner for Human Rights, while continuing its engagement with the United Nations Support Mission in Libya, to monitor and report on human rights violations and abuses across Libya and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

38. *Welcomes* the renewal of the standing invitation of the Government of National Accord to all special procedures of the Human Rights Council to visit Libya, and encourages the Government to consider positively and to help to facilitate requests for visits of the mandate holders, with a view to identifying challenges and providing recommendations;

39. *Encourages* the special procedures to visit Libya and to report to the Human Rights Council and through public statements;

40. *Requests* the Office of the High Commissioner to provide technical assistance and capacity-building to Libya on its request to promote and protect human rights and prevent and ensure accountability for violations and abuses of human rights;

41. *Invites* the Office of the High Commissioner to work closely with the Government of National Accord, relevant United Nations bodies, the African Union and all other relevant regional and international organizations;

42. *Requests* the High Commissioner to present an oral update on the situation of human rights in Libya and the implementation of the present resolution to the Human Rights Council at its forty-second session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present to the Council, during an interactive dialogue at its forty-third session, a report on the situation of human rights in Libya, including the implementation of technical assistance and capacity-building to support the efforts of the Government of National Accord to prevent and ensure accountability for violations and abuses of human rights;

43. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

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

*55th meeting
22 March 2019*

[Adopted without a vote.]

40/28. Cooperation with Georgia

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Recalling its resolutions 34/37 of 24 March 2017 and 37/40 of 23 March 2018,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva international discussions established on the basis of the ceasefire agreement of 12 August 2008 as an instrument for addressing security, stability, human rights and humanitarian issues on the ground,

Underlining the role of the Incident Prevention and Response Mechanisms in Gali and Ergneti in finding durable solutions for the safety and humanitarian needs of conflict-affected persons on the ground,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights, its office in Tbilisi, and other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the reports of the High Commissioner,⁴⁷

Stressing the findings of the High Commissioner in the reports, in which the High Commissioner underscored the responsibility of the authorities in control in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to uphold the fundamental freedoms and human rights of all people living therein and expressed regret at the refusal of those in control of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to grant unimpeded access to staff members of the Office of the High Commissioner and to the United Nations human rights mechanisms to both regions,

Expressing serious concern at the continuous process of installation of barbed wire fences and different artificial barriers along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia,

Expressing serious concern also at various forms of reported discrimination against ethnic Georgians, violations of the right to life, deprivation of liberty, arbitrary detentions and kidnappings, infringements of the right to property, violations of the right to health, restrictions on education in one's native language in both Georgian regions, and the renewed practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia in a safe and dignified manner,

Recognizing with appreciation the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights, and in this context welcoming the cooperation of the Government with United Nations and regional human rights mechanisms,

Expressing serious concern at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of those regions,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Tbilisi;
2. *Strongly calls for* immediate and unimpeded access to be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;
3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its forty-first session, and to present a written report on developments relating to and the implementation of the present resolution at its forty-second session.

*55th meeting
22 March 2019*

[Adopted by a recorded vote of 19 to 3, with 25 abstentions. The voting was as follows:

In favour:

Australia, Austria, Bahamas, Bulgaria, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Slovakia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Cameroon, China, Cuba

⁴⁷ [A/HRC/36/65](#) and [A/HRC/39/44](#).

Abstaining:

Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, Democratic Republic of the Congo, Egypt, Eritrea, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, Uruguay]

40/29. Situation of human rights in Myanmar*The Human Rights Council,*

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar, the most recent being Assembly resolution 73/264 of 22 December 2018 and Council resolutions S-27/1 of 5 December 2017, 37/32 of 9 April 2018 and 39/2 of 27 September 2018,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, including the report submitted to the Council at its fortieth session,⁴⁸ while deeply regretting the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur and to deny her access to the country since January 2018,

Welcoming also the work of the independent international fact-finding mission on Myanmar and the decision by the Human Rights Council in its resolution 39/2 to extend the mandate of the fact-finding mission until the ongoing independent mechanism is operational to ensure that the large and continually increasing amount of evidence of human rights violations and abuses it has collected is fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by the mechanism, while deeply regretting that the Government of Myanmar has to date refused cooperation with the fact-finding mission,

Calling for the expeditious entry into operation of the ongoing independent mechanism, established by the Human Rights Council in its resolution 39/2 to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law,

Welcoming the work of the Special Envoy on Myanmar and the opening of her office in Nay Pyi Taw, and encouraging her to pursue her mandate as established by the General Assembly in its resolution 72/248 of 24 December 2017,

Recognizing the ongoing humanitarian efforts and commitments that the Government of Bangladesh has extended to those fleeing human rights violations and abuses in Myanmar, in cooperation with United Nations agencies and the international community,

Recognizing also the complementary and mutually reinforcing work of the various United Nations mandate holders working on Myanmar to improve the situation of human rights in Myanmar,

Noting the ruling of the Pre-Trial Chamber of the International Criminal Court that it may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh and the ongoing preliminary examination conducted by the Prosecutor,

⁴⁸ [A/HRC/40/68](#).

Noting also the establishment of the Independent Commission of Enquiry by the Government of Myanmar on 30 July 2018 as a possible step towards promoting accountability for the gross human rights violations and abuses committed in Rakhine State, provided that the Commission, unlike previous national investigative mechanisms, is able to work with independence, impartiality, transparency and objectivity, including for alleged crimes committed by the armed forces of Myanmar, the Tatmadaw, and delivers tangible results to promote accountability, and encouraging the Commission to cooperate with all relevant United Nations mandate holders, as appropriate,

Recalling that States have the primary responsibility to respect, protect and fulfil human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability,

Reiterating the urgent need to ensure that all those responsible for crimes under international law, including violations and abuses of international human rights law and violations of international humanitarian law, in particular in Rakhine, Kachin and Shan States, are held to account through credible and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, and inviting Myanmar to become a party to the Rome Statute or to accept the exercise of jurisdiction of the International Criminal Court in accordance with article 12 (3) of the Rome Statute,

Welcoming the four-month unilateral ceasefire in northern and eastern conflict areas declared by the armed forces of Myanmar, the Tatmadaw, on 21 December 2018, and encouraging them to respect the ceasefire fully, to make every effort to reduce tensions on the ground, and to extend the ceasefire in time and scope,

1. *Expresses grave concern* at continuing reports of serious human rights violations and abuses in Myanmar, including sexual and gender-based violence and violations and abuses against children, in particular in Rakhine, Kachin and Shan States, and calls upon the Myanmar authorities, in particular the Myanmar military and security forces, to end immediately violence and all violations of international law in Myanmar, in particular in Rakhine, Kachin and Shan States;

2. *Expresses serious concern* about the recent escalation of violence in Rakhine State between the armed forces of Myanmar, the Tatmadaw, and the Arakan Army, causing loss of life, displacement and further human suffering, and calls for the ceasefire declared unilaterally by the armed forces of Myanmar, the Tatmadaw, for Kachin and Shan States to be extended beyond four months and to cover all parts of the country, including Rakhine State, and calls upon all parties to show restraint, to respect their relevant obligations under international human rights law and international humanitarian law, to ensure the safety and protection of civilians and to show readiness to re-engage in dialogue;

3. *Expresses concern* about reports of new internal and cross-border displacements of civilians due to the ongoing conflict with the Arakan Army in Rakhine State, and similar displacements in the Chin State due to a spillover of the conflict, bearing the risk of further large-scale displacement from these two States towards international borders if the conflict continues;

4. *Calls upon* the Government of Myanmar to ensure the protection of the human rights of all persons in Myanmar and to take all measures necessary to ensure accountability and to end impunity for all violations and abuses of human rights by undertaking a full, transparent and independent investigation into reports of all violations and abuses of international human rights law and violations of international humanitarian law;

5. *Calls for* the expeditious entry into operation of the ongoing independent mechanism established by the Human Rights Council in its resolution 39/2 and steps to secure its effective functioning as soon as possible, and for close cooperation between the

mechanism and any future investigations pertaining to human rights violations in Myanmar by national, regional or international courts or tribunals, including by the International Criminal Court, and notes in this regard its important and complementary role;

6. *Calls upon* the Government of Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur, the independent international fact-finding mission, the ongoing independent mechanism once operational, relevant United Nations agencies and international and regional human rights bodies to independently monitor the human rights situation, and to ensure that individuals can cooperate without hindrance with the United Nations and other human rights entities, without fear of reprisal, intimidation or attack;

7. *Expresses grave concern* about increased restrictions on humanitarian access in Rakhine State, and calls upon the Government of Myanmar to ensure full respect for international humanitarian law and to allow the full, safe and unhindered access of humanitarian personnel to all government-controlled and non-government-controlled areas and to provide humanitarian assistance, including age- and gender-responsive assistance, as well as the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including internally displaced persons, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisal;

8. *Welcomes* the role of the Association of Southeast Asian Nations in supporting the Government of Myanmar by dispatching a needs assessment team from its Coordinating Centre for Humanitarian Assistance on Disaster Management to Rakhine State, while stressing its complementary role to the mandate of the United Nations High Commissioner for Refugees, and calls upon the Government of Myanmar to cooperate fully with the Office of the High Commissioner and relevant parties to ensure that all returns are safe, voluntary, dignified, sustainable and in accordance with international law;

9. *Calls upon* the Government of Myanmar to safeguard those who report violations and abuses, and expresses concern about reports of the arrest of individuals exercising those rights, and in this regard encourages the Government to amend restrictive laws and to end restrictions on exercising the rights to the freedoms of religion or belief, expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment for all, notably civil society, human rights defenders, journalists, media workers, lawyers, environmental and land rights activists, in particular encourages the Government to proceed with the reform of the Media Law and to review, repeal or reform contested legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, articles 66 (d) and 80 (c) of the Telecommunications Act, and articles 500 and 505 (b) of the Penal Code to bring them into line with international human rights law obligations;

10. *Also calls upon* the Government of Myanmar to fulfil its commitment to release unconditionally all remaining political prisoners and to provide for the full rehabilitation of former political prisoners, and reiterates its call for the immediate and unconditional release of journalists Wa Lone and Kyaw Soe Oo, and of other journalists, media workers, human rights defenders and activists detained, charged and arrested under these restrictive laws, and for the Government to step up without delay action to combat hate speech and incitement to violence and hatred;

11. *Further calls upon* the Government of Myanmar to take the measures necessary to promote the inclusion, rights and dignity of all people living in Myanmar, to address the spread of discrimination and prejudice and to combat the incitement to hatred and violence against ethnic, religious and other minorities by publicly condemning such acts, carrying out education programmes, in accordance with international human rights law and standards, and by promoting interfaith dialogue in cooperation with the international community, and encourages political and religious leaders in the country to work towards national unity through dialogue;

12. *Welcomes* the adoption by the Government of Myanmar of a decent work country programme for the period 2018–2022, and emphasizes the need for the Government to address child and forced labour, including for all ethnic groups, and to introduce amendments to the Labour Organization Law and the Settlement of Labour Disputes Law to promote freedom of association in accordance with international labour standards;

13. *Also welcomes* the joint communiqué issued by the Government of Myanmar and the United Nations on addressing conflict-related sexual violence in Myanmar, and calls for its effective implementation, including by taking action to hold perpetrators of sexual violence to account and ensuring accountability for violations of the rights of women and girls in humanitarian settings, supporting legal reforms and providing training and capacity-building on investigating and prosecuting sexual and gender-based violence for justice and security sector actors, and strengthening service delivery and access to survivors of sexual and gender-based violence;

14. *Stresses* the need to expedite action to credibly address the root causes of the crisis in Rakhine State and also the need to create conditions conducive to the safe, voluntary, dignified and sustainable return of Rohingya refugees and forcibly displaced persons, including through the implementation of the recommendations made by the Advisory Commission on Rakhine State and of the memorandum of understanding signed by the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees;

15. *Notes* the steps taken by the Government of Myanmar towards establishing a national strategy for the sustainable closure of camps for internally displaced persons in Myanmar, and emphasizes the need for the Government to consult with United Nations agencies, humanitarian and development actors, and displaced persons to ensure its durable implementation, in accordance with international standards, by guaranteeing the reassertion of those persons' control over their original land and safety and security, freedom of movement, and access to livelihoods and essential services;

16. *Urges* the Government of Myanmar to expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular against the Rohingya, by, inter alia, reviewing the 1982 Citizenship Law, which has led to violations of human rights; restoring full citizenship through a transparent, voluntary and accessible procedure and guaranteeing all civil and political rights; recognizing self-identification; and amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015;

17. *Reiterates* the importance of the full implementation of all recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis, including those on access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with all ethnic and minority groups and persons in vulnerable situations, as well as civil society;

18. *Expresses concern* about the recent amendments to the Vacant, Fallow and Virgin Lands Management Law, and urges the Government of Myanmar to establish an inclusive land governance framework and to resolve issues of land tenure, in full consultation with affected populations, including ethnic minority communities;

19. *Emphasizes* the need for the Government of Myanmar to cooperate fully with the Government of Bangladesh and with the United Nations, in particular the Office of the United Nations High Commissioner for Refugees, and in consultation with the populations concerned to enable the safe, voluntary, dignified and sustainable return of all refugees and forcibly displaced persons to their places of origin in Myanmar, and to give returnees freedom of movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

20. *Welcomes* the establishment by the Government of Myanmar of a committee for the prevention of grave violations against children in armed conflict, and encourages the

Government to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and stresses the need to accelerate the implementation of the action plan to end and prevent the recruitment and use of children by government forces;

21. *Stresses* the importance of an inclusive and comprehensive national political dialogue to ensure the full, effective and meaningful participation of all, particularly ethnic and minority groups and persons in vulnerable situations, as well as civil society, with the objective of achieving lasting peace and reconciliation;

22. *Welcomes* the establishment of the joint committee to implement steps to amend the Constitution on 19 February 2019, and calls upon the Government of Myanmar, including its military and security forces, to take further steps to reform the Constitution and other legislation, and to strengthen democratic institutions, good governance and the rule of law to ensure respect for and to promote universal human rights and fundamental freedoms in accordance with international norms and standards, stresses the need for an independent, impartial and effective judiciary and an independent and self-governing legal profession, and calls upon the Government to ensure full compliance with its obligations under international human rights law and international humanitarian law;

23. *Calls upon* the Government of Myanmar and its institutions to step up efforts to strengthen the respect, protection and fulfilment of human rights and the rule of law, and to advance democratization and inclusive economic and social development towards the achievement of the Sustainable Development Goals, including by reforming the Myanmar National Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and calls upon the international community to support Myanmar in this regard, including through technical assistance and capacity-building programmes;

24. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, and calls upon the home States of business enterprises operating in Myanmar to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations;

25. *Calls upon* the Government of Myanmar to demilitarize mining regions and to ensure the protection of human rights for workers in natural resource extraction and the enforcement of environmental safety standards, and urges the Government to work with relevant stakeholders and affected populations to develop inclusive policies for natural resource management and benefit sharing;

26. *Reiterates* its call upon the Government of Myanmar to act on its commitment to open a country office of the Office of the United Nations High Commissioner for Human Rights, with a full mandate and in accordance with the mandate of the High Commissioner, and encourages the Government to issue a standing invitation to all special procedures of the Human Rights Council;

27. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its forty-first and forty-second sessions and to submit a report to the Third Committee of the General Assembly at its seventy-fourth session and to the Council at its forty-third session, in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights and to measure progress in the implementation of the recommendations made by the Special Rapporteur;

28. *Calls upon* the Government of Myanmar to resume without delay its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and granting unrestricted access throughout the country, and to resume its work with the Special Rapporteur to develop a workplan and time frame for the swift implementation of the proposed joint benchmarks identified by the mandate holder in

her previous reports, and for progress in priority areas of technical assistance and capacity-building;

29. *Notes* the initiative of the Secretary-General for a review of the operations of the United Nations in Myanmar, calls for the review to give due consideration to the recommendation made by the Special Rapporteur and the independent international fact-finding mission on conducting a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011 with a view to establishing whether everything possible to prevent or mitigate the unfolding crises was done, identifying lessons learned and good practices, making recommendations as appropriate, including on accountability, and enabling more effective work in the future, and invites the Secretary-General to present a report on the findings of the review, to be followed by a discussion, to the Human Rights Council at its forty-third session;

30. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the independent international fact-finding mission, the Special Rapporteur and the ongoing independent mechanism with the assistance, resources and expertise necessary to enable them to discharge their mandates fully.

*55th meeting
22 March 2019*

[Adopted by a recorded vote of 37 to 3, with 7 abstentions. The voting was as follows:

In favour:

Afghanistan, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Croatia, Czechia, Denmark, Egypt, Eritrea, Fiji, Hungary, Iceland, Iraq, Italy, Mexico, Nigeria, Pakistan, Peru, Qatar, Rwanda, Saudi Arabia, Slovakia, Somalia, South Africa, Spain, Togo, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

China, Cuba, Philippines

Abstaining:

Angola, Cameroon, Democratic Republic of the Congo, India, Japan, Nepal, Senegal]

B. Decisions

40/101. Outcome of the universal periodic review: Saudi Arabia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saudi Arabia on 5 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Saudi Arabia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁴⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁵⁰

*35th meeting
14 March 2019*

[Adopted without a vote.]

40/102. Outcome of the universal periodic review: Senegal

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Senegal on 5 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Senegal, comprising the report thereon of the Working Group on the Universal Periodic Review,⁵¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁵²

*35th meeting
14 March 2019*

[Adopted without a vote.]

40/103. Outcome of the universal periodic review: Congo

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

⁴⁹ [A/HRC/40/4](#).

⁵⁰ [A/HRC/40/4/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁵¹ [A/HRC/40/5](#).

⁵² See [A/HRC/40/2](#), chap. VI.

Having conducted the review of the Congo on 14 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Congo, comprising the report thereon of the Working Group on the Universal Periodic Review,⁵³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁵⁴

*35th meeting
14 March 2019*

[Adopted without a vote.]

40/104. Outcome of the universal periodic review: Nigeria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Nigeria on 6 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Nigeria, comprising the report thereon of the Working Group on the Universal Periodic Review,⁵⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁵⁶

*35th meeting
14 March 2019*

[Adopted without a vote.]

40/105. Outcome of the universal periodic review: Mexico

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mexico on 7 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mexico, comprising the report thereon of the Working Group on the Universal Periodic Review,⁵⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁵⁸

*36th meeting
14 March 2019*

[Adopted without a vote.]

⁵³ [A/HRC/40/16](#).

⁵⁴ [A/HRC/40/16/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁵⁵ [A/HRC/40/7](#).

⁵⁶ [A/HRC/40/7/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁵⁷ [A/HRC/40/8](#).

⁵⁸ [A/HRC/40/8/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

40/106. Outcome of the universal periodic review: Mauritius

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mauritius on 7 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mauritius, comprising the report thereon of the Working Group on the Universal Periodic Review,⁵⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁶⁰

*36th meeting
14 March 2019*

[Adopted without a vote.]

40/107. Outcome of the universal periodic review: Jordan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Jordan on 8 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Jordan, comprising the report thereon of the Working Group on the Universal Periodic Review,⁶¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁶²

*36th meeting
14 March 2019*

[Adopted without a vote.]

40/108. Outcome of the universal periodic review: Malaysia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Malaysia on 8 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

⁵⁹ [A/HRC/40/9](#).

⁶⁰ [A/HRC/40/9/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁶¹ [A/HRC/40/10](#).

⁶² [A/HRC/40/10/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

Adopts the outcome of the review of Malaysia, comprising the report thereon of the Working Group on the Universal Periodic Review,⁶³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁶⁴

37th meeting
14 March 2019

[Adopted without a vote.]

40/109. Outcome of the universal periodic review: Central African Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Central African Republic on 9 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Central African Republic, comprising the report thereon of the Working Group on the Universal Periodic Review,⁶⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁶⁶

37th meeting
14 March 2019

[Adopted without a vote.]

40/110. Outcome of the universal periodic review: Monaco

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Monaco on 12 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Monaco, comprising the report thereon of the Working Group on the Universal Periodic Review,⁶⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁶⁸

37th meeting
14 March 2019

[Adopted without a vote.]

⁶³ [A/HRC/40/11](#).

⁶⁴ [A/HRC/40/11/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁶⁵ [A/HRC/40/12](#).

⁶⁶ [A/HRC/40/12/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁶⁷ [A/HRC/40/13](#).

⁶⁸ [A/HRC/40/13/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

40/111. Outcome of the universal periodic review: Belize

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Belize on 12 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Belize, comprising the report thereon of the Working Group on the Universal Periodic Review,⁶⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁰

*38th meeting
15 March 2019*

[Adopted without a vote.]

40/112. Outcome of the universal periodic review: Chad

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Chad on 13 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Chad, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷²

*38th meeting
15 March 2019*

[Adopted without a vote.]

40/113. Outcome of the universal periodic review: China

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of China on 6 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

⁶⁹ [A/HRC/40/14](#).

⁷⁰ [A/HRC/40/14/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁷¹ [A/HRC/40/15](#).

⁷² See [A/HRC/40/2](#), chap. VI.

Adopts the outcome of the review of China, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁴

*38th meeting
15 March 2019*

[Adopted without a vote.]

40/114. Outcome of the universal periodic review: Malta

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Malta on 14 November 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Malta, comprising the report thereon of the Working Group on the Universal Periodic Review,⁷⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.⁷⁶

*38th meeting
15 March 2019*

[Adopted without a vote.]

⁷³ [A/HRC/40/6](#).

⁷⁴ [A/HRC/40/6/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

⁷⁵ [A/HRC/40/17](#).

⁷⁶ [A/HRC/40/17/Add.1](#); see also [A/HRC/40/2](#), chap. VI.

V. Forty-first session

A. Resolutions

41/1. Situation of human rights in Eritrea

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2, both of 18 June 2007, resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights and all previous Council resolutions on the situation of human rights in Eritrea,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals, as well as the participation of Eritrea in the third cycle of the universal periodic review on 28 January 2019,

Welcoming also the report of the Special Rapporteur on the situation of human rights in Eritrea⁷⁷ and her conclusions,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to present an oral update to the Human Rights Council at its forty-third session on progress made in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a further period of one year, and to continue to assess and report on the situation of human rights in follow-up to the report of the Special Rapporteur,⁷⁷ and requests the Special Rapporteur to present an oral update to the Human Rights Council at its forty-third session during an interactive dialogue, and to present during an interactive dialogue a report on the implementation of the mandate to the Council at its forty-fourth session and to the General Assembly at its seventy-fifth session;

3. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting access to the country;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil the mandate;

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

*37th meeting
11 July 2019*

[Adopted by a recorded vote of 21 to 13, with 13 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Croatia, Czechia, Denmark, Fiji, Iceland, Italy, Japan, Mexico, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

Bahrain, Burkina Faso, Cameroon, China, Cuba, Egypt, Eritrea, India, Iraq, Pakistan, Philippines, Saudi Arabia, Somalia

⁷⁷ [A/HRC/41/53](#).

Abstaining:

Afghanistan, Angola, Bangladesh, Democratic Republic of the Congo, Hungary, Nepal, Nigeria, Qatar, Rwanda, Senegal, South Africa, Togo, Tunisia]

41/2. Promotion and protection of human rights in the Philippines*The Human Rights Council,*

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

Reaffirming the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

Recalling the repeated expressions of concern about the situation of human rights in the Philippines by the United Nations High Commissioner for Human Rights and special procedure mandate holders,

Expressing concern at the allegations of human rights violations in the Philippines, particularly those involving killings, enforced disappearances, arbitrary arrest and detention, the intimidation and persecution of or violence against members of civil society, human rights defenders, indigenous peoples, journalists, lawyers and members of the political opposition, and restrictions on the freedoms of opinion and expression, peaceful assembly and association,

Bearing in mind that, since the campaign against illegal drugs was announced in the Philippines in mid-2016, there have been allegations of the killing of thousands of people allegedly involved in the drug trade and drug use,

Reaffirming the determination of Member States to tackle the world drug problem and to actively promote a society free of drug abuse in order to help to ensure that all people can live in health, dignity and peace, with security and prosperity, and reaffirming also the determination of Member States to address public health, safety and social problems resulting from drug abuse,

Emphasizing that the right to life must be respected and protected by all law enforcement agencies in their efforts to address drug-related crimes, and that allegations of drug-trafficking offences should be judged in a court of law that adheres to internationally recognized fair trial and due process norms and standards,

Deeply concerned about allegations of threats, intimidation and personal attacks directed against special procedure mandate holders, including the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Welcoming the statements made by the Government of the Philippines expressing its willingness to welcome independent experts from the United Nations to conduct an objective assessment of the situation of human rights in the country,

Noting with appreciation the adoption in June 2019 by the House of Representatives of the Philippines of the Human Rights Defenders Protection Act,

1. *Urges* the Government of the Philippines to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable, in accordance with international norms and standards, including on due process and the rule of law;

2. *Calls upon* the Government of the Philippines to cooperate with the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Human Rights Council, including by facilitating country visits and preventing and refraining from all acts of intimidation or retaliation;

3. *Requests* the High Commissioner to prepare a comprehensive written report on the situation of human rights in the Philippines and to present it to the Human Rights Council at its forty-fourth session, to be followed by an enhanced interactive dialogue.

37th meeting
11 July 2019

[Adopted by a recorded vote of 18 to 14, with 15 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Bulgaria, Croatia, Czechia, Denmark, Fiji, Iceland, Italy, Mexico, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

Angola, Bahrain, Cameroon, China, Cuba, Egypt, Eritrea, Hungary, India, Iraq, Philippines, Qatar, Saudi Arabia, Somalia

Abstaining:

Afghanistan, Bangladesh, Brazil, Burkina Faso, Chile, Democratic Republic of the Congo, Japan, Nepal, Nigeria, Pakistan, Rwanda, Senegal, South Africa, Togo, Tunisia]

41/3. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

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

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

Recalling also the United Nations Millennium Declaration, adopted on 8 September 2000, General Assembly resolution 73/168 of 17 December 2018, Human Rights Council resolution 38/3 of 5 July 2018 and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling further General Assembly resolution 41/128 of 4 December 1986, entitled “Declaration on the Right to Development”, in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling General Assembly resolution 48/141 of 20 December 1993, entitled “High Commissioner for the promotion and protection of all human rights”, in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

Reaffirming General Assembly resolution 33/134 of 19 December 1978, entitled “United Nations Conference on Technical Cooperation among Developing Countries”, in which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

Recalling resolution 2000/22 of 18 August 2000 on the promotion of dialogue on human rights issues, adopted by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,⁷⁸

Taking note with appreciation of the final document and declaration adopted at the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, in which the States members of the Movement of Non-Aligned Countries reiterated, inter alia, that South-South cooperation is an important element of international cooperation for the sustainable development of their peoples, as a complement to and not as a substitute for North-South cooperation, which allows for the transfer of appropriate technologies, in favourable conditions and on preferential terms,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

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

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

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

Recognizing that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

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

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

⁷⁸ See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

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

Reiterating the role played by the universal periodic review as an important mechanism contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

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

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

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

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

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

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

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

Noting that 2019 marks the forty-first anniversary of the adoption of the Buenos Aires Plan of Action,

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

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

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

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, and to encourage the observance and realization of human rights;

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

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

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population of affected countries and create obstacles to the full realization of their human rights, and reaffirms the importance of international cooperation and solidarity to address the negative impact of these measures;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

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

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State or non-State actor, in strict conformity with the Charter, the Universal Declaration of Human Rights and other relevant international instruments;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Also re-emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

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

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving

the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

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

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

20. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;⁷⁹

21. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

22. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

23. *Urges* States to continue to support the funds;

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

25. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

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

27. *Recognizes* that the response of the international community to pandemics that constitute a threat to public health and to various natural disasters is an example to follow in terms of solidarity and international cooperation;

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

29. *Takes note* of the report of the High Commissioner on the implementation and enhancement of international cooperation in the field of human rights submitted to the Human Rights Council at its forty-first session;⁸⁰

30. *Requests* the High Commissioner to prepare a new report on the work of the Office of the High Commissioner in the implementation and enhancement of international cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its forty-fourth session;

⁷⁹ A/HRC/40/78.

⁸⁰ A/HRC/41/25.

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

32. *Recalls* that, in its resolution 72/171, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

33. *Also recalls* that, in its resolution 73/168, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as on obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

34. *Decides* to continue its consideration of the matter at its forty-fourth session, in accordance with its annual programme of work.

38th meeting
11 July 2019

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

In favour:

Afghanistan, Angola, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Australia, Austria, Bulgaria, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Argentina, Brazil, Chile, Mexico, Peru]

41/4. Promotion of the right to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right to peace and the promotion of peace as a vital requirement for the full enjoyment of all human rights by all, adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolutions 32/28 of 1 July 2016 and 35/4 of 22 June 2017,

Recalling also the Declaration on the Right to Peace, adopted by the General Assembly in its resolution 71/189 of 19 December 2016,

Recalling further that States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the Declaration, in particular the United Nations Educational, Scientific and Cultural Organization and the University for Peace, established by the General Assembly in its resolution 35/55 of 5 December 1980,

Welcoming the important work being carried out by civil society organizations, academia and other stakeholders for the promotion of the right to peace,

Conscious of the determination of the peoples of the world to preserve their independence, sovereignty and territorial integrity, and to resolve their political, economic and social problems under conditions of peace and stability,

Convinced that the establishment of zones of peace around the world could have a beneficial influence on the establishment of permanent universal peace based on respect for the principles and rules of international law and on equal rights and justice for all, in accordance with the purposes and principles of the Charter of the United Nations,

1. *Recalls* that everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized;
2. *Stresses* that States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies;
3. *Recognizes* that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and socioeconomic development is ensured;
4. *Welcomes* the holding on 14 June 2018 of the intersessional workshop on the right to peace, at which participants discussed the implementation of the Declaration on the Right to Peace, and takes note of the summary report thereon of the United Nations High Commissioner for Human Rights;⁸¹
5. *Invites* Governments, agencies and organizations of the United Nations system, and intergovernmental and non-governmental organizations to disseminate the Declaration on the Right to Peace and to promote universal respect and understanding thereof;
6. *Requests* the Office of the High Commissioner to pay appropriate attention to the right to peace in its work, including in its activities to commemorate the seventy-fifth anniversary of the United Nations;
7. *Encourages* all Member States, specialized agencies, civil society and relevant stakeholders to contribute to the promotion of the right to peace;
8. *Decides* to remain seized of the matter.

*38th meeting
11 July 2019*

[Adopted by a recorded vote of 32 to 13, with 2 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Bahamas, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Australia, Austria, Bulgaria, Croatia, Czechia, Denmark, Hungary, Italy, Japan, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Argentina, Iceland]

⁸¹ [A/HRC/39/31](#).

41/5. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Mindful that while globalization opens up new opportunities for growth and development, it also presents challenges, including growing inequality, widespread poverty, unemployment, social disintegration and environmental risks that demand increased coordination and collective decision-making at the global level,

Reaffirming the crucial importance of increasing the resources allocated to official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product to official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Emphasizing the commitment of States in the 2030 Agenda to a revitalized Global Partnership for Sustainable Development based on a spirit of global solidarity, in particular with the poorest and with people in vulnerable situations,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Recognizes* that international solidarity is a powerful tool for addressing the structural causes of poverty, inequality and other global challenges;

9. *Welcomes* the report of the Independent Expert on human rights and international solidarity;⁸²

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his mandate, and to supply all necessary information requested by him, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate effectively;

11. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

12. *Also requests* the Independent Expert to continue to examine in his reports ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity, including the challenges of international cooperation, and to seek the views and contributions of Governments, United Nations agencies and other relevant international organizations in this regard;

⁸² A/HRC/41/44.

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

14. *Reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields, and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

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

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

*38th meeting
11 July 2019*

[Adopted by a recorded vote of 32 to 14, with 1 abstention. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Australia, Austria, Bulgaria, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Mexico]

41/6. Elimination of all forms of discrimination against women and girls

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Racial Discrimination, and recalling the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,

Recalling that gender equality and the condemnation of discrimination and violence against women and girls have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, in particular Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of gender, and that national legislation, policies and practices should adhere to each State's international obligations,

Expressing profound concern at the backlash against progress made by States, international and regional organizations and civil society, including women's and community-based organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations, to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to economic crisis and inequality, retrogressive lobbies or political views, or the misuse of religion to oppose the struggle for women's and girls' equal rights,

Recognizing that the right to liberty is a human right recognized in international instruments and that it is inextricably linked to other rights, including the rights to freedom of movement, the highest attainable standard of physical and mental health, sexual and reproductive health, work, education, freedom of peaceful assembly and association, freedom of expression, freedom of religion or belief, equality, freedom from discrimination, and privacy, with full respect for the dignity, integrity and bodily autonomy of the person,

Recognizing also the differing needs of girls and women at different ages and stages of their lives, and the various forms of discrimination, in particular multiple and intersecting forms of discrimination, that affect their day-to-day reality and that can lead to deprivation of liberty not only in detention facilities but also in other public and private institutions, private homes and community spaces, and in situations of conflict and crisis,

Recognizing further that discrimination against women and girls is inherently linked to deep-rooted patriarchal and gender stereotypes and unequal power relations, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage, have direct negative implications for the status and treatment of women and girls, and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Reaffirming that the full enjoyment of all human rights by all women and girls includes their right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence, and that equal relationships in matters of sexuality, sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy and agency of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences, in accordance with applicable international human rights standards,

Recognizing the major contribution made by civil society, including women's organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations, to promoting the empowerment of women and girls and the fulfilment of all their human rights, and recognizing also the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures promoting substantive gender equality in the empowerment of women and girls in all spheres,

Regretting that women remain underrepresented, especially in management positions, in several United Nations bodies and mechanisms responsible for developing international human rights norms and standards and monitoring their implementation, and noting that balanced gender representation is an essential step towards bringing about a structural change needed to advance substantive gender equality and gender parity in line with the system-wide strategy on gender parity, while bearing in mind the necessity to

secure the highest standard of efficiency, competence and integrity, as well as equitable geographical distribution,

Taking note of the work of the Human Rights Council Advisory Committee regarding the mainstreaming of a gender perspective and the issue of gender equality,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, in accordance with the Vienna Convention on the Law of Treaties;

(c) To implement the Convention on the Elimination of All Forms of Discrimination against Women through appropriate legislation, regulation, policies and programmes;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note* of the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, including its report,⁸³ and calls upon States to support substantive equality by adopting appropriate measures, including temporary special measures, necessary to prevent, diminish and eliminate patriarchal and gender stereotypes that cause or perpetuate substantive or de facto discrimination, and to adopt an intersectional approach to genuinely respond to the needs of women and girls with different backgrounds;

3. *Calls upon* States to take steps to promote reforms as appropriate and to implement legal frameworks and policies directed to advance substantive gender equality and the prevention and elimination of all forms of discrimination against women and girls and make the necessary investments in this regard in all spheres, taking into consideration the good practices and recommendations identified by the Working Group and the recommendations made by the Special Rapporteur on violence against women, its causes and consequences, by other States in the context of the universal periodic review and by other relevant human rights mechanisms, with a view to ensuring the realization of human rights by all women and girls;

4. *Also calls upon* States:

(a) To repeal all laws that exclusively or disproportionately criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or misuse of culture or religion contrary to the international obligation to eliminate all forms of discrimination against women and girls;

(b) To ensure that their international obligations on gender equality and non-discrimination are incorporated at all levels of legal frameworks, policies and practices, including in relation to women's and girls' access to justice, redress and effective remedies;

(c) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations and a gender- and age-responsive perspective, and repealing discriminatory laws with a view to preventing retrogression, involving, when necessary, independent experts, national human rights institutions, women human rights defenders, women's and girls' community-based organizations, feminist groups, youth-led organizations and other relevant stakeholders;

⁸³ [A/HRC/41/33](#).

(d) To promote legislation, regulation, policies and programmes that facilitate the economic empowerment of all women and girls, ensure equal pay for work of equal value and prohibit all forms of discrimination, including in the workplace and in education, such as discrimination based on pregnancy, maternity, marital status, age, race or gender, as well as violence and harassment against women and girls;

(e) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to nationally appropriate social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

5. *Urges States:*

(a) To ensure women's and girls' equal enjoyment of economic, social, cultural, civil and political rights through the prohibition of and appropriate action to eliminate all forms of discrimination by all actors, State and non-State alike;

(b) To respect, protect and fulfil the right to liberty as a human right, widely recognized in international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, *inter alia* by reviewing and amending legislation and implementing gender-specific interventions;

(c) To remove barriers, whether political, legal, practical, structural, cultural, economic, institutional or resulting from the misuse of religion, preventing the full, equal, effective and meaningful participation of women and girls in all fields, including participation of women in leadership at all levels of decision-making in public and private sectors, and to actively promote diversity in leadership and an inclusive, enabling leadership culture;

(d) To modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres, including in digital contexts, patriarchal and gender stereotypes, negative social norms, attitudes and behaviours and unequal power relations that view women and girls as subordinate to men and boys, that underlie and perpetuate discrimination and violence against women and girls and that may lead to the deprivation of liberty of women and girls not only in detention facilities but also in other public and private institutions, private homes and community spaces, and in situations of conflict and humanitarian emergencies;

(e) To support substantive gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, including for men and boys, especially education and public awareness-raising, including in the media and online, through the incorporation of curricula on all women's and girls' rights into teacher training courses, including on the prevention of sexual and gender-based violence, and by ensuring universal access to evidence-based comprehensive sexuality education;

6. *Calls upon States to implement policies and actions directed:*

(a) To collect, share, positively recognize, implement and widely publicize good practices to prevent discrimination against women and girls and counter gender stereotyping, negative portrayals and the exploitation of women and girls, and to promote and support the implementation of awareness programmes to combat gender stereotypes and gender-based discrimination in all settings as part of their efforts to diminish factors that are used to facilitate and justify the deprivation of women's and girls' liberty;

(b) To ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by informing women and girls about their rights under relevant laws and by improving legal infrastructure, including, as appropriate, through gender- and age-responsive training for police and security forces, prosecutors, judges and lawyers and other relevant authorities and officials, and removing all barriers to access to legal counselling, assistance and remedies;

7. *Urges* States to promote and protect sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every woman to have full control over and decide freely and responsibly on all matters relating to her sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect bodily autonomy and guarantee universal access to sexual and reproductive health, services and evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion where not against national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and through the integration of sexual and reproductive health into national health strategies and programmes;

8. *Also urges* States to develop, support and protect an enabling environment for the full, meaningful and equal participation of women's rights organizations, feminist groups and women and girl human rights defenders and youth-led organizations in the creation, design and implementation of all legislation and policies relevant to substantive gender equality, as well as when adopting and implementing good practices conducive to the sustainable application of equality and empowerment measures for women and girls, and also to consider the application of the good practices framework identified in the report of the United Nations High Commissioner for Human Rights concerning the creation and maintenance of a safe and enabling environment for civil society,⁸⁴ with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and disability- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance to enable developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by gender, age, income and other characteristics relevant in national contexts;

10. *Stresses* the importance of mainstreaming a gender and age perspective into justice systems at all levels to ensure equal protection of the law for women and girls, taking into consideration, inter alia, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice;

11. *Decides* to extend the mandate of the Working Group for a period of three years under the title of Working Group on discrimination against women and girls, on the same terms provided for by the Human Rights Council in its resolution 15/23 of 1 October 2010, and to additionally request the Working Group to take into account, and mainstream across all its work, an age dimension in the fulfilment of its mandate, and to examine the specific forms of discrimination that girls face;

12. *Calls upon* all States and other stakeholders to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

⁸⁴ [A/HRC/32/20](#).

13. *Requests* the Secretary-General to ensure that the reports of the Working Group are brought to the attention of the Commission on the Status of Women in proximity with the reports of the Special Rapporteur on violence against women, its causes and consequences and of the Committee on the Elimination of Discrimination against Women, to assist in the Commission's work in the area of discrimination against women and girls;

14. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

15. *Calls upon* States, and encourages the United Nations and other international institutions, to promote a balanced gender representation and equitable geographical distribution in the composition of international bodies at all levels, including by:

(a) Developing guidelines and procedures at the national level, when applicable, that have due regard to the need for gender balance as a consideration for the nomination and election of candidates;

(b) Strengthening efforts to announce available vacancies in international bodies, encouraging more women to become candidates, and to monitor and report on the progress in achieving balanced gender representation;

16. *Requests* the Human Rights Council Advisory Committee to prepare a report, in close cooperation with the Working Group and the Committee on the Elimination of Discrimination against Women, on current levels of representation of women in human rights organs and mechanisms such as the Advisory Committee, the treaty bodies and the special procedures established by the Human Rights Council; the report, to be presented to the Council at its forty-seventh session, is to include good practices by States in nominating, electing and appointing candidates to ensure balanced gender representation, in line with the system-wide strategy on gender parity, and recommendations to assist the Council and Member States in this regard;

17. *Also requests* the Advisory Committee to seek the views, inputs and meaningful participation of relevant stakeholders in an inclusive manner, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures, national human rights institutions, civil society and academic institutions, when preparing the above-mentioned report;

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

*38th meeting
11 July 2019*

[Adopted without a vote.]

41/7. The human rights of migrants

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Civil and Political Rights, 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, and recalling also the Declaration on the Right to Development,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

Recalling further General Assembly resolution 73/195 of 19 December 2018,

Recognizing that migration has been and will continue to be part of the human experience throughout history,

Expressing deep concern at the increasing trend of xenophobia, discrimination and hostility towards migrants in societies and the disproportionate sanctions for irregular migration, which might have a negative impact on the fulfilment of human rights globally,

Bearing in mind the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with their obligations under international law,

Mindful of the responsibility of the Human Rights Council to promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner,

Recalling the mandate of the Human Rights Council, as established by the General Assembly in its resolution 60/251 of 15 March 2006,

Welcoming the decision of the Secretary-General to establish the United Nations Network on Migration to ensure effective and coherent system-wide support for Member States in migration-related matters,

1. *Reaffirms* the duty of all States to effectively promote, protect and respect the human rights and fundamental freedoms of all persons, without discrimination of any kind, in conformity with the Universal Declaration of Human Rights and their obligations under international law;

2. *Recommits* to ensuring full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status, and to supporting countries of origin, transit and destination in the spirit of international cooperation, taking into account national circumstances;

3. *Welcomes* the role of the United Nations High Commissioner for Human Rights as member of the Executive Committee of the United Nations Network on Migration, and requests the Office of the High Commissioner to maintain an active engagement therein, including by involving all relevant human rights bodies and special procedures, to ensure efficiency in mainstreaming human rights in the context of international migration, and to provide practical guidance to States that require it on the development of their national migration policies;

4. *Invites* special procedure mandate holders and the treaty bodies, in accordance with their respective mandates and in coordination with the United Nations system as a whole, to contribute to the objectives of the United Nations Network on Migration;

5. *Takes note* of the report of the Special Rapporteur on the human rights of migrants,⁸⁵ and requests him to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

⁸⁵ [A/HRC/41/38](#).

6. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur on the human rights of migrants;

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

39th meeting

11 July 2019

[Adopted without a vote.]

41/8. Consequences of child, early and forced marriage

The Human Rights Council,

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

Reaffirming its resolutions 24/23 of 27 September 2013, 29/8 of 2 July 2015 and 35/16 of 22 June 2017, and recalling General Assembly resolutions 69/156 of 18 December 2014, 71/175 of 19 December 2016 and 73/153 of 17 December 2018,

Reaffirming also the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action, and the outcome documents of their review conferences,

Recalling the adoption of the 2030 Agenda for Sustainable Development, and the Addis Ababa Action Agenda of the third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, and noting the integrated and indivisible nature of the 2030 Agenda and the range of goals, targets and indicators relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3 of the Sustainable Development Goals,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on child, early and forced marriage in humanitarian settings⁸⁶ and the report of the Secretary-General on child, early and forced marriage,⁸⁷

Welcoming also the United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, and other ongoing United Nations activities and programmes on child, early and forced marriage, noting regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage, the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage developed by the Southern African Development Community, the Regional Action Plan to End Child Marriage in South Asia (2015–2018), the Kathmandu Call for Action to End Child Marriage in South Asia, the Kigali Declaration adopted by national human rights institutions from Commonwealth countries, the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin America and the Caribbean, and further encouraging coordinated approaches to action at all levels,

Welcoming further the recent progress made globally towards ending child, early and forced marriage, including a decrease in the proportion of girls who were married before the age of 18 in the past decade from one in four to approximately one in five, while expressing concern that, despite this global trend, progress has been uneven across regions and that the current pace of change is not sufficient to fulfil the commitment under target

⁸⁶ [A/HRC/41/19](#).

⁸⁷ [A/73/257](#).

5.3 of the Sustainable Development Goals and eliminate child, early and forced marriage by 2030,

Expressing concern that, in some countries and contexts, rates of child, early and forced marriage are rising, and that every year at least 12 million girls are still married before they reach the age of 18,

Recognizing that, while child, early and forced marriage primarily has an impact on women and girls, boys and men can also be subjected to child, early and forced marriage, and expressing concern that an estimated 1 in 30 boys marry before they reach the age of 18,

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

Recognizing further that addressing child, early and forced marriage requires a holistic human rights-based approach, with interventions focused on preventing and ending harmful practices and on changing social norms and attitudes that underlie the practices, and with special attention paid to and the meaningful involvement of those who have been subjected to child, early and forced marriage,

Noting with concern that the incidence and risk of child, early and forced marriage are highly exacerbated in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, the breakdown of the rule of law and State authority, the misconception of providing protection through marriage, the use of forced marriage as a tactic in conflict, lack of access to education, the stigma of pregnancy outside marriage, the absence of family planning services, disruptions in social networks and routines, increased poverty and the absence of livelihood opportunities,

Recognizing that child, early and forced marriage is a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other forms of violence and discrimination against women and girls and harmful practices, including female genital mutilation, and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls, and to prevent and eliminate child, early and forced marriage,

Deeply concerned by the impact of deep-rooted and intersecting gender inequalities, patriarchal values, discriminatory gender norms, stereotypes, perceptions and customs that are among the primary causes of child, early and forced marriage, as well as other forms of sexual and gender-based violence against women and girls, and deeply concerned also that poverty, insecurity, lack of access to education and health services, and adolescent pregnancy are also among the drivers of this harmful practice, and that it remains common in rural areas, in humanitarian settings and among the poorest communities,

Recognizing that all members of society, including families, communities and religious, traditional and community leaders, play an essential role in changing negative social norms and confronting gender inequality, and recognizing also that empowering women and girls, including those subjected to child, early and forced marriage, requires their active, full, effective and meaningful participation in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations and feminist groups,

Recognizing also the need to support girls and women who are subjected to child, early and forced marriage, as well as their children, and recognizing further the importance of ensuring the autonomy of these women and girls and their access to social services, counselling, shelter, education, lifelong learning and vocational training, to formal employment and economic independence for women and economic empowerment for girls, to adequate health services, information and education, including for sexual and

reproductive health, mental health, psychosocial support and rehabilitation services, to nutrition, housing, clean water, sanitation and hygiene, and to justice, legal services and services that protect them from sexual and gender-based violence, and recognizing that such provisions are all necessary for the empowerment of women and girls,

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

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

Recognizing that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives, and remains an impediment not only to the economic, legal, health and social status of women and girls but also to the development of society as a whole, and that investing in the advancement of gender equality and the empowerment of all women and girls, as well as strengthening their voice, agency, leadership and full, effective and meaningful participation in all decisions that affect them, are key factors in breaking the cycle of gender inequality and discrimination, violence and poverty, and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth,

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

Recognizing further that women and girls generally share the experience of being worse off economically than men and boys, and that often women and girls experience significantly higher declines in income and increased dependence on social welfare and other informal assistance after the dissolution of marriage,

Expressing concern that child, early and forced marriage is underrecognized and underreported, and often coincides with impunity and a lack of accountability and access to justice, particularly at the community level, and that the persistence of child, early and forced marriage, like other harmful practices, places women and girls at greater risk of being exposed to and encountering multiple and intersecting forms of discrimination and violence throughout their lives, including domestic and intimate partner violence, marital rape and sexual, physical and psychological violence, and reinforces the lower status of girls and adolescent girls in society,

Noting that women and girls subjected to child, early and forced marriage may face discriminatory legal, practical and structural barriers to their access to justice and legal services, including stigmatization, risk of revictimization, harassment and possible retribution,

Recognizing that the criminalization alone of child, early and forced marriage is insufficient when introduced without complementary measures and support programmes,

and may instead contribute to the marginalization of and the loss of livelihoods for the families affected, and have the unintended effect of increasing the practice of informal unions or unregistered marriage,

Recognizing also that everyone, including men and boys, benefits from the achievement of gender equality and that the impacts of gender inequality, discrimination and violence against women and girls, including child, early and forced marriage, are borne by society as a whole, and emphasizing therefore that men and boys, by taking responsibility themselves and working jointly in partnership with women and girls at all levels, can contribute to transforming discriminatory social norms that perpetuate gender-based violence, including child, early and forced marriage, and ending this practice,

Recognizing further that preventing and ending child, early and forced marriage and supporting married girls and women affected by this harmful practice require appropriate gender- and age-responsive protection, prevention and response measures, as well as coordinated action by relevant stakeholders, and that existing gaps in the collection and use of reliable, disaggregated data and evidence remain a major challenge for programming and informing appropriate measures and actions,

Recognizing that the registration of births, marriages, divorces and deaths is part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve sustainable development, and that the absence of compulsory registration of customary and religious marriages is a major impediment to the implementation of existing legislation and other initiatives to prevent and eliminate child, early and forced marriage,

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of discrimination and violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. *Urges* States to respect, protect and fulfil the human rights of women and girls, including those subjected to child, early and forced marriage, to promote equality in all aspects of marriage and its dissolution and to address their specific needs, such as through targeted programmes that provide social services to protect them from sexual and gender-based violence, including domestic and intimate-partner violence, increase their decision-making power and financial literacy, make it easier for women to seek formal employment and increase their economic independence, improve women's and girls' access to education, skills development programmes, vocational training and lifelong learning opportunities, ensure their equal access to sexual and reproductive health-care services, including for family planning, information and education, and decrease their social isolation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

3. *Also urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting women and girls subjected to child, early and forced marriage, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

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

5. *Calls upon* States to ensure the timely registration of births and marriages, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration, especially for individuals living in rural and remote areas, and by providing, where lacking, mechanisms for the registration of customary and religious marriages;

6. *Also calls upon* States to develop and implement measures at all levels to end child, early and forced marriage, including national and subnational action plans where appropriate, and to make adequate resources available across relevant sectors, including health, nutrition, protection, governance and education;

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

8. *Calls upon* States to ensure that married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education, and in this regard design, implement and, where applicable, revise educational policies to allow them to remain in and return to school, providing them with access to health-care and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, and bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

9. *Urges* Governments to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, through the development and enforcement of policies and legal frameworks and the strengthening of health systems, including health information systems, that make universally accessible, acceptable and available quality, gender-responsive, adolescent-friendly health services, sexual and reproductive health-care services, information, education and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and psychosocial support, and nutrition interventions and prevention, treatment of and care for obstetric fistula and other obstetric complications by providing the continuum of services, including family planning, prenatal and postnatal care, skilled birth attendance, emergency obstetric care and post-partum care;

10. *Calls upon* Governments to respect, protect and fulfil the human rights of all women and girls, including those who have been subjected to child, early and forced marriage, to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, and the outcome documents of their review conferences;

11. *Urges* Governments, with the collaboration of relevant stakeholders, to tackle poverty, the lack of economic opportunities for women and girls, and other entrenched

economic incentives and inequalities that act as drivers of child, early and forced marriage and as obstacles to leaving a forced or abusive relationship, including by ensuring the rights of women and girls to inheritance and property, their equal access with men and boys to social protection, childcare services and direct financial services, to encourage women and girls to continue their education, including through their re-enrolment in school after childbirth, marriage or dissolution of marriage, to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and to promote freedom of movement, women's equal access to full and productive employment and decent work, as well as full and equal political participation and rights to inherit, own and control land and productive measures;

12. *Calls upon* States to strengthen laws and regulatory frameworks that promote the reconciliation and sharing of work and family responsibilities for women and men, including by designing, implementing and promoting family-responsive legislation, policies and services, such as parental and other leave schemes, increased flexibility in working arrangements, support for breastfeeding mothers, the development of infrastructure and technology, and the provision of services, including affordable, accessible and quality childcare and care facilities for children and other dependents, and promoting men's equitable responsibilities with respect to household work as fathers and caregivers, which create an enabling environment for women's economic empowerment;

13. *Also calls upon* States to develop and implement, in consultation with and with the participation of women and girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage, and to protect women and girls, in particular those subjected to child, early and forced marriage, from sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, including by ensuring their access to such services as health and education, as well as strengthening follow-up and interventions to prevent and eliminate child, early and forced marriage in humanitarian settings, and to address the needs of those affected;

14. *Further calls upon* States to ensure that all initiatives to draft, amend and implement criminal laws addressing child, early and forced marriage are part of a comprehensive approach and coupled with protection measures and services for victims and survivors and those who are at risk of being subjected to harmful practices, including child, early and forced marriage;

15. *Urges* Governments to take measures to support girls and women who have been subjected to child, early and forced marriage, and calls upon States and all relevant actors to strengthen, inter alia, the development, enactment, implementation and monitoring of relevant legislation and protection mechanisms, such as safe shelters, counselling and other support services, as well as programmes focusing on, inter alia, education, health, livelihood, autonomy and decision-making that support the empowerment of girls and women who have been subjected to child, early and forced marriage;

16. *Urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage and protecting the rights of women and girls subjected to this harmful practice, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, removing all barriers to access to legal aid, including legal advice, assistance and representation, as well as to access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage;

17. *Calls upon* States, with the participation of women and girls and of relevant stakeholders, as appropriate, including men and boys, parents and other family members, teachers, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations, youth, feminist groups, human rights defenders, parliaments, national human rights institutions, children's ombudspersons, the media and the private

sector, to develop, implement and monitor holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage, to support girls and women who are affected or at risk, who have fled such a marriage or whose marriage has dissolved, and widowed girls or women who were married as girls, including through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice, the sharing of best practices across borders and the collection of relevant, reliable and disaggregated data;

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

19. *Encourages* Governments to include information on progress towards eliminating child, early and forced marriage, including best practices and implementation efforts, in their national reports to relevant international treaty bodies and for the universal periodic review and within the national voluntary reviews conducted through the high-level political forum on sustainable development;

20. *Encourages* relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States, on their request, in developing and implementing strategies and policies and in strengthening and building capacity for data, indicators and reporting systems for analysing, monitoring and publicly reporting on progress at the national, regional and international levels based on evidence, and to assist States in effectively developing measures to prevent, respond to and eliminate child, early and forced marriage;

21. *Affirms* the need for States to improve the collection and use of quantitative, qualitative and comparable disaggregated data on child, early and forced marriage, to enhance research on and dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage, and to strengthen monitoring and impact assessment of existing policies and programmes as a means of ensuring their effectiveness and implementation;

22. *Requests* the United Nations High Commissioner for Human Rights to submit, to the Human Rights Council at its forty-seventh session, a written report, with input from all relevant stakeholders, on progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice and to provide an oral update thereon to the Council at its forty-fourth session;

23. *Also requests* the High Commissioner to organize two regional workshops to discuss progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice, with the involvement of regional mechanisms, relevant United Nations agencies, funds and programmes and civil society organizations, in the most cost-effective and efficient manner, and to reflect the outcomes of the workshops in the above-mentioned written report to be presented to the Human Rights Council at its forty-seventh session.

*39th meeting
11 July 2019*

[Adopted without a vote.]

41/9. The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also that the United Nations Convention against Corruption, to which 140 States are signatories and 186 States are parties, has been the most comprehensive and universal instrument on corruption since its entry into force on 14 December 2005, the purposes of which are outlined in its article 1,

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

Noting with interest the outcomes of the sessions of the Conference of the States Parties to the United Nations Convention against Corruption, and stressing the need for States parties to the Convention to ensure the effective implementation of the decisions and resolutions adopted by the Conference,

Welcoming the upcoming eighth session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in Abu Dhabi in December 2019,

Taking note of the conclusions contained in the summary of the expert workshop on good practices of United Nations-system support to States in preventing and fighting against corruption, with a focus on human rights,⁸⁸

Acknowledging that the poor, marginalized and vulnerable groups of society are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that improvements in the promotion and protection of human rights at the domestic level have a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing also that good governance, democracy and the rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential in domestic efforts to prevent and fight against corruption,

Highlighting the global character of corruption and the consequential need for international cooperation to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations and to realize, within the maximum available resources, the Sustainable Development Goals,

Recognizing also the importance of creating a safe and enabling environment, in law and in practice, for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors, lawyers and judges, and of protecting these individuals from any threats arising from their activities in preventing and fighting against corruption,

⁸⁸ [A/HRC/41/20](#).

Recognizing further that independent media and a diverse and pluralistic media landscape play an important role in ensuring transparency and scrutiny, which includes reporting on, investigating and exposing corruption and increasing public awareness of the link between corruption and human rights violations,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, objective and impartial prosecution and the integrity of the judicial system to prevent and fight corruption and to address its negative impact on human rights, in line with the rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination,

Emphasizing that human rights education and awareness-raising campaigns and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impact arising from acts of corruption involving non-State actors, including the private sector, through effective regulatory and investigative mechanisms, with a view to holding perpetrators to account, recovering assets of illicit origin derived from acts of corruption and providing redress to victims,

Recalling the obligation of States parties to the United Nations Convention against Corruption to implement policies in accordance with article 5 of the Convention with a view to fighting corruption, and inviting States to address the prevention and effect of corruption in the development of relevant national plans of action, including plans on business and human rights,

Highlighting that States shall, in accordance with their respective legal systems, endeavour to establish and promote effective practices aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impact of economic activities,

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights through their complaint procedures, investigations and analysis,

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

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of Human Rights Council mechanisms, such as the universal periodic review, and the treaty bodies in raising awareness and strengthening the commitment to tackle the negative impact of corruption,

Underlining also the importance of mainstreaming anti-corruption efforts in national development strategies and processes in order to address corruption and to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the United Nations Convention against Corruption through appropriate measures, such as the development of national plans of action to strengthen the implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting States parties in meeting the objectives of the Convention,

1. *Urges* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption, and calls upon States parties to the Convention to effectively implement it;
2. *Recognizes* the negative impact of widespread corruption on the enjoyment of human rights, including by reducing the resources available for all sectors, thereby hampering the realization of all human rights;
3. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5 to substantially reduce corruption and bribery in all their forms;
4. *Looks forward* to the contribution expected from the upcoming meeting of the high-level political forum on sustainable development, which has as its theme “Empowering people and ensuring inclusiveness and equality”, to be held from 9 to 18 July 2019, in New York, at which the forum will discuss, among other things, Sustainable Development Goal 16, a very important goal in efforts to combat corruption;
5. *Underlines* the necessity to step up cooperation and coordination among different stakeholders, including the private sector and civil society at the national, regional and international levels, to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;
6. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, calls for the strengthening of prevention measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;
7. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;
8. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be prevented and addressed through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy;
9. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and plans of action to fight corruption and its negative impact on the enjoyment of human rights;
10. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, to exchange views and to keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights, as appropriate and within their respective mandates, under the aegis of the United Nations Office on Drugs and Crime;
11. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights, and encourages treaty bodies to take into account the impact of corruption on human rights in their activities and recommendations;
12. *Stresses* the importance of policy coherence among the intergovernmental processes in Geneva, Vienna and New York on the issue of corruption and its impact on human rights;
13. *Requests* the Office of the High Commissioner to prepare a report on the challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector, and to submit the report to the Human Rights Council at its forty-fourth session;

14. *Decides* to remain seized of this issue.

*39th meeting
11 July 2019*

[Adopted without a vote.]

41/10. Access to medicines and vaccines in the context of 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,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that the Constitution of the World Health Organization also recognizes the enjoyment of the highest attainable standard of health as a fundamental right of every human being, without distinction of race, religion, political belief, economic or social condition,

Recalling Human Rights Council resolution 32/15 of 1 July 2016 and all relevant previous resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights,

Recalling also the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Reaffirming General Assembly resolution 70/1 of 27 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 recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is among the greatest global challenges and an indispensable requirement for sustainable development, and envisaging a world free of poverty, hunger, disease and want, a world of universal respect for human rights and human dignity that includes equitable and universal access to health care and social protection, and where physical, mental and social well-being are assured,

Welcoming the Sustainable Development Goals, including, inter alia, Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, as well as its specific and interlinked targets, such as target 3.8 on achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all, other health-related Goals and targets, and the guiding principle of the 2030 Agenda, to leave no one behind,

Welcoming also the panel discussion convened by the Human Rights Council on 8 March 2017, during its thirty-sixth session, to exchange views on good practices and key challenges relevant to access to medicines as one of the fundamental elements of the right

of everyone to the enjoyment of the highest attainable standard of physical and mental health,⁸⁹

Taking note of the report of the High-level Panel on Access to Medicines, convened by the Secretary-General, which made proposals on how to address policy incoherence in public health, trade, the justifiable rights of inventors, and human rights,

Recalling General Assembly resolution 71/3 of 5 October 2016, in which the Assembly adopted the political declaration of the high-level meeting of the General Assembly on antimicrobial resistance, wherein Heads of State and Government and other representatives underlined that affordability and access to existing and new antimicrobial medicines, vaccines and diagnostics should be a global priority and should take into account the needs of all countries,

Recalling also General Assembly resolution 73/2 of 10 October 2018, in which the Assembly adopted the political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases, wherein Heads of State and Government and other representatives committed to promoting increased access to affordable, safe, effective and quality medicines and diagnostics and other technologies,

Recalling further General Assembly resolution 73/3 of 10 October 2018, in which the Assembly adopted the political declaration of the high-level meeting of the General Assembly on the fight against tuberculosis, wherein Heads of State and Government and other representatives committed to promoting access to affordable medicines, including generics, for scaling up access to affordable tuberculosis treatment,

Reaffirming the importance of the implementation of the Global Strategy and the Plan of Action on Public Health, Innovation and Intellectual Property, in World Health Assembly resolutions WHA61.21 and WHA62.16 and decision WHA71(9) of 25 May 2018, which aims to promote new thinking on innovation and access to medicines and to secure an enhanced and sustainable basis for needs-driven essential health research and development relevant to diseases that disproportionately affect developing countries,

Welcoming the WHO Road Map for Access to Medicines, Vaccines and other Related Health Products 2019–2023 presented at the seventy-second session of the World Health Assembly, which recognizes that improving access to health products is a multidimensional challenge that requires comprehensive national policies and strategies aligning public health needs with economic and social development objectives, and promoting collaboration with other sectors, partners and stakeholders,

Reaffirming the importance of improving the transparency of markets for medicines, vaccines and other health products across the whole value chain, and taking into consideration resolution WHA72.8 adopted by the World Health Assembly at its seventy-second session,

Seriously concerned about the high prices of some health products and the inequitable access within and among Member States, as well as the financial hardships associated with high prices, which impede progress towards achieving universal health coverage for all,

Recalling the Declaration on Primary Health Care, adopted in October 2018 in Astana, which recognizes the need to address the inefficiencies and inequities that expose people to financial hardship resulting from their use of health-care services by ensuring better allocation of resources for health, adequate financing of primary health care, and to work towards the financial sustainability, efficiency and resilience of national health systems, appropriately allocating resources to primary health care based on the national context,

Noting with concern that, for millions of people throughout the world, the full and equal enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal,

⁸⁹ See [A/HRC/36/19](#).

Concerned about the interrelatedness between poverty and other social and economic determinants of health and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recognizing that universal health coverage implies that all people have access without discrimination to nationally determined sets of needed promotive, preventive, curative, palliative and rehabilitative essential health-care services, and essential, safe, affordable, effective and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population,

Welcoming General Assembly resolution 72/139 of 12 December 2017, in which the Assembly decided to convene the upcoming high-level meeting on universal health coverage, and resolution 73/131 of 13 December 2018, in which the Assembly defined its scope, modalities, format and organization,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations, philanthropic foundations, academic and research institutions and the private sector, involved at all stages of the pharmaceuticals value chain, including research and development, manufacture, distribution and supply of pharmaceutical products, 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,

Recalling that the Doha Ministerial Declaration on the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health, and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use to the full the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

Welcoming the entry into force of the protocol amending the TRIPS Agreement, which adapts the rules of the global trading system to the public health needs of people in poor countries, thus contributing to the realization of the right to the enjoyment of the highest attainable standard of physical and mental health, particularly regarding poorer populations,

Regretting the high number of people still without access to affordable, safe, effective and quality medicines and vaccines, and underscoring that improving such access could save millions of lives every year, and noting with deep concern that, globally, two billion people have no access to the medicines they need, while recognizing that the lack of access to medicines and vaccines is a challenge that affects people not only in developing countries but also in developed countries, even though the disease burden is disproportionately high in developing countries,

Concerned at the lack of access to quality, safe, effective and affordable medicines for children in appropriate dosage forms, and at problems in the rational use of children's medicines in many countries, and that, globally, children aged under 5 years still do not have secure access to medicines for the treatment of communicable and non-communicable diseases, including rare diseases,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, which represent a leading threat to human health and development, and recognizing the urgent need to improve accessibility to safe, affordable, effective and quality medicines and technologies to diagnose, treat and control non-communicable diseases, to strengthen viable financing options and to promote the use of affordable medicines, including generics, as

well as improved access to preventive, curative, palliative and rehabilitative services, particularly at the community level,

Recognizing the need to appropriately address challenges, gaps, market failures and opportunities regarding the research and development of health technologies, availability and affordability to treat, inter alia, rare and neglected diseases, and to respond to the growth of emerging challenges, such as antimicrobial resistance, among others, with a view to addressing adequately public health needs and protecting, respecting and fulfilling human rights, and taking into account the necessity to promote frameworks that meet public health needs, while adequately rewarding innovation,

Considering the report by the Director-General of the World Health Organization on cancer medicines, which, pursuant to resolution WHA70.12, examined the impact of pricing approaches, including transparency, on the availability and affordability of medicines for the prevention and treatment of cancer,

Recognizing with appreciation the introduction of new pharmaceutical products made possible through investment in innovation for cancer treatment in recent years, while noting with great concern the increasing cost to health systems and patients, and emphasizing the importance of addressing barriers in access to safe, quality, effective and affordable medicines, medical products and appropriate technology for cancer prevention, detection, screening diagnosis and treatment, including surgery,

Expressing deep concern at recent outbreaks of highly infectious pathogens with pandemic potential, which demonstrate the potential vulnerability of populations to them, and in this context reaffirming and underscoring the importance of research into and development of new and innovative medicines and vaccines and of ensuring access to safe, affordable, effective and quality medicines and vaccines to all, including new and innovative medicines, and of building and/or strengthening health system capacities, including primary health care, for detecting, preventing and responding in a timely manner to outbreaks, epidemics, pandemics and other health emergencies,

1. *Recognizes* that access to medicines and vaccines is one of the fundamental elements for the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the correspondent objectives of universal health coverage and health for all, without discrimination, with special attention to reaching those furthest behind first;

2. *Stresses* the responsibility of States to ensure access for all, without discrimination, to medicines and vaccines, in particular essential medicines, that are affordable, safe, effective and of quality;

3. *Calls upon* States to promote access to safe, effective, quality and affordable medicines and vaccines for all, including through the use to the full of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which provide flexibility for that purpose, while recognizing that the protection of intellectual property is important for the development of new and innovative medicines and vaccines, and the concerns about its effects on prices and public health;

4. *Also calls upon* States to take steps to implement policies and plans to promote access to comprehensive and cost-effective prevention, treatment and care for the integrated management of non-communicable diseases, including, inter alia, increased access to affordable, safe, effective and quality medicines, vaccines and diagnostics and other health products, including through the full use of TRIPS Agreement provisions and flexibilities;

5. *Reiterates* the call upon States to continue to collaborate, as appropriate, on models and approaches that support the delinkage of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases that predominantly affect developing countries, including emerging and neglected tropical diseases, so as to ensure their sustained accessibility, affordability and availability and to ensure access to treatment for all those in need;

6. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines, diagnostics, medical devices and other health products that are affordable, safe, effective and of quality, and through financial and technical support, training of personnel and other capacity-building measures, while recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States, while recognizing also the fundamental importance of the transfer of environmentally sound technologies on favourable terms, including on concessional and preferential terms, as mutually agreed;

7. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Gavi Alliance and UNITAID, and calls upon all States, United Nations agencies, funds and programmes, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including companies involved in the research and development, manufacture, importing, distribution and supply of pharmaceuticals, while safeguarding public health from undue influence by any form of real, perceived or potential conflict of interest, to further collaborate to enable equitable access to quality, safe and effective medicines and vaccines that are affordable to all, including those living in poverty, children and other persons in vulnerable situations;

8. *Encourages* engagement among Governments, international organizations, non-governmental organizations, academic and research institutions, philanthropic foundations and the private sector and greater policy coherence and coordinated actions through whole-of-government and Health in All Policies approaches to find solutions to health challenges, such as the need for public health-driven research and development, improved existing and alternative frameworks to adequately reward innovation, pricing and affordability of health products, and leveraging innovative technologies, including digital technologies, and solutions for health;

9. *Encourages* States, in cooperation with other stakeholders, to redouble efforts to achieve a continuous supply of quality, safe, effective and affordable health products through research and development that meets public health needs, for the efficient application and management of intellectual property standards, to carry out evidence-based selection of health products and to seek fair and affordable pricing, to adopt good procurement and supply chain management and to promote appropriate prescribing, dispensing and rational use of health products;

10. *Recognizes* the importance of adequately training the health workforce, including community health workers, and of improving health literacy in order to achieve the highest attainable standard of physical and mental health and strengthen universal health coverage;

11. *Urges* all States, United Nations agencies and programmes and relevant intergovernmental organizations, especially the World Health Organization, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including pharmaceutical companies, to promote innovative research and development to address health needs in developing countries, including access to safe, effective, quality and affordable medicines and vaccines, in particular with regard to diseases disproportionately affecting developing countries, and the challenges arising from the growing burden of non-communicable diseases, while taking into account the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization;

12. *Invites* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to continue to focus on the human rights dimension of access to medicines and vaccines when discharging his or her duties, in accordance with the mandate;

13. *Invites* Member States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society and the private sector, to promote policy coherence in the areas of human rights, public health, intellectual property and international trade and investment when considering access to medicines and vaccines;

14. *Requests* the United Nations High Commissioner for Human Rights:

(a) To convene, before the forty-sixth session of the Human Rights Council, a full-day intersessional seminar on good practices, key challenges and new developments relevant to access to medicines and vaccines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in coordination with the World Health Organization;

(b) To invite States, relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society, the private sector and other relevant stakeholders, with a view to ensuring their participation in the seminar;

(c) To submit to the Human Rights Council at its forty-sixth session a report, in the form of a summary, on the seminar.

*39th meeting
11 July 2019*

[Adopted without a vote.]

41/11. New and emerging digital technologies 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 and the Vienna Declaration and Programme of Action, and other relevant international human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Recalling also all relevant resolutions of the General Assembly and the Human Rights Council, the most recent of which are Assembly resolution 73/17 of 26 November 2018 on the impact of rapid technological change on the achievement of the Sustainable Development Goals and targets, Assembly resolution 73/179 of 17 December 2018 and Council resolution 37/2 of 22 March 2018 on the right to privacy in the digital age, Assembly resolution 73/218 of 20 December 2018 on the information and communications technologies for sustainable development, and Council resolution 38/7 of 5 July 2018 on the promotion, protection and enjoyment of human rights on the Internet,

Taking note of the Secretary-General's strategy on new technologies, including the work of the High-level Panel on Digital Cooperation and the report submitted by the Panel to the Secretary-General on 10 June 2019,

Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

Noting with appreciation the work done by the Advisory Committee on the issues of digital transformation, new technologies and human rights,

Recognizing that digital technologies have the potential to facilitate efforts to accelerate human progress, to promote and protect human rights and fundamental freedoms, to bridge digital divides, to support, inter alia, the enjoyment of the rights of persons with disabilities, the advancement of gender equality and the empowerment of all women and girls, and to ensure that no one is left behind in the achievement of the Sustainable Development Goals,

Mindful that the possible impacts, opportunities and challenges of rapid technological change with regard to the promotion, protection and enjoyment of human rights, including in cases where changes may occur at an exponential pace, are not fully understood, and of the need to further analyse them in a holistic, inclusive and comprehensive manner,

Recognizing the need for Governments, the private sector, international organizations, civil society, the technical and academic communities and all relevant stakeholders to be cognizant of the impacts, opportunities and challenges of rapid technological change on the promotion and protection of human rights,

Recognizing also that rapid technological change affects States in different ways, and that addressing these impacts, which depend on States' national realities, capacities and levels of development, requires international and multi-stakeholder cooperation in order to benefit from opportunities and to address the challenges arising from this change, as well as to bridge digital divides,

1. *Requests* the Advisory Committee to prepare a report, from within existing resources, on the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, including mapping of relevant existing initiatives by the United Nations and recommendations on how human rights opportunities, challenges and gaps arising from new and emerging digital technologies could be addressed by the Human Rights Council and its special procedures and subsidiary bodies in a holistic, inclusive and pragmatic manner, and to present the report to the Council at its forty-seventh session;

2. *Also requests* the Advisory Committee, when preparing the above-mentioned report, to seek input 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, the Secretary-General's High-level Panel on Digital Cooperation, national human rights institutions, civil society, the private sector, the technical community and academic institutions;

3. *Decides* to convene a panel discussion at its forty-fourth session on the impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, also decides that the discussions will be fully accessible to persons with disabilities, and requests the Advisory Committee to present an oral update on its preparation of the above-mentioned report during the panel discussion;

4. *Requests* the Office of the High Commissioner to organize the above-mentioned panel discussion and to liaise with relevant stakeholders, including Member States, international and regional organizations, the Advisory Committee, the special procedures of the Human Rights Council, the human rights treaty bodies, other relevant United Nations agencies, funds and programmes within their respective mandates, national human rights institutions, civil society, the private sector, the technical community and academic institutions, with a view to ensuring multi-stakeholder participation in the panel discussion;

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

39th meeting
11 July 2019

[Adopted without a vote.]

41/12. The rights to freedom of peaceful assembly and of association

The Human Rights Council,

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

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

Reaffirming Human Rights Council resolutions 15/21 of 30 September 2010, 21/16 of 27 September 2012, 24/5 of 26 September 2013 and 32/32 of 1 July 2016, and recalling Council resolutions 22/10 of 21 March 2013, 25/38 of 28 March 2014 and 26/13 of 26 June 2014 and relevant resolutions of the Commission on Human Rights,

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

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

Aware of the crucial importance of the active involvement of civil society in processes of governance that affect the life of people,

Taking note of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, submitted to the Human Rights Council at its forty-first session,⁹⁰

Recognizing the value of the exercise of the rights to freedom of peaceful assembly and of association, which enables the participation and mobilization of all stakeholders in support of the implementation of 2030 Agenda for Sustainable Development,

Recognizing also the challenges to the enjoyment of the rights to freedom of peaceful assembly and of association, the need to continue to monitor these challenges and to assist to overcome them, in particular by providing technical cooperation or capacity-building when requested by States,

1. *Decides to renew the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, as established by the Human Rights Council in its resolution 15/21, for a period of three years;*

2. *Calls upon States to continue to cooperate fully with and assist the Special Rapporteur in the performance of the mandate, to respond promptly to his or her urgent appeals and other communications, to consider favourably his or her requests for visits and to give due consideration to implementing the recommendations made by the mandate holder in his or her reports;*

3. *Requests the Special Rapporteur to continue to report annually to the Human Rights Council and the General Assembly;*

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

⁹⁰ [A/HRC/41/41](#).

5. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

39th meeting
11 July 2019

[Adopted without a vote.]

41/13. 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 and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 32/1 of 30 June 2016 and 35/14 of 22 June 2017 on youth and human rights,

Recalling further all previous relevant resolutions, including the most recent, namely, General Assembly resolutions 72/146 of 19 December 2017 on policies and programmes involving youth, and 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 to the Year 2000 and Beyond provided a policy framework and practical guidelines for national action and international support to improve the situation of young people,

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

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 real opportunities to enable their full, effective and meaningful participation in society,

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 Member 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,

Taking note with appreciation of the report prepared by the United Nations High Commissioner for Human Rights,⁹¹ which provides an overview of the international and regional human rights framework applicable to young people and describes the challenges and the discrimination encountered by them,

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 first and the second World Youth Forum, held in Sharm El Sheikh, Egypt, in November 2017 and November 2018,

⁹¹ [A/HRC/39/33](#).

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 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, human rights 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 economic, social, cultural, civil and political rights, given that lack of participation and opportunity has adverse consequences for communities and societies,

Affirming that generating decent work and quality employment for youth is one of the biggest challenges that needs to be tackled, and emphasizing the priority areas of the World Programme of Action for Youth linked to the employability of youth, including education, health and access to information and technology, and bearing in mind that more than 71 million young people are unemployed and that 156 million working youth are in poverty, including extreme poverty,⁹²

Recognizing that young people experience difficulties in the exercise of their rights by virtue of being young, and that there are gaps in the protection and fulfilment of the human rights of youth,

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 by 2020 the proportion of youth not in employment, education or training and to develop and operationalize a global strategy for youth employment,

Concerned that young people face specific challenges that require integrated responses by States, the United Nations system and other relevant stakeholders,

1. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on youth, and takes note of its report⁹¹ and its recommendations on strengthening the promotion and protection of the rights of young people;

2. *Also welcomes* the holding of the World Conference of Ministers Responsible for Youth and Youth Forum Lisbon+21, in Lisbon on 22 and 23 June 2019, and takes note with appreciation of its Declaration 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;

3. *Stresses* the fundamental importance of equal opportunities, education 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;

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;

5. *Urges* Member States, in consultation with youth-led and youth-focused organizations, to promote new initiatives for the full, effective, structured and sustainable 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;

⁹² See General Assembly resolution 72/146.

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, 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* Member 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. *Also urges* Member 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, and the stereotypical roles of men and women that hinder social development, by reaffirming the commitment to the empowerment of women and gender equality and the human rights of all women and girls, and to engage, educate, encourage and support men and boys to take responsibility for their behaviour in this regard, including their sexual and reproductive behaviour;

9. *Encourages* Member 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 to the Year 2000 and Beyond 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;

10. *Urges* Member 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;

11. *Encourages* Member States, United Nations bodies, especially the Human Rights Council, and the Office of the High Commissioner, to collaborate broadly with 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;

12. *Requests* the High Commissioner to organize and convene, from within existing resources, during the first semester of 2020, a full-day intersessional seminar focused on the challenges and opportunities of young people in the field of human rights, with the participation and involvement of youth-led and youth-focused organizations, and to submit to the Human Rights Council a report on the seminar prior to its forty-sixth session;

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

*39th meeting
11 July 2019*

[Adopted without a vote.]

41/14. Equal pay

For the text of the resolution, see chapter II.

41/15. Mandate of the Special Rapporteur on the human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 72/182 of 19 December 2017 and Council resolution 32/11 of 1 July 2016,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles on Internal Displacement annexed thereto,

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

Deeply disturbed by the alarmingly large number of internally displaced persons throughout the world for reasons including violations and abuses of human rights, violations of international humanitarian law, armed conflict, persecution, violence and terrorism, as well as disasters and the adverse effects of climate change, and increasingly in situations where those elements interact, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the people affected, including the host communities, for States and for the international community,

Recognizing the increase in the number and scale of natural disasters and climate change as one of the drivers of disaster risk, and that the adverse effects of climate change, as contributors to environmental degradation and extreme weather events, may, in certain instances, among other factors, contribute to internal displacement and additional pressure on host communities, and noting that the vulnerability of displaced persons may increase when their host communities are affected by disasters,

Conscious of the human rights, humanitarian, development and possible peacebuilding and transitional justice dimensions of internal displacement, including in situations of long-term displacement, the often heightened vulnerability of children, older persons, persons with disabilities and persons belonging to minorities, and the responsibilities of States and the international community to further strengthen their protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Deeply concerned that gender inequalities limit the control that women and girls have over decisions governing their lives and their access to resources such as food, water, agricultural input, land, credit, energy, technology, justice, education, health-care services, adequate housing, social protection and employment, resulting in increased exposure to disaster-induced risks and losses relating to their livelihoods, and that failure to address the structural barriers faced by women and girls in realizing their rights will exacerbate gender-based violence and inequalities and compound intersecting forms of discrimination in situations of crisis,

Noting the need for greater mainstreaming of the human rights of internally displaced persons across the United Nations system in order to address the challenges they face more effectively, including by giving due consideration to the re-establishment of a representative of the Secretary-General, and welcoming the recommendations of the Special Rapporteur on the human rights of internally displaced persons in this regard,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, including through the facilitation of durable solutions, and to address the root causes of displacement through evidence-based action and in appropriate cooperation with the international community,

1. *Commends* the Special Rapporteur on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that she has played in raising the level of awareness of the plight of internally displaced persons, and her ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its forty-first session⁹³ and the conclusions and recommendations contained therein, and recognizes the important role of national human rights institutions in all phases of displacement to ensure that all human rights issues are appropriately addressed;

3. *Recalls* the resolve expressed at the World Humanitarian Summit, held in Istanbul, Turkey in May 2016, to pursue a new approach to internal displacement that would meet immediate humanitarian and longer-term development needs through collective outcomes for internally displaced persons and host communities, and that the Secretary-General has urged all stakeholders to commit to a comprehensive global plan to reduce internal displacement, in a dignified and safe manner, by at least 50 per cent by 2030;⁹⁴

4. *Welcomes* the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development in 2016, and recognizes that internal displacement is an increasingly urban phenomenon, and in that regard the importance of addressing the particular needs and vulnerabilities of internally displaced persons in urban settings and of supporting host communities;

5. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons, particularly through the facilitation of durable solutions and the inclusion of internally displaced persons within their national development plans, and have supported and facilitated the work of the Special Rapporteur;

6. *Expresses deep concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, their vulnerability to violations of international law, in particular human rights law and international humanitarian law, the vulnerability of internally displaced persons, in particular women and girls, to sexual and gender-based violence, and difficulties resulting from their specific situation, such as lack of protection, food, shelter, access to justice, access to health-care services and psychosocial support, access to education, disruption to family links and loss of essential documents, which may result in a violation of their human rights, and issues pertinent to their reintegration, including obstacles to the exercise of housing, land and property rights;

7. *Expresses concern* at the problem of protracted internal displacement, and recognizes the need for the integration of the rights and needs of internally displaced persons into national and local development strategies, both rural and urban, and for their participation in the design and implementation of these strategies, as well as the need to secure durable solutions, including voluntary return and reintegration, local integration or settlement elsewhere in the country, in a dignified and safe manner;

8. *Expresses particular concern* at the full range of threats, violations and abuses of human rights and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who are particularly vulnerable or specifically targeted, especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and

⁹³ [A/HRC/41/40](#).

⁹⁴ See [A/71/353](#).

assistance to internally displaced persons who are victims of the above-mentioned violations and abuses, as well as other groups of internally displaced persons with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

9. *Expresses concern* at the internal displacement caused by sudden and slow-onset disasters, which has a disproportionate impact on low- and middle-income countries with high exposure to natural hazards, high population density in areas with non-resilient infrastructure and limited capacity to reduce disaster risk, exacerbated by the adverse effects of climate change, poverty and other factors that are expected to continue to increase displacement, undermine development and affect the enjoyment of human rights owing to more frequent and severe disasters;

10. *Recognizes* the need for a human rights-based and gender-responsive approach to disaster risk reduction, early warning, disaster contingency planning, disaster management, mitigation and adaptation, and recovery efforts, to prevent, reduce and address disaster displacement, to better protect and meet the needs of affected persons, and to find durable solutions, and recalls the relevant provisions of the Sendai Framework for Disaster Risk Reduction 2015–2030,⁹⁵ the United Nations Framework Convention on Climate Change and the Paris Agreement⁹⁶ in this regard, in particular the recommendations of the task force on displacement of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts;⁹⁷

11. *Recalls* that the 2030 Agenda for Sustainable Development seeks to address the needs of the most vulnerable, including internally displaced persons, and that failing to address the needs of internally displaced persons can undermine efforts by countries to achieve their overall development goals, and notes in this regard that risk-informed sustainable development is essential for reducing displacement risk and ensuring that no one is left behind, in accordance with the 2030 Agenda;

12. *Calls upon* all parties to armed conflict to comply with their obligations under international humanitarian and human rights law, as applicable, with a view to preventing forced displacement and promoting the protection of civilians, and calls upon Governments to take measures to respect, protect and fulfil the human rights of all internally displaced persons, without distinction of any kind, in accordance with their applicable obligations under international law;

13. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately targeted, while men and boys are also affected, and urges authorities and the international community to work together for the effective prevention and response, security, protection of human rights, access to justice and victim assistance, and in addressing the root causes of violence against women and girls and fighting impunity across the board;

14. *Reaffirms* the recognition of the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other providers of development assistance to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and in this regard calls for international support, upon request, for the capacity-building efforts of States;

15. *Recognizes* the role of the multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons 2018–2020 launched to mark the twentieth anniversary of the Guiding Principles on Internal Displacement in

⁹⁵ General Assembly resolution 69/283, annex II.

⁹⁶ FCCC/CP/2015/10/Add.1.

⁹⁷ See <https://unfccc.int/documents/193360>.

supporting State-led responses with regard to laws and policies, durable solutions, data and analysis, and the participation of internally displaced persons and strengthening collaboration among relevant stakeholders, and encourages States to continue to engage in the Plan of Action, including by sharing effective practices and ongoing challenges in prevention, protection and solutions for internally displaced persons;

16. *Calls upon States:*

(a) To provide durable solutions in accordance with the Framework on Durable Solutions for Internally Displaced Persons, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to assistance, protection rehabilitation, durable solutions, including disaster risk reduction, and development assistance for internally displaced persons and their host communities;

(b) To integrate the 2030 Agenda for Sustainable Development into their respective national policies and development frameworks and, as appropriate, to integrate internal displacement in their development strategies, and to include it in reporting on relevant Sustainable Development Goals;

(c) To continue to develop and implement domestic legislation and policies with the goal of realizing the human rights of internally displaced persons, dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues concerning internal displacement, and through the allocation of adequate budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

(d) To acknowledge that affected persons are rights holders who must be at the centre of decision-making, planning and implementation relating to internal displacement, and therefore to ensure and support the full and meaningful participation of and consultation with internally displaced persons, including women, children and persons in vulnerable situations, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement regarding the promotion and protection of human rights, the prevention of human rights violations and abuses, inclusion in local and national development plans and activities, the design and implementation of durable solutions, including by fostering voluntary return, local integration or settlement elsewhere in the country in a dignified and safe manner, as well as peace processes, peacebuilding, transitional justice and post-conflict reconstruction;

(e) To pay special attention to the specific situation of displaced women and girls and to take action to effectively address pre-existing patterns and structures of gender-based discrimination and inequalities, such as lack of access to education and information, lack of access to legal aid, laws and practices that discriminate against women's and girls' claims to housing, land and property, lack of access to decent work, lack of access to social protection and to available, accessible, acceptable and good quality health-care services, including sexual and reproductive health-care services, harmful practices, including child, early and forced marriage and female genital mutilation, and the barriers that socioeconomic and security concerns may present to women's and girls' enjoyment of their right to full, effective and meaningful participation in decisions that affect them;

(f) To take into account the specific needs of persons with disabilities and of older persons when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and older persons have timely, inclusive, appropriate, equal and gender- and age-responsive access to assistance, protection and rehabilitation services, including health-care services, sexual and reproductive health-care services, psychosocial support and educational programmes;

17. *Decides* to extend the mandate of the Special Rapporteur on the human rights of internally displaced persons for a period of three years:

(a) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of internally displaced persons into all relevant parts of the United Nations system;

(b) To work towards strengthening the international response to the complex problem of internal displacement due to reasons including armed conflict, generalized violence, human rights violations and disasters, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of internally displaced persons, while continuing and enhancing inclusive dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors;

18. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out the mandate, and through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations, national human rights institutions and other relevant actors:

(a) To continue to analyse the root causes and drivers of internal displacement, the needs and human rights of all those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include reliable information thereon in his or her reports submitted to the Human Rights Council;

(b) To continue his or her efforts to promote comprehensive and inclusive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans and budgets, as well as in peace processes, peace agreements and reintegration and rehabilitation processes, as appropriate, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental, regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development and implementation of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and of other groups with specific needs, such as children, especially if unaccompanied or separated, and older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs;

(e) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries and, in particular, to continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, such as the World Bank, to further strengthen international assistance efforts in support of prevention, protection and durable solutions;

(f) In the context of the ongoing reform of the United Nations development system, to strengthen further the cooperation established between the Special Rapporteur and the United Nations, including with United Nations Resident Coordinators, in the framework of the Peacebuilding Commission and with other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies, as well as the Joint Steering Committee to Advance Humanitarian and Development Cooperation;

(g) To continue to use and promote in his or her activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee and related tools developed under the leadership of the Special Rapporteur to support Governments and humanitarian and development partners to implement the Framework through comprehensive analysis, prioritization and action;

19. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe, and subregional organizations to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages such organizations to strengthen their activities and their cooperation with the Special Rapporteur;

20. *Strongly welcomes* the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons, and welcomes the decision by the African Union to declare 2019 the year of refugees, returnees and internally displaced persons in order to raise awareness and promote durable solutions for these vulnerable groups, including through national laws and policies;

21. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably and expeditiously to requests by the Special Rapporteur for visits and information, stresses the need for unimpeded access by the Special Rapporteur in accordance with the mandate, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on the recommendations of the mandate holder and to make available information on measures taken in that regard;

22. *Urges* Governments, members of the Inter-Agency Standing Committee, United Nations Resident and Humanitarian Coordinators and country teams to ensure the provision of relevant, reliable, timely, disaggregated and interoperable data on situations of internal displacement, including on the characteristics of internally displaced persons and host communities, in order to improve policies, programming and preventative measures on and inform an effective and rights-based response to internal displacement, and to support the achievement of durable solutions, and in this regard to engage with the work of the Expert Group on Refugee and Internally Displaced Persons Statistics of the Statistical Commission, to share data with the Internal Displacement Monitoring Centre for incorporation into global estimates and analysis, to request the support and guidance of the Joint Internally Displaced Persons Profiling Service as needed to help to improve the availability of actionable and agreed-upon data, and to provide financial resources, as appropriate, in these respects;

23. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop and maintain regular dialogue and cooperation with the Special Rapporteur in the fulfilment of the mandate;

24. *Encourages* all relevant United Nations organizations and humanitarian, human rights and development organizations to enhance their collaboration and coordination, including through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

25. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance

and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies;

26. *Requests* the Special Rapporteur to continue to submit an annual report on the implementation of the mandate to the Human Rights Council and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

27. *Requests* the Office of the High Commissioner to convene in October 2020 an intersessional seminar with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, in order to follow up on the implementation of the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons 2018–2020 to mark the twentieth anniversary of the Guiding Principles on Internal Displacement;

28. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its programme of work.

39th meeting
11 July 2019

[Adopted without a vote.]

41/16. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

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

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also Human Rights Council resolution 8/4 of 18 June 2008, and recalling all its other resolutions on the right to education, the most recent of which is resolution 38/9 of 5 July 2018, and the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Reaffirming the universal relevance of the 2030 Agenda for Sustainable Development and the importance of education for reaching all Sustainable Development Goals, and also the importance of ensuring the effective articulation of Goal 4 and the implementation of the right to education,

Expressing concern that, in spite of the progress achieved in the implementation of Sustainable Development Goal 4, according to the United Nations Educational, Scientific and Cultural Organization, there are still 750 million adults who are not literate, two thirds of whom are women, and 262 million children and youth who do not attend school, and

that, according to the United Nations Children's Fund, 50 per cent of pre-primary-age children around the world – at least 175 million – are not enrolled in pre-primary education,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including for persons belonging to ethnic minorities, internally displaced persons and refugees,

Reiterating the commitments to strengthen the means of implementation, including Goal 17 of the Sustainable Development Goals and the commitments under each Goal, and the actions outlined in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the full realization of the Sustainable Development Goals,

Reiterating also the importance of early childhood development as a valuable foundation of the entire basic education system,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, discrimination based on race, colour, age, language, religion, political or other opinion, national or social origin, property, birth or other status, early marriage or pregnancy, the lack of appropriate sanitary facilities, gender stereotypes, patriarchal social norms, and on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Reaffirming the rights to non-discrimination and equality of educational opportunity as central to the full realization of the right to education as enshrined in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and the International Covenant on Economic, Social and Cultural Rights,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, and ensuring justiciability of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

Noting the development by experts of guiding principles and tools for States, such as the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as:

(a) Developing adequate standards and regulations for the involvement of private educational actors and institutions in education, and providing the resources necessary to implement them;

(b) Supporting the compliance of applicable standards and regulations by private educational institutions through such measures as appropriate advice and management assistance and support tools;

(c) Considering setting an accountability framework that is aligned with human rights law and standards for both public education and private involvement in education;

(d) Considering and assessing the short- and long-term systemic impact of private educational institutions with a view to evaluate the need for adjustments in regulations that respond to such systemic impact;

3. *Also urges* all States to expand educational opportunities for all, without discrimination, including by implementing special programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Urges* States to put in place a regulatory framework to ensure the regulation of all education providers, including those operating independently or in partnership with States, guided by international human rights law and principles, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Welcomes:*

(a) The work of the Special Rapporteur on the right to education, and takes note of her latest report on the implementation of the right to education and Sustainable Development Goal 4 in the context of the growth of private actors in education;⁹⁸

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, and the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

⁹⁸ [A/HRC/41/37](#).

8. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in accordance with human rights law and standards, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

9. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical steps, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

10. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education, and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations;

11. *Also calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, including by taking measures to deter the military use of schools, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

12. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

13. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

14. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including sexual harassment, school-related sexual and gender-based violence, and bullying of children in schools and other educational settings, and to realize gender equality and the right to education for all;

15. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

16. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

17. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

18. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

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

39th meeting
11 July 2019

[Adopted without a vote.]

41/17. Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to violence against women and girls in the world of work

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also that all forms of discrimination on the basis of sex are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

Reaffirming the importance of fully implementing General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, including the commitment of all States to achieve gender equality and to empower all women and girls, to eliminate all forms of violence against all women and girls in the public and private spheres and to achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value,

Recalling the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182), and other relevant international labour standards,

Recalling also the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, including the responsibility of business enterprises to respect human rights, bearing in mind the different risks faced by women and men,

Taking note of the handbook on addressing violence and harassment against women in the world of work of the United Nations Entity for Gender Equality and the Empowerment of Women and the International Labour Organization,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives in preventing and eliminating violence against women and girls,

Taking note with appreciation of the reports of the Special Rapporteur on violence against women, its causes and consequences, on violence against women in politics and on 25 years of the mandate,⁹⁹

Welcoming the International Labour Organization Violence and Harassment Convention, 2019 (No. 190),

⁹⁹ [A/73/301](#) and [A/HRC/41/42](#).

Taking note with appreciation of the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on how to integrate a gender perspective in implementing the Guiding Principles on Business and Human Rights,¹⁰⁰

Expressing deep concern at the continued prevalence of violence against all women and girls, in particular indigenous women and girls, in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Stressing that “violence against women and girls” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private spheres, including in digital contexts and in the course of, linked with or arising out of work, and noting the economic and social harm caused by such violence,

Acknowledging that girls, working in accordance with national law and under other circumstances, may experience violence in the world of work, condemning child labour in all its forms and reaffirming the obligations of Member States in accordance with international law to protect children, including from economic exploitation, abuse and discrimination,

Recognizing the importance of partnership and dialogue between States and business enterprises, including social media companies and digital technology companies, in collaborating on joint initiatives that prevent and respond to impunity for violence against women and girls in digital contexts while respecting human rights and fundamental freedoms, including the right to freedom of opinion and expression, and the inherent dignity of women and girls,

Acknowledging that sexual harassment is a form of violence and a violation and abuse of human rights that is likely to result in physical, psychological, sexual, economic or social harm or suffering,

Recognizing that violence against women and girls is a global phenomenon rooted in historical and structural inequality in power relations between women and men, which further reinforce gender stereotypes and barriers to women’s and girls’ full enjoyment of all human rights, and that all forms of violence against women and girls, including harmful practices, constitute a major impediment to their full, equal, effective and meaningful participation in society, the economy, and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms,

Recognizing also that violence against women and girls is a manifestation of gender inequality and discrimination against women and girls, and can violate their economic rights, impede their economic empowerment and impose direct and indirect short- and long-term costs on individuals and society, including loss of livelihood and additional expenses relating to health, legal services and social welfare,

Reiterating the need to intensify efforts at all levels and to engage with all stakeholders, including men and boys alongside women and girls as agents of change, to prevent and eliminate all forms of discrimination and violence against women and girls in the public and private spheres, including the need to address gender stereotypes, negative social norms, attitudes and behaviours and the socioeconomic drivers that underlie and perpetuate such violence,

Recognizing the particular risk of violence faced by all women and girls who experience multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

¹⁰⁰ [A/HRC/41/43](#).

Recognizing also that poverty, discrimination and marginalization resulting from exclusion from social policies and from the benefits of education, health, labour protection and sustainable development can place women and girls at increased risk of violence,

Strongly condemning all acts of violence against women and girls involved in political and public spheres, including women parliamentarians, political candidates, journalists and other media workers and human rights defenders,

Acknowledging that some forms of violence in the world of work affect women specifically, such as harassment, discrimination and bullying by co-workers, subordinates or superiors in the context of pregnancy, breastfeeding and maternity leave,

Recognizing that violence, including sexual harassment and domestic and intimate partner violence, undermines the full realization of the right to work and can result in increased absenteeism, reduced productivity and disrupted work history, thereby impeding women's ability to remain and advance at work and hindering the economic empowerment of women and girls,

Stressing that laws addressing violence against women and girls are often of limited scope and may not cover many workplaces and contract statuses, such as those of temporary workers and domestic workers, including migrant domestic workers, as well as the informal sector and those working in conflict and post-conflict settings, and that gaps need to be addressed,

Recognizing that women and girls undertake a disproportionate share of unpaid and domestic work and that policies and initiatives that support the reconciliation of work and family life and the equal sharing of responsibilities between women and men are critical for achieving gender equality and eliminating violence against women and girls,

Recognizing also the role of employers in developing effective human resources and labour protection policies to prevent and respond to violence in the workplace, establishing processes for employees to share information in confidence, protecting victims and survivors from secondary victimization and protecting victims, survivors, witnesses and whistle-blowers from reprisals for reporting violence, and providing victims and survivors with adequate support to address the effects of that violence,

Recognizing further the need to promote the early, full, effective and meaningful participation of women and girls, including victims and survivors of violence, in the conceptualization, development and implementation of intersectional gender-responsive policies, regulations and legislation designed to prevent and eliminate all forms of violence against women and girls,

Reaffirming women's and girls' economic and social rights, and emphasizing the significant role that women play in economic and social development and in the eradication of poverty, and that sustainable development will only be achievable with women's economic empowerment and independence, and equal access to economic and productive resources, including ownership and the control of land, natural and other productive resources, property, inheritance, financial services, including microfinance, equal opportunities for women for full and productive employment and decent work, and equal pay for work of equal value, legal advice and support, vocational training, information and communications technology and markets, and by removing barriers to their full, equal, effective and meaningful participation in local, national, regional and international economies,

Recognizing the major contribution made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders, social partners such as labour unions and employer organizations and girls' and youth-led organizations, in promoting the economic empowerment of women and girls and the fulfilment of their right to decent work and education, and recognizing also the importance of having open, inclusive and transparent engagement with civil society in the development and implementation of measures promoting gender equality and the empowerment of all women and girls,

Recognizing also the critical contribution of families in eliminating all forms of violence against women and girls, including sexual harassment and domestic violence, by, inter alia, providing for a supportive environment for the empowerment of all women and girls, including by raising awareness about the human rights of women and girls, and that family-oriented policies can play an important role in preventing and responding to all forms of violence,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Condemns in the strongest possible terms* all forms of violence against women and girls, including in the world of work;

3. *Recognizes* that domestic violence is not a private family matter and must be eliminated;

4. *Expresses deep concern* that all forms of discrimination, intimidation, harassment and violence, including in the world of work, prevent women and girls from fully enjoying their human rights and fundamental freedoms, which hinders their full, equal, effective and meaningful participation in economic, social, cultural, civil and political spheres, and is an impediment to achieving gender equality and the empowerment of all women and girls;

5. *Recognizes* the right to the highest attainable standard of physical and mental health and the right to the enjoyment of just and favourable conditions of work, which includes, inter alia, having access to safe and healthy working conditions;

6. *Reaffirms* that human rights include the right to have control over and to decide freely and responsibly on matters relating to sexuality and to attain the highest standard of sexual and reproductive health, free from coercion, discrimination and violence, including full respect for dignity, integrity and bodily autonomy;

7. *Stresses* the need to address multiple and intersecting forms of discrimination, which place women and girls at greater risk of exploitation, violence and abuse, and to implement measures to prevent and eliminate gender stereotypes, negative social norms, attitudes and behaviours that cause or perpetuate gender-based discrimination and violence against women and girls;

8. *Recognizes* that a proactive and reactive multipronged approach, working with all relevant parties, is required to eliminate violence in the world of work, including education, training and media campaigns and promoting respect, accountability and non-discrimination in the world of work, and that actions to prevent and respond to violence in the world of work can have a positive impact in reducing violence against women and girls outside the world of work;

9. *Encourages* national legislative authorities and political parties to adopt codes of conduct and to establish reporting mechanisms, or revise existing ones, indicating that they have zero tolerance for all forms of violence against women in politics, including in digital contexts;

10. *Calls upon* States to take immediate and effective action to prevent all forms of violence against women and girls by:

(a) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes, including unequal power relations and gender stereotypes, negative social norms, attitudes and behaviours, and risk factors of violence against women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and girls and are implemented in compliance with their international human rights obligations;

(b) Ensuring the early, full, effective and meaningful participation of women and girls, including victims and survivors of violence, in the development and implementation of gender-responsive national policies, legislation, action plans, programmes, projects and strategies to eliminate violence against women and girls in the world of work, creating monitoring and accountability mechanisms to ensure implementation of gender-responsive

policies and regulations, and analysing the gender impact of such policies in consultation and collaboration with women's and civil society organizations and gender equality advocates;

(c) Supporting initiatives undertaken by, inter alia, relevant international and non-governmental organizations, civil society actors, the private sector, social media companies, digital technology companies, faith and community groups, religious leaders, politicians, parliamentarians, journalists and other media workers, human rights defenders, including women human rights defenders, indigenous leaders and groups, labour unions, girls' and youth-led organizations and other relevant actors, as part of their efforts to develop targeted and accessible responses, programmes and policies, including by allocating adequate resources aimed at promoting gender equality and at preventing, responding to and protecting women and girls from all forms of violence;

(d) Urging employers to prevent violence in the workplace and to protect the safety and health of employees as part of their duty of care by adopting and implementing an inclusive policy on violence prevention with the meaningful and effective participation of employees and their representatives, establishing processes for employees to share information in confidence, identifying and mitigating risks of all forms of violence, including in digital contexts, and providing information and training to all employees and managers on the prevention of violence;

(e) Developing and implementing educational programmes and teaching materials that raise awareness about violence in the world of work, including through evidence-based comprehensive sexuality education, consistent with the evolving capacities of the child, that explains consent, respect for boundaries and what constitutes unacceptable behaviour, inter alia, sexual harassment and gender-based violence, and promotes the development of respectful relationships in the world of work based on gender equality and human rights;

(f) Enacting and enforcing the necessary legislative or other measures, with the full, effective and meaningful participation of relevant stakeholders, including employers, workers, unions and civil society organizations, to prevent and eliminate violence in the world of work, to end impunity and to ensure effective reparations, including to promote re-entry into the labour market for victims and survivors of violence;

(g) Adopting or strengthening measures to respect, protect and fulfil the human rights of all women and girls, including those engaged in unpaid work, working in the informal sector and in conflict and post-conflict settings, and domestic and migrant workers, to prevent discrimination and violence in the world of work;

(h) Developing and implementing national criminal justice legislation, policies and programmes that take into account the important role and specific needs of women and girls, and promoting gender-responsive measures in crime prevention and protection policies;

11. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls, and to support and protect all victims and survivors by:

(a) Holding perpetrators to account and eliminating impunity for all forms of violence against women and girls;

(b) Ensuring that legislation allows for the timely and effective investigation, prosecution, including ex officio prosecution, sanction and redress of violence against women and girls;

(c) Publicly condemning all forms of violence against women and girls, including through media and information campaigns;

(d) Taking measures to ensure that all workplaces are free from violence and discrimination, including sexual and gender-based violence, harassment and discrimination, including through regulatory and oversight frameworks and reforms, independent review mechanisms, processes and mechanisms for victims, survivors, witnesses and whistle-blowers to share information and report violence, collective agreements and codes of

conduct, including appropriate disciplinary measures, protocols and procedures, and referral of cases of violence to health and psychosocial services for treatment and to police for investigation, as well as through awareness-raising and capacity-building in the broader public and in the world of work, in collaboration with employers, unions and workers;

(e) Promoting and protecting sexual and reproductive health and reproductive rights, including for victims and survivors of sexual and gender-based violence in the world of work, by developing and enforcing policies and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, information and education universally accessible and available, including, *inter alia*, emergency contraception and obstetric care, post-exposure prophylaxis for HIV infection and safe abortion where not against national law;

(f) Providing victims and survivors of violence in the world of work with effective remedies, including relief support and legal, medical, psychological and confidential counselling services and access to reasonable and necessary leave to participate in legal processes, receive medical treatment or make arrangements for their safety, and relevant, comprehensive and victim/survivor-centred legal protection in a gender-responsive manner, including protection of victims and survivors from secondary victimization and protection of victims, survivors, witnesses and whistle-blowers from reprisals for reporting violence in the world of work;

(g) Encouraging the development and establishment of counselling and rehabilitative services to bring about changes in the attitudes and behaviours of perpetrators of violence against women and girls, and promoting research on counselling and rehabilitation efforts so as to prevent the recurrence of such violence;

(h) Encouraging business enterprises, in the effective implementation of the Guiding Principles on Business and Human Rights, to create gender-responsive policies and transparent and effective processes for reporting violence in the world of work, including protection of victims, survivors, witnesses and whistle-blowers from reprisals;

(i) Supporting civil society initiatives aimed at promoting gender equality and the empowerment of women and girls, and preventing, responding to and protecting all women and girls from all forms of violence;

(j) Strengthening or establishing systems to regularly collect, analyse and publish statistical data disaggregated by sex, age, disability and other relevant characteristics on complaints about all forms of gender-based violence against women and girls;

12. *Invites* States Members of the International Labour Organization to ratify its Violence and Harassment Convention, 2019 (No. 190);

13. *Welcomes* the panel discussion on violence against women in the world of work, held during the annual full-day discussion on women's human rights at the forty-first session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the annual discussion to the Council at its forty-fourth session;

14. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequences, as set out by the Human Rights Council in its resolution 32/19 of 1 July 2016, for a period of three years;

15. *Encourages* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations trust fund in support of actions to eliminate violence against women, the treaty bodies and the special procedure mandate holders, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur on violence against women, its causes and consequences, in the fulfilment of her mandate;

16. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls as a matter of high priority, in conformity with its programme of work, at its forty-seventh session.

40th meeting
12 July 2019

[Adopted without a vote.]

41/18. Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly stated that the Human Rights Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recalling also Human Rights Council resolutions 17/19 of 17 June 2011, 27/32 of 26 September 2014 and 32/2 of 30 June 2016,

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

Recalling that the Vienna Declaration and Programme of Action affirms that all human rights are universal, indivisible and interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

1. *Welcomes* the work undertaken by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in the implementation of the mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, the thematic reports and the undertaking of country visits to different regions;¹⁰¹

2. *Decides* to extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 32/2;

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

4. *Calls upon* all Governments to cooperate with and assist the Independent Expert by supplying all necessary information requested by the mandate holder, and responding favourably to the requests of the Independent Expert to visit their countries to fulfil the mandate more effectively;

5. *Requests* the Independent Expert to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their respective programmes of work.

40th meeting
12 July 2019

¹⁰¹ See [A/HRC/41/45](#) and [Add. 1](#) and [2](#).

[Adopted by a recorded vote of 27 to 12, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Croatia, Cuba, Czechia, Denmark, Fiji, Iceland, Italy, Japan, Mexico, Nepal, Peru, Philippines, Rwanda, Slovakia, South Africa, Spain, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

Afghanistan, Bahrain, Bangladesh, China, Egypt, Eritrea, Iraq, Nigeria, Pakistan, Qatar, Saudi Arabia, Somalia

Abstaining:

Angola, Burkina Faso, Democratic Republic of the Congo, Hungary, India, Senegal, Togo]

41/19. The contribution of development to the enjoyment of all 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 all other relevant human rights instruments,

Recalling also the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome, the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development,

Recalling further Human Rights Council resolution 35/21 of 22 June 2017, and other resolutions relating to development adopted by the Council,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing the important role of sustainable development in promoting and protecting human rights, including economic, social and cultural rights, as well as civil and political rights, recognizing that development contributes to the process of promoting and protecting human rights, and stressing the importance of development cooperation and the promotion and protection of human rights in ensuring that no one is left behind,

Acknowledging that development is the basis for the improvement of living standards and the welfare of the population of each State, and hence contributes to the enjoyment of all human rights,

Recognizing that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing,

Reaffirming that meeting the aspiration of the people for a better life is the priority of each State,

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

Welcoming the adoption of the 2030 Agenda, which contains a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and reaffirming that the 2030 Agenda is of unprecedented scope and significance, accepted by all countries, taking into account different national realities, capacities and levels of development and respecting national policies and priorities; its goals and targets are universal, integrated and indivisible, and balance the three dimensions of sustainable development,

Recognizing that, four years into the implementation of the 2030 Agenda, progress has been made across some of the Sustainable Development Goals and targets, but it has not been at the pace required to achieve this ambitious agenda and has been uneven across countries and regions, and emphasizing that urgent progress is needed towards all targets, in particular those with a time frame of 2020,

Reaffirming that the existence of extreme poverty inhibits the full and effective enjoyment of human rights, emphasizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is a great global challenge, an indispensable requirement and an overarching priority for sustainable development, and reaffirming also that the immediate alleviation and eventual eradication of extreme poverty must remain a high priority for the international community, and that joint efforts towards the achievement of this goal should be strengthened,

Affirming the commitments to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment,

Welcoming the remarkable progress made since 1990, which has lifted over 1.1 billion people out of extreme poverty, but also expressing deep concern that the progress in reducing poverty remains uneven; with 1.3 billion people still living in multidimensional poverty, this number continues to be significant and unacceptably high,

Welcoming also the tremendous efforts made by States in promoting sustainable development and eradicating poverty, including extreme poverty, and the progress made, which significantly promotes the enjoyment of human rights, reaffirming that each country faces specific challenges in its pursuit of sustainable development and the eradication of poverty, and recognizing the importance of supporting countries in their efforts to eradicate poverty in all its forms and dimensions,

Affirming that international cooperation for sustainable development has an essential role in shaping our shared future, particularly in assisting developing countries in promoting sustainable development and eliminating obstacles to development, and emphasizing the importance of continued efforts to promote international development cooperation,

1. *Reaffirms* the significant contribution of development to the enjoyment of all human rights by all;
2. *Recognizes* that development and the realization of human rights and fundamental freedoms are interdependent and mutually reinforcing;
3. *Calls upon* all countries to promote sustainable development to enable better enjoyment of human rights and to achieve gender equality;
4. *Calls upon* all States to realize people-centred development of the people, by the people and for the people;
5. *Also calls upon* all States to spare no effort to promote sustainable development, in particular while implementing the 2030 Agenda for Sustainable Development, as it promotes the enjoyment of human rights;
6. *Emphasizes* the importance for people of each State to benefit from sustained, inclusive and sustainable economic growth;
7. *Takes note with appreciation* of the report of the Human Rights Council Advisory Committee on the contribution of development to the enjoyment of all human rights;¹⁰²
8. *Reaffirms* the commitment of all States to ending poverty in all its forms and dimensions, including by eradicating extreme poverty, and emphasizes that eradicating poverty, including extreme poverty, is an indispensable requirement for sustainable development and an overarching objective of the 2030 Agenda;

¹⁰² A/HRC/41/50.

9. *Welcomes and appreciates* the efforts and investments made by States, international organizations and other stakeholders to eradicate poverty, as well as the remarkable progress made in this field, which is of significant importance for the enjoyment of human rights, and calls for enhanced international cooperation and exchanges regarding poverty eradication;

10. *Calls upon* Member States and the United Nations system, including its funds and programmes and specialized agencies, in accordance with their mandates, to mobilize resources to carry out development cooperation and assist States, upon their request, in promoting sustainable development;

11. *Encourages* Member States, relevant United Nations bodies and other stakeholders to take the 2030 Agenda into account when delivering technical assistance and capacity-building, as requested by the countries concerned, in the field of human rights;

12. *Invites* relevant United Nations human rights mechanisms and procedures to continue to take into account the role of development in promoting and protecting human rights when fulfilling their mandates;

13. *Invites* the Office of the United Nations High Commissioner for Human Rights to strengthen its work relevant to sustainable development, including studies on the role of development in the enjoyment of human rights;

14. *Requests* the United Nations High Commissioner for Human Rights to organize a one-day intersessional seminar, before the forty-seventh session of the Human Rights Council, on the contribution of development to the enjoyment of all human rights, in order to allow Member States, relevant United Nations agencies, funds and programmes, international organizations, national human rights institutions, civil society organizations and other stakeholders to identify challenges and gaps and share good practices and experiences in this regard;

15. *Also requests* the High Commissioner to provide the above-mentioned intersessional seminar with all necessary resources for the services and facilities, and to prepare a summary report on the discussions held at the seminar for presentation to the Human Rights Council at its forty-seventh session;

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

40th meeting
12 July 2019

[Adopted by a recorded vote of 33 to 13, with no abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, India, Iraq, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay

Against:

Australia, Austria, Bulgaria, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Slovakia, Spain, United Kingdom of Great Britain and Northern Ireland]

41/20. Impact of arms transfers on human rights

The Human Rights Council,

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

Recalling the obligations of States to respect, promote and protect the human rights of all individuals within their jurisdictions,

Recalling also the inherent right to individual or collective self-defence of States as recognized in Article 51 of the Charter,

Reaffirming that everyone has the right to life, liberty and security of person and 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,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, the Convention on the Elimination of All Forms of Discrimination against Women, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Recalling its resolutions 24/35 of 27 September 2013, 32/12 of 1 July 2016 and 38/10 of 5 July 2018,

Acknowledging that millions of people around the world are affected by serious human rights violations and abuses resulting from or facilitated by the diversion of arms, unregulated or illicit arms transfers,

Acknowledging with concern that the diversion of arms and unregulated or illicit arms transfers fuel armed conflicts and can have a negative impact on a wide range of human rights, and negative humanitarian, development and socioeconomic consequences, including a disproportionate impact in terms of violence perpetrated against women and girls,

Acknowledging that the diversion of arms and unregulated or illicit arms transfers can have a direct or indirect effect on women and girls, particularly as victims of gender-based violence, including domestic violence,

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

Recalling the principles and provisions relating to international human rights law and international humanitarian law and to the promotion of responsible action by States, as contained in the Arms Trade Treaty and in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and other relevant instruments,

Reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of international human rights law and all violations of international humanitarian law, and to ensure the full respect of these international legal frameworks, as applicable,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, including target 16.4 of the Sustainable Development Goals, to significantly reduce illicit arms flows by 2030,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the impact of arms transfers on the enjoyment of human rights,¹⁰³ including its recommendations on how States and other relevant stakeholders could assess the relationship between arms transfers and international human rights law,

¹⁰³ A/HRC/35/8.

1. *Expresses its deep concern* at the fact that the diversion of arms and unregulated or illicit arms transfers by States and non-State actors may seriously undermine the human rights of individuals, especially women, children, the elderly, persons with disabilities and vulnerable groups;
2. *Notes with alarm* that such diversion of arms and unregulated or illicit arms transfers can have a severely negative impact on women's and girls' full enjoyment of all human rights, increasing the risk of sexual and gender-based violence, and of violence against children, as they may be disproportionately affected by the widespread availability of such arms;
3. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that there is a clear risk that such arms might be used in the commission or facilitation of serious violations or abuses of international human rights law or serious violations of international humanitarian law;
4. *Invites* States to consider the recommendations of elements contained in the above-mentioned report¹⁰³ to assess the relationship between arms transfers and international human rights law, with a view to identify and measure the impact of arms transfers on the enjoyment of human rights;
5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States, United Nations agencies and other relevant stakeholders, on the impact of the diversion of arms and unregulated or illicit arms transfers on the human rights of women and girls, and to present it to the Human Rights Council at its forty-fourth session;
6. *Invites* all relevant special procedures and commissions of inquiry of the Human Rights Council and human rights treaty bodies to bear the present resolution in mind within the framework of their respective mandates;
7. *Decides* to remain seized of this issue.

*41st meeting
12 July 2019*

[Adopted without a vote.]

41/21. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development and its commitment to leave no one behind, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impacts,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

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

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights,

Recalling that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change¹⁰⁴ acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Reaffirming the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention, including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impact of climate change,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports and special reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of persons with disabilities who are disproportionately affected by the negative impacts of climate change,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

¹⁰⁴ See [FCCC/CP/2015/10/Add.1](#), decision 1/CP.21, annex.

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that persons with disabilities are among the most adversely affected in an emergency, sustaining disproportionately higher rates of morbidity and mortality, and at the same time being among those least able to have access to emergency support,

Expressing concern at the adverse impacts of climate change on individuals with multiple vulnerability factors, including women and girls with disabilities, and emphasizing the need for States to take and to support adequate measures to address their specific needs and to ensure participation in disaster response planning for emergency situations and evacuations, humanitarian emergency response and health-care services,

Emphasizing that sudden-onset natural disasters and slow-onset events seriously affect the access of persons with disabilities to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and access to decent work,

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the Dhaka Conference on Disability and Disaster Risk Management, held in 2015 and in 2018, and the adoption of the Dhaka Declaration 2015 and the Dhaka Declaration 2015+ respectively,

Recognizing the need for ensuring meaningful participation, inclusion and leadership of persons with disabilities and their organizations within disaster risk management and climate-related decision-making at the local, national, regional and global levels,

Expressing concern that countries lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision and the mobilization of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

Urging States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

Welcoming the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Katowice, Poland in December 2018, taking note of the adoption of the implementation guidelines for the Paris Agreement, and looking forward to the climate action summit called for by the Secretary-General, to be held in New York in September 2019, and to the twenty-fifth session of the Conference of the Parties in Santiago, in December 2019, with the pre-Conference meeting to be held in San José in October 2019,

Noting the importance for some of the concept of “climate justice” when taking action to address climate change,

Welcoming the convening of the panel discussion on women's rights and climate change: climate action, good practices and lessons learned, and looking forward to the summary report on the discussion to be prepared by the Office of the United Nations High Commissioner for Human Rights,

Noting the analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women prepared by the Office of the High Commissioner pursuant to Human Rights Council resolution 38/4 of 5 July 2018,¹⁰⁵

Welcoming the World Meteorological Organization *Statement on the State of the Global Climate in 2018*, its twenty-fifth anniversary edition, that highlights the record rise in sea levels and the exceptionally high land and ocean temperatures recorded in recent years, and expressing concerns at their adverse impacts on human rights,

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including those of persons with disabilities, when taking action to address the adverse effects of climate change,

Taking note of the reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights¹⁰⁶ and on air pollution and human rights,¹⁰⁷ the report of the Special Rapporteur on extreme poverty and human rights relating to climate change and poverty,¹⁰⁸ and the report of the Special Rapporteur on the right to food focusing on the right to food in the context of natural disasters,¹⁰⁹

Noting with appreciation the work of the Climate Vulnerable Forum, which asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional, subregional and other initiatives, such as the Small Island Developing States Accelerated Modalities of Action (Samoa Pathway) on addressing the adverse impacts of climate change,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and for the people whose situation is most vulnerable to climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Encourages* the Office of the United Nations High Commissioner for Human Rights to support the Secretary-General in the preparation of the climate action summit and through its follow-up arrangements, in coordination with other relevant international organizations, agencies, convention secretariats and programmes;

¹⁰⁵ [A/HRC/41/26](#).

¹⁰⁶ [A/HRC/31/52](#).

¹⁰⁷ [A/HRC/40/55](#).

¹⁰⁸ [A/HRC/41/39](#).

¹⁰⁹ [A/HRC/37/61](#).

5. *Calls upon* all States to adopt a comprehensive, integrated, gender-responsive and disability-inclusive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and challenges that climate change represents, for the full and effective enjoyment of human rights for all, and particularly to support the resilience and adaptive capacities of persons with disabilities both in rural and urban areas to respond to the adverse impacts of climate change;

6. *Calls upon* States to continue and enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change, to better promote human rights in general and the access of persons with disabilities in particular to livelihoods, food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology;

7. *Urges* States to strengthen and implement policies aimed at increasing the participation of persons with disabilities in climate change responses at the local, national, regional and international levels, and calls upon the United Nations Partnership to Promote the Rights of Persons with Disabilities and other United Nations agencies to support upon request national programmes and projects in this regard;

8. *Decides* to incorporate into the programme of work for the forty-fourth session of the Human Rights Council, on the basis of the different elements contained in the present resolution, a panel discussion on the theme “Promoting and protecting the rights of persons with disabilities in the context of climate change”, focusing on best practices and lessons learned in the promotion and protection of the rights of persons with disabilities in the context of the adverse impact of climate change, and also decides that the panel discussion will have international sign interpretation and captioning;

9. *Requests* the Office of the High Commissioner to submit a summary report on the panel discussion to the Human Rights Council at its forty-sixth session, and to make the report available in accessible formats, including Plain Language and Easy-to-Read;

10. *Also requests* the Office of the High Commissioner, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, including the Special Rapporteur on the rights of persons with disabilities, the Special Envoy of the Secretary-General on Disability and Accessibility, the United Nations Partnership on the Rights of Persons with Disabilities, the Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities, the Committee on the Rights of Persons with Disabilities, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, including organizations of persons with disabilities, to conduct, from within existing resources, an analytical study on the promotion and the protection of the rights of persons with disabilities in the context of climate change, to be circulated to States and other stakeholders and to be submitted to the Human Rights Council prior to its forty-fourth session, and further requests the Office to make the study available in accessible formats, including Plain Language and Easy-to-Read;

11. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

12. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly rights of persons with disabilities, within their respective mandates;

13. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

14. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

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

*41st meeting
12 July 2019*

[Adopted without a vote.]

41/22. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 38/14 of 6 July 2018, and regretting the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including on access of the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Council of Europe, the European Union and bilateral partners,

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

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;¹¹⁰

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the undue restrictions and prohibitively burdensome processes relating to the exercise of freedoms of peaceful assembly, association and expression, while acknowledging some improvement in the freedom to organize events, if they are notified in time to the authorities responsible, in accordance with the amendments introduced to the Law on Mass Events, which entered into force in January 2019;

3. *Also expresses continued concern* at the allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing harassment of human rights defenders, and of trade unions and civil society organizations, many of which are denied registration and some of which are occasionally raided by the authorities; the arrest and fining of journalists for performing their journalistic activities and various infringements of freedom of expression, including by the media, as well as the entry into force of legislative amendments introducing further restrictions on online media; and urges the Government to fully respect the freedoms of expression, peaceful assembly and association;

4. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies, and also deplores

¹¹⁰ [A/HRC/41/52](#).

discrimination particularly affecting individuals belonging to vulnerable groups and religious minorities;

5. *Reiterates* its call upon the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

6. *Notes* the concern expressed by the Special Rapporteur with regard to children sentenced for drug-related offences, and stresses the need for the best interests of the child to be taken into account;

7. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016–2019 for the implementation of the recommendations accepted by the Government during the second cycle of the universal periodic review of Belarus and the recommendations by some treaty bodies, encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations, welcomes the registration of an independent trade union in January 2019, and also welcomes the engagement of Belarus with the Human Rights Committee for the first time in 21 years and its review by the Committee against Torture in April 2018;

8. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

9. *Urges* the Government of Belarus to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

10. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, those civil and political rights have not been reinstated and political activists continue to be ill-treated and faced with questionable and politically motivated charges, while there has been no progress on four cases of enforced disappearance of political opponents dating back to 1999 and 2000;

11. *Strongly encourages* Belarus to implement without delay the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur, and especially in view of the upcoming parliamentary elections in November 2019 and the presidential election expected in 2020;

12. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

13. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its forty-fourth session and to the General Assembly at its seventy-fifth session;

14. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by allowing her access to visit the country and to meet freely with relevant stakeholders, including civil society, in her official capacity in order to assist the Government in fulfilling its international human rights obligations and by considering implementation of her recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of her mandate, and requests the latter to continue to monitor developments and make recommendations.

41st meeting

12 July 2019

[Adopted by a recorded vote of 20 to 6, with 21 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Brazil, Bulgaria, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

China, Cuba, Egypt, Eritrea, India, Philippines

Abstaining:

Afghanistan, Angola, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, Iraq, Nepal, Nigeria, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay]

41/23. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

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

Reaffirming its previous resolutions on the Syrian Arab Republic,

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

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population and to respect, protect and fulfil the human rights of all persons within its jurisdiction,

Condemning the grave situation of human rights across the Syrian Arab Republic,

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

Expressing deep concern at the situation of women, children, older persons and persons with disabilities, especially those who are internally displaced, who remain among the most vulnerable to violence and abuse,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, and in accordance with the

Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, as outlined by the Council in its resolution 1325 (2000) of 31 October 2000 and associated resolutions, and supporting the Special Envoy of the Secretary-General for Syria in his efforts towards this end,

Recalling Security Council resolution 2336 (2016) of 31 December 2016, stressing the continuing need to respect the de-escalation area of Idlib, acknowledging the signing by Turkey and the Russian Federation of the memorandum on the stabilization of the situation in the Idlib de-escalation area on 17 September 2018, and emphasizing the need to establish an effective and lasting nationwide ceasefire in the Syrian Arab Republic,

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

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

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

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

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

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

Recalling the work of the International Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including on instances of the use of chemical weapons,

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

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,¹¹¹ and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

¹¹¹ See [A/HRC/40/70](#).

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

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its ninth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support meaningful negotiations for a political solution to the Syrian conflict, under the auspices of the Special Envoy of the Secretary-General for Syria and his office in Geneva, as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

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

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian regime and its affiliated State and non-State actors, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and siege directed against civilian populations as a method of warfare, and stresses the situation of particular concern in Idlib, where ongoing violence poses a grave threat to regional security and continues to cause death and injury among civilians;

7. *Urges* all the relevant parties, including the signatories to the memorandum on the stabilization of the situation in the Idlib de-escalation area of 17 September 2018, to respect and uphold the ceasefire in Idlib in order to prevent further death and injury among civilians, including medical and humanitarian personnel, and damage to civilian objects, as well as to avoid a humanitarian catastrophe;

8. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

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

10. *Strongly condemns* the attacks against all civilian objects, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access

to medical care and other humanitarian assistance as well as to education, including schools, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

11. *Also strongly condemns* the use of schools for military purposes, such as for training or ammunition storage or as detention facilities, accommodation or military bases;

12. *Expresses deep concern* at the suffering of children resulting from the escalation of violence in the Syrian Arab Republic, and the lack of safe refuge, and calls upon all parties to respect and protect the full enjoyment by children of all their human rights, and to allow at all times humanitarian workers to reach children and families in need of life-saving assistance, and to prevent and protect children from all exploitation, violations and abuses, including sexual and gender-based violence and child, early and forced marriage, trafficking and torture by, among other actions, ending and preventing the recruitment and use of children in the armed conflict, immediately, safely and unconditionally releasing children and handing them over to civilian child-protection actors, and ensuring that such authorities have access to detained children associated with armed groups;

13. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their State and non-State allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

14. *Expresses deep concern* about the human rights situation and humanitarian access throughout the Syrian Arab Republic, particularly in areas that have come under the control of the Syrian authorities, and urges them and their allies to ensure timely, unhindered, unimpeded and sustained and safe humanitarian access, and respect for international human rights law and international humanitarian law;

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

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

17. *Strongly condemns* all acts of sexual and gender-based violence and abuse, calls for immediate medical and psychosocial support to be provided to all survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to respect and protect women's and girls' full enjoyment of human rights and to heed the recommendations made by the Commission of Inquiry;

18. *Also strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities retook control in 2018, notes that the Commission of Inquiry has highlighted that the arbitrary detention of tens of thousands of individuals represents an urgent and large-scale crisis of human rights protection, also strongly condemns the use of sexual violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports and those depicted in the evidence presented by "Caesar" in January 2014, and recalls that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

19. *Expresses deep concern* at reports of mass executions and torture of prisoners, as well as reports that the Syrian authorities used a crematorium to conceal the mass killings, and at the number of deaths among individuals detained by the Syrian authorities, including in Syrian Military Intelligence facilities and military hospitals, as evidenced by the issuing of thousands of death notifications, which provides further indication of systematic violations of international human rights law and international humanitarian law, and urges them to provide families with death certificates and the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody;

20. *Notes* the continued functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, positively notes the reports of the simultaneous release, facilitated by the Working Group, of detainees by the conflicting parties on 24 November 2018, and 12 February and 22 April 2019, and underlines the need for further sustained and large-scale concrete steps on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

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

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

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

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

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

26. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

27. *Expresses grave concern* that, according to the Commission of Inquiry in its latest report,¹¹¹ more than 1.5 million civilians were forced to flee their homes during 2018, and that thousands more were forcibly displaced pursuant to “evacuation agreements” negotiated among warring parties;

28. *Expresses deep concern* at the situation of the 6.2 million internally displaced persons across the Syrian Arab Republic, and urges all parties to take note of the recommendations on this matter made by the Commission of Inquiry, and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

29. *Deplores* the existence and application of national legislation, in particular Law No. 42/2018 and other legislation and practices concerning housing, land and property rights, which have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property, as evidenced by recent reports of widespread property demolitions throughout the Syrian Arab Republic, calls for the immediate repeal of that legislation, and stresses the right of displaced Syrians to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it;

30. *Expresses concern* that the hostilities have restricted access to or resulted in the loss of civil documentation, including through confiscation, thereby limiting freedom of movement, access to essential services, and housing, land and property rights, particularly for women, children and persons with disabilities;

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

32. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary, safe and dignified and subject to informed consent to the places of origin and protect all property and tenancy rights;

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

34. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

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

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

37. *Condemns in the strongest possible terms* the repeated use of chemical weapons by the Syrian authorities, in violation of its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use, welcomes in this regard the decisions made on 27 June 2018 at the fourth Special Session of the Conference of the States Parties to the Convention and on 20 November 2018 at the twenty-third session of the Conference of States Parties to the Convention, and also welcomes the fact that the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons has completed its arrangements for the deployment of the Investigation and Identification Team established to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons;

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

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

40. *Also expresses grave concern* that, according to the Commission of Inquiry, a vast body of evidence suggested that chlorine had been dropped by helicopter on a residential building, and that it had received information on the death of at least 49 individuals and the wounding of up to 650 others in Duma on 7 April 2018, and at the findings of the Commission in the same report that, in a series of ground attacks in Duma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using prohibited weapons, following a pattern previously documented by the Commission concerning the use of chemical weapons;

41. *Further expresses grave concern* at the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons in its report of 1 March 2019 that, on the basis of its evaluation and analysis of all the information gathered, there are reasonable grounds that a toxic chemical was used as a weapon in Duma on 7 April 2018, and that the toxic chemical was likely molecular chlorine;

42. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017, March 2018, July 2018, October 2018 and March 2019, in which it continues to report that it is unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration, to issue the necessary visas to members of the Investigation and Identification Team, and to grant it all required access and authorizations;

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

44. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, in particular victims of sexual and gender-based violence, detainees, internally displaced

persons and disappeared persons, and stresses the prerequisite role that accountability can play in any efforts to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

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

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

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

48. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning, pending a decision on the necessary funding of the Mechanism by the regular budget, in accordance with relevant General Assembly resolutions, highlights the importance of sustainable funding, and notes the steps taken by the Secretary-General in this respect;

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

50. *Deplores* the grave humanitarian situation in the Syrian Arab Republic and expresses deep concern at the plight of the 11.7 million people in need of full, timely, immediate, unhindered and safe humanitarian assistance, including the over 5 million Syrians whose needs are particularly acute and the over 1 million people who remain in hard-to-reach areas, where freedom of movement and access to humanitarian aid and services remain very restricted;

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

52. *Expresses deep concern* at the deliberate use of starvation of civilians as a method of warfare, and encourages the Commission of Inquiry to include in future investigations violations of international human rights law and international humanitarian law related to the use of starvation of civilians;

53. *Deplores* the escalation of violence in the north-west of the country, and strongly condemns the attacks by the Syrian authorities and their State and non-State allies on civilians and first responders and civilian infrastructure, including medical facilities, which is causing immense suffering to the civilian population, with over 300,000 people forced to leave their homes since April 2019, in addition to the almost 2 million displaced from homes at least once, and which has caused the death of almost 500 civilians and damage to at least 37 schools and 25 health facilities;

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

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

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

57. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the third conference entitled “Supporting the future of Syria and the region” hosted by the European Union and co-chaired by the United Nations in Brussels in March 2019, where more than \$7 billion was pledged, and renews its call for the international community to deliver all such pledges in full;

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

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

*41st meeting
12 July 2019*

[Adopted by a recorded vote of 26 to 7, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Qatar, Rwanda, Saudi Arabia, Slovakia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

China, Cuba, Egypt, Eritrea, Iraq, Philippines, Somalia

Abstaining:

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, India, Nepal, Nigeria, Pakistan, Senegal, South Africa, Tunisia]

41/24. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

3. *Stresses* the need for the increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2020, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on good practices, success stories, lessons learned and current challenges in combating poverty and inequalities;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2020 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents, including statistics reports, relating to success stories and current challenges in combating poverty and inequalities as background documents for the dialogues and debates that will be held at the 2020 Social Forum;

7. *Requests* the High Commissioner to facilitate the participation in the 2020 Social Forum, in order to contribute to the interactive dialogues and debates held at the Forum and to assist the Chair-Rapporteur as resource persons, of no fewer than 10 experts, including representatives of civil society and grass-roots organizations in developing countries, representatives of the Department of Economic and Social Affairs and relevant special procedures;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-

governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2020 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its forty-sixth session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its forty-fourth session under the same agenda item.

*41st meeting
12 July 2019*

[Adopted without a vote.]

41/25. Cooperation with and assistance to Ukraine in the field of human rights

The Human Rights Council,

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

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

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

Recalling its resolutions 26/30 of 27 June 2014, 29/23 of 3 July 2015, 32/29 of 1 July 2016 and 35/31 of 23 June 2017 on cooperation with and assistance to Ukraine in the field of human rights,

Acknowledging the efforts of the United Nations, the Organization for Security and Cooperation in Europe and of other international and regional organizations to assist Ukraine in protecting the rights of all persons in Ukraine, as described by the General Assembly in its resolution 68/262 of 27 March 2014, and the progress achieved as well as the challenges and obstacles remaining in this regard,

Welcoming the technical assistance to Ukraine in the field of human rights provided by the Office of the United Nations High Commissioner for Human Rights, and acknowledging the further need for such assistance with due regard to the commitment of the Government of Ukraine to respect, promote and protect human rights on all its territory,

Welcoming also the cooperation of the Government of Ukraine with the Office of the High Commissioner, including its monitoring mission in Ukraine, and with other relevant international and regional human rights mechanisms,

Recognizing the importance of the reports of the Office of the High Commissioner based on the findings of the monitoring mission for the proper assessment of the situation of human rights in Ukraine and an evaluation of the needs for technical assistance to Ukraine in the field of human rights,

Recognizing also the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes,

Acknowledging that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and abuses, and respond promptly to human rights emergencies,

1. *Welcomes* the oral presentations by the Office of the United Nations High Commissioner for Human Rights to the States Members of the Human Rights Council and observers of the findings of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine held, in accordance with Council resolutions 29/23, 32/29 and 35/31, from the thirtieth to the forty-first sessions of the Council;

2. *Invites* the United Nations High Commissioner for Human Rights to continue to present orally to the States Members of the Human Rights Council and observers the findings of each of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine as part of the interactive dialogues, and through the modalities of the Council, in accordance with its resolution 5/1 of 18 June 2007, until the forty-seventh session of the Council.

*41st meeting
12 July 2019*

[Adopted by a recorded vote of 20 to 5, with 22 abstentions. The voting was as follows:

In favour:

Australia, Austria, Bahamas, Bulgaria, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Rwanda, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Cameroon, China, Cuba, Eritrea, Philippines

Abstaining:

Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Democratic Republic of the Congo, Egypt, India, Iraq, Nepal, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay]

41/26. Renewal of the mandate of the team of international experts on the situation in Kasai

The Human Rights Council,

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

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, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as other relevant instruments to which they are parties, and to fulfil their obligations under those instruments and agreements,

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 33/29 of 30 September 2016, 35/33 of 23 June 2017 and 38/20 of 6 July 2018 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting and reporting human rights violations and in improving the situation of human rights in the country,

Welcoming the report of the team of international experts established pursuant to Human Rights Council resolution 38/20,¹¹² and taking note of the conclusions and recommendations contained therein,

Taking note of the observation by the team of international experts that the current lull in the violence in Kasai is fragile, ethnic tensions remain high and the situation must still be monitored closely,

Welcoming the disarmament of some armed militias in the Kasai region following the elections of 30 December 2018, while calling on the militias that are still active to initiate the process of disarmament and demobilization,

Welcoming also the holding of the presidential, national legislative and provincial elections, which led to the first peaceful transfer of power between Heads of State in the history of the Democratic Republic of the Congo, as well as the important role played by the national and regional observation missions of the Southern African Development Community, the International Conference on the Great Lakes Region and the African Union,

Commending the release in March 2019 of several hundred persons considered to be political prisoners and prisoners of conscience, as well as the preliminary measures taken by President Tshisekedi to put an end to the restriction of democratic space in the Democratic Republic of the Congo, in particular to the arbitrary arrest and detention of members of the political opposition and civil society and the restriction of fundamental freedoms such as freedom of opinion and expression, freedom of the press and the right to freedom of peaceful assembly, and encouraging the adoption of further measures in order to achieve this objective as soon as possible,

Calling on the Government of the Democratic Republic of the Congo to continue and to intensify its efforts to respect, protect and fulfil all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

Commending the continued cooperation of the Government of the Democratic Republic of the Congo with the team of international experts dispatched by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 38/20, including the steps taken to facilitate access to the country, sites and persons,

Reiterating its condemnation of the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Zaida Catalán and Michael Sharp, who were killed in Kasai Central while discharging their mandate, and of the persons accompanying them, and emphasizing the need to bring all those responsible to justice,

Expressing its concern at the humanitarian situation in the Kasai region,

Noting that the previous team of international experts, established pursuant to Human Rights Council resolution 35/33, completed its work and submitted its conclusions

¹¹² [A/HRC/41/31](#).

at the thirty-ninth session of the Council, in accordance with paragraph 3 of Council resolution 38/20,

Keeping in mind that the recommendations of the team of international experts established pursuant to Human Rights Council resolution 38/20 should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with technical support from the international experts,

1. *Calls upon* the Government of the Democratic Republic of the Congo to continue to implement in full the recommendations made by the team of international experts in its report,¹¹² in collaboration with the team members, in particular those recommendations aimed at combating impunity, with a view to bringing all those responsible for human rights violations and abuses to justice and promoting reconciliation;

2. *Expresses its appreciation* of the public commitment of the Democratic Republic of the Congo to promoting justice and reconciliation in Kasai, and encourages the Government to continue its efforts to give effect to this commitment, especially in the areas of investigation and prosecution, the elimination of violence against women, including sexual and gender-based violence, reconciliation between communities and the disarmament and demobilization of militias;

3. *Welcomes* the work of the team of international experts and the technical assistance provided by the Office of the United Nations High Commissioner for Human Rights to the judicial authorities of the Democratic Republic of the Congo, particularly in the field of forensic expertise;

4. *Welcomes also* the establishment of an interministerial working group responsible for monitoring the implementation of the recommendations of the team of international experts, and encourages the Government to ensure that the working group meets as many times as necessary in order to regularly assess the progress made in implementing the recommendations, improve the coordination between the administrative authorities and stakeholders, and recommend appropriate measures to the Government;

5. *Decides* to renew the mandate of the team of international experts and requests the team to present a final report to the Human Rights Council at its forty-fifth session, during an interactive dialogue, and to provide an oral update at its forty-third session;

6. *Requests* the Office of the High Commissioner to provide, at the request of the authorities, technical assistance, including the necessary forensic expertise, to the Government of the Democratic Republic of the Congo in order to support the judicial authorities in their investigations into allegations of human rights violations and abuses in the Kasai region and other regions of the country, with a view to bringing those responsible to justice;

7. *Calls for* the Office of the High Commissioner to be given such resources as may be necessary and appropriate for the discharge of its mandate;

8. *Decides* to remain seized of the matter until its forty-fifth session.

*41st meeting
12 July 2019*

[Adopted without a vote.]

B. Decisions

41/101. Outcome of the universal periodic review: Viet Nam

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Viet Nam on 22 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Viet Nam, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹¹⁴

24th meeting

4 July 2019

[Adopted without a vote.]

41/102. Outcome of the universal periodic review: Afghanistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Afghanistan on 21 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Afghanistan, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹¹⁶

24th meeting

4 July 2019

[Adopted without a vote.]

41/103. Outcome of the universal periodic review: Chile

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

¹¹³ [A/HRC/41/7](#).

¹¹⁴ [A/HRC/41/7/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹¹⁵ [A/HRC/41/5](#).

¹¹⁶ [A/HRC/41/5/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

Having conducted the review of Chile on 22 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Chile, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹¹⁸

24th meeting
4 July 2019

[Adopted without a vote.]

41/104. Outcome of the universal periodic review: New Zealand

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of New Zealand on 21 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of New Zealand, comprising the report thereon of the Working Group on the Universal Periodic Review,¹¹⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹²⁰

25th meeting
4 July 2019

[Adopted without a vote.]

41/105. Outcome of the universal periodic review: Uruguay

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Uruguay on 23 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Uruguay, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹²²

25th meeting
4 July 2019

[Adopted without a vote.]

¹¹⁷ [A/HRC/41/6](#).

¹¹⁸ [A/HRC/41/6/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹¹⁹ [A/HRC/41/4](#).

¹²⁰ [A/HRC/41/4/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹²¹ [A/HRC/41/8](#).

¹²² [A/HRC/41/8/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

41/106. Outcome of the universal periodic review: Yemen

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Yemen on 23 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Yemen, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹²⁴

25th meeting
4 July 2019

[Adopted without a vote.]

41/107. Outcome of the universal periodic review: Vanuatu

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Vanuatu on 24 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Vanuatu, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹²⁶

25th meeting
4 July 2019

[Adopted without a vote.]

41/108. Outcome of the universal periodic review: Slovakia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Slovakia on 28 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹²³ [A/HRC/41/9](#).

¹²⁴ [A/HRC/41/9/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹²⁵ [A/HRC/41/10](#).

¹²⁶ See [A/HRC/41/2](#), chap. VI.

Adopts the outcome of the review of Slovakia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹²⁸

26th meeting

4 July 2019

[Adopted without a vote.]

41/109. Outcome of the universal periodic review: Comoros

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Comoros on 25 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Comoros, comprising the report thereon of the Working Group on the Universal Periodic Review,¹²⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹³⁰

26th meeting

4 July 2019

[Adopted without a vote.]

41/110. Outcome of the universal periodic review: North Macedonia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of North Macedonia on 24 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of North Macedonia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹³¹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹³²

26th meeting

4 July 2019

[Adopted without a vote.]

¹²⁷ [A/HRC/41/13](#).

¹²⁸ [A/HRC/41/13/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹²⁹ [A/HRC/41/12](#).

¹³⁰ [A/HRC/41/12/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹³¹ [A/HRC/41/11](#).

¹³² [A/HRC/41/11/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

41/111. Outcome of the universal periodic review: Cyprus

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Cyprus on 29 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Cyprus, comprising the report thereon of the Working Group on the Universal Periodic Review,¹³³ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹³⁴

26th meeting
4 July 2019

[Adopted without a vote.]

41/112. Outcome of the universal periodic review: Eritrea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Eritrea on 28 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Eritrea, comprising the report thereon of the Working Group on the Universal Periodic Review,¹³⁵ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹³⁶

28th meeting
5 July 2019

[Adopted without a vote.]

41/113. Outcome of the universal periodic review: Dominican Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Dominican Republic on 30 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

¹³³ [A/HRC/41/15](#).

¹³⁴ [A/HRC/41/15/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹³⁵ [A/HRC/41/14](#).

¹³⁶ [A/HRC/41/14/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

Adopts the outcome of the review of the Dominican Republic, comprising the report thereon of the Working Group on the Universal Periodic Review,¹³⁷ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹³⁸

28th meeting
5 July 2019

[Adopted without a vote.]

41/114. Outcome of the universal periodic review: Cambodia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Cambodia on 30 January 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Cambodia, comprising the report thereon of the Working Group on the Universal Periodic Review,¹³⁹ the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.¹⁴⁰

28th meeting
5 July 2019

[Adopted without a vote.]

¹³⁷ [A/HRC/41/16](#).

¹³⁸ [A/HRC/41/16/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

¹³⁹ [A/HRC/41/17](#).

¹⁴⁰ [A/HRC/41/17/Add.1](#); see also [A/HRC/41/2](#), chap. VI.

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