



**United Nations**

# **Report of the Human Rights Council**

**Forty-fifth session  
(14 September–7 October 2020)**

**General Assembly  
Official Records  
Seventy-fifth Session  
Supplement No. 53 A ([A/75/53/Add.1](#))**





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*Note*

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## Checklist of resolutions, decisions and President's statements

### A. Resolutions

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## **I. Introduction**

1. The Human Rights Council held its forty-fifth session from 14 September to 7 October 2020.
2. The report of the Human Rights Council on its forty-fifth session is being issued in document [A/HRC/45/2](#).

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

### 45/15. Situation of human rights in Yemen

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

*Recognizing* the primary responsibility of States to promote and protect human rights,

*Recalling* Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012, 2140 (2014) of 26 February 2014, 2216 (2015) of 14 April 2015, 2451 (2018) of 21 December 2018, 2452 (2019) of 16 January 2019, 2481 (2019) of 15 July 2019 and 2505 (2020) of 13 January 2020,

*Recalling also* Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015 and 33/16 of 29 September 2016, and in particular resolutions 36/31 of 29 September 2017, 39/16 of 28 September 2018 and 42/2 of 26 September 2019,

*Recalling further* the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, and to complete the drafting of a new constitution,

*Reiterating* its strong support for the ongoing efforts of the Secretary-General and his Special Envoy for Yemen to reach an agreement on a nationwide ceasefire, humanitarian and economic measures and the resumption of an inclusive Yemeni-led and Yemeni-owned political process, as set out in relevant United Nations resolutions, including Security Council resolution 2216 (2015), by the Cooperation Council for the Arab States of the Gulf initiative and its implementation mechanism, and by the outcome of the National Dialogue Conference, and welcoming in this regard the positive engagement of the Government of Yemen in the peace talks,

*Welcoming* the ceasefire agreement between the Government of Yemen and the Southern Transitional Council and the deployment of coalition ceasefire monitors, noting the efforts of Saudi Arabia to mediate this process, and encouraging parties to implement all provisions of the Riyadh Agreement as a necessary step towards a sustainable peace,

*Taking note* of the statements made by the President of the Security Council on 15 March 2018 on Yemen<sup>1</sup> and on 29 August 2019 on the situation in the Middle East,<sup>2</sup>

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations of international humanitarian law and violations and abuses of international human rights law, and to ensure also the full respect for international human rights law and international humanitarian law,

*Recognizing* that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

<sup>1</sup> S/PRST/2018/5.

<sup>2</sup> S/PRST/2019/9.

*Gravely concerned* by ongoing reports by the Office for the Coordination of Humanitarian Affairs on the existing humanitarian emergency, including the serious risk of famine, and the concerns expressed by the Secretary-General that the situation in Yemen is a crisis of devastating proportions, and urging all parties to the conflict to ensure rapid, unhindered, sustained and safe access into and within Yemen for aid workers and humanitarian aid, including medical supplies, as part of the fulfilment of their obligations under international humanitarian law, and to help to contain the spread of the coronavirus disease (COVID-19) and other deadly outbreaks in Yemen,

*Gravely concerned also* by the human rights violations linked to the COVID-19 pandemic as it spreads throughout Yemen, including reports of intimidation and the arrest of persons suspected of being infected with the virus, in an environment where years of conflict have destroyed much of the country's health and sanitation infrastructure,

*Gravely concerned further* by the ongoing violations of international humanitarian law and violations and abuses of human rights in Yemen, including attacks on humanitarian workers, civilians and civilian infrastructure, such as medical facilities and schools, the prevention of access for humanitarian aid, including the use of restrictions on imports and other restrictions as a military tactic, grave violations and abuses against children, including the recruitment and use of children by parties to armed conflict, torture, enforced disappearance and arbitrary detention, the starvation of civilians as a method of warfare, sexual and gender-based violence and the targeting of migrants, journalists, human rights defenders, including women human rights defenders, children, persons with disabilities and persons belonging to minority groups,

*Underlining* that international human rights law protects the right to freedom of religion or belief for all, including for minorities, such as members of the Baha'i faith, and condemning discrimination against and the persecution of persons based on their religion or belief,

*Concerned* by the serious humanitarian, environmental and economic threats posed by the *Safer* oil tanker and the risks that they pose to the situation of human rights in Yemen,

*Underlining* the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the situation of human rights in Yemen, and condemning any attack against journalists and media workers, including in recent months the reported death sentences, assassinations and acts of arbitrary detention and intimidation, as highlighted by the United Nations High Commissioner for Human Rights in a press release on 6 August 2020,

*Recalling* the call of the Government of Yemen for an investigation into all cases of violations of international humanitarian law and violations and abuses of human rights law, and the relevant calls made by the High Commissioner, while noting in this regard the release of the eighth report by the National Commission of Inquiry in August 2020,

*Noting* the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution office and judiciary to complete judicial proceedings in accordance with international standards of fair trial and due process, to achieve justice and hold those responsible for abuses and violations accountable as soon as possible,

*Noting also* the work carried out by the Joint Incident Assessment Team,

*Welcoming* the report of the Group of Eminent International and Regional Experts on Yemen<sup>3</sup> and the report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the technical assistance provided to the National Commission of Inquiry,<sup>4</sup>

<sup>3</sup> A/HRC/45/6.

<sup>4</sup> A/HRC/45/57.

*Expressing its deepest concern* at the findings of the Group of Eminent International and Regional Experts, and deploring the lack of cooperation by the parties to the conflict with it,

1. *Strongly condemns* the ongoing violations and abuses of international human rights law and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, sexual and gender-based violence, arbitrary arrests and detention, the denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools and universities and their students, teachers and personnel, and emphasizes the importance of accountability;

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under international human rights law and international humanitarian law, in particular with regard to attacks against civilians and civilian objects, and to ensure rapid, unhindered, unimpeded, sustained and safe humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Welcomes* the call made by the Secretary-General for a global ceasefire and that of his Special Envoy for Yemen for a complete, immediate and nationwide ceasefire, urges all parties to the conflict in Yemen to direct their efforts to enacting it, and also urges them to engage meaningfully in the political process under the auspices of the Special Envoy, in accordance with Security Council resolutions 2216 (2015) and 2451 (2018) and the Stockholm Agreement signed on 13 December 2018, including with the equal voice and full and meaningful participation and representation of women in all efforts and decision-making;

4. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process and all conflict-resolution efforts, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent related resolutions, and with the commitments made as part of the outcome of the National Dialogue Conference;

5. *Demands* in this respect the immediate release of all persons arbitrarily detained or forcibly disappeared, including all political prisoners and journalists, notes in particular the additional, potentially life-threatening risks to health created by the COVID-19 pandemic and its potential to exacerbate the already dire situation of detainees, and also notes in this regard the statements made by the United Nations High Commissioner for Human Rights and the Group of Eminent International and Regional Experts;

6. *Urges* all parties in Yemen to end any use of starvation of civilians as a method of warfare and in this regard to implement fully Security Council resolution 2417 (2018) of 24 May 2018, and in this context also urges States to conduct, in an independent manner, full, prompt, impartial and effective investigations within their jurisdiction into violations of international humanitarian law relating to the use of starvation of civilians as a method of warfare;

7. *Calls upon* the parties to give the United Nations immediate access to the *Safer* oil tanker, without preconditions;

8. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties in Yemen to cooperate with the United Nations for their reintegration into their communities, taking into consideration the recommendations made by the Secretary-General in his report on children and armed conflict;<sup>5</sup>

9. *Deplores* the psychological impact of the conflict on children in Yemen, and urges all parties to ensure that children affected by the conflict have access to appropriate health treatment, including mental health and psychosocial support;

<sup>5</sup> [A/72/361-S/2017/821](#).

10. *Urges* all States to refrain from transferring arms to any party to the conflict when they assess an overriding risk that those arms could be used to commit or facilitate a serious violation of human rights law or international humanitarian law; such risk assessments should be done thoroughly and in accordance with applicable national procedures and international obligations and standards;

11. *Calls upon* all parties in Yemen to implement fully Security Council resolutions 2216 (2015) and 2451 (2018) and the Stockholm Agreement, which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

12. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, in that connection, recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

13. *Calls upon* all parties to immediately cease the harassment and judicial persecution of all Baha'i in Yemen due to their religious belief and to refrain from any further arbitrary arrest or detention of them;

14. *Expresses deep concern* at the devastating humanitarian situation in Yemen, and calls upon donor States and organizations to work on improving that situation through both political and diplomatic support and by urgently providing financial support for the Yemen humanitarian response plan for 2020, including by fulfilling existing pledges and promptly disbursing pledged funds, and invites all bodies of the United Nations system and Member States to assist the development process to tackle the economic and social challenges faced by Yemen in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

15. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate and the intensification of its work in accordance with presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

16. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to identifying perpetrators and ending impunity;

17. *Decides* to renew the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council, as follows:

(a) To monitor and report on the situation of human rights, to carry out comprehensive investigations into all alleged violations and abuses of international human rights law and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, including possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations and abuses, to collect, preserve and analyse information and, where possible, to identify those responsible;

(b) To continue to make recommendations on improving respect for and the protection and fulfilment of international human rights law and international humanitarian law, and to provide continued guidance on access to justice, accountability, reconciliation and healing, as appropriate;

(c) To engage with Yemeni authorities and all stakeholders, in particular relevant United Nations agencies, the field presence of the Office of the United Nations High Commissioner for Human Rights in Yemen, authorities of the Gulf States and the League of Arab States with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses and violations of international humanitarian law in Yemen;

(d) To explore and report on recommended approaches and practical mechanisms of accountability to secure truth, justice and redress for victims, in coordination with relevant mandates of the special procedures of the Human Rights Council;

18. *Requests* the Group of Eminent International and Regional Experts to present a comprehensive written report to the Human Rights Council at its forty-eighth session, to be followed by an interactive dialogue;

19. *Decides* to transmit the report of the Group of Eminent International and Regional Experts to the General Assembly, and recommends that the Assembly transmit the report to all relevant bodies of the United Nations;

20. *Urges* all parties to the armed conflict in Yemen to extend full and unfettered access and cooperation to the Group of Eminent International and Regional Experts;

21. *Requests* the Secretary-General and the High Commissioner to continue to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

22. *Requests* the High Commissioner to continue to provide substantive capacity-building, technical assistance and advice and legal support to enable the National Commission of Inquiry to continue to investigate allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

23. *Requests* the Group of Eminent International and Regional Experts to present to the Human Rights Council, at its forty-sixth session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and calls upon the High Commissioner to remain actively seized of the matter.

*37th meeting  
6 October 2020*

[Adopted by a recorded vote of 22 to 12, with 12 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Afghanistan, Bahrain, Burkina Faso, Eritrea, India, Libya, Mauritania, Pakistan, Philippines, Somalia, Sudan and Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Armenia, Bangladesh, Cameroon, Democratic Republic of the Congo, Indonesia, Japan, Namibia, Nepal, Nigeria, Senegal and Togo]

## **45/19. Situation of human rights in Burundi**

*The Human Rights Council,*

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

*Recalling* the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

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

*Recalling further* Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017, 36/19 of 29 September 2017, 39/14 of 28 September 2018 and 42/26 of 27 September 2019,

*Recalling* Security Council resolutions 2248 (2015) of 12 November 2015, 2279 (2016) of 1 April 2016 and 2303 (2016) of 29 July 2016,

*Recalling also* the recent report of the Secretary-General on the situation in Burundi submitted to the Security Council,<sup>6</sup> and taking into consideration the observations and recommendations contained therein, including the aspiration to see a transformed landscape in which all Burundians feel secure and protected, in which participation in the political process is freely accessible to all without restriction or fear, and in which political and social discourse is conducted with mutual respect, inclusive dialogue and accommodation, in the best interests of Burundi and its people,

*Noting* that the Secretary-General has been requested by the Security Council to make recommendations assessing the challenges facing Burundi and the scope and modalities of United Nations engagement in the country, alongside the African Union and the region, to support Burundi in achieving sustainable peace, reconciliation and development,<sup>7</sup> and in that regard also noting that a strategic assessment mission was conducted by the Assistant Secretary-General for Africa and the Special Envoy of the Secretary-General for the Great Lakes Region from 14 to 19 September 2020,

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

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

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

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

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

*Noting* that the Constitutional Court of Burundi has validated the results of the general elections of 20 May 2020, welcoming the high voter turnout and the lack of major incidents on election day, and taking note of statements regarding the lack of transparency and fairness made by national observers in the absence of international observer organizations,

*Noting also* the positive role played by the National Independent Commission on Human Rights in preventing violence, mainly between the youth wings of the two main political parties engaged in the elections,

*Underlining* that the peaceful transfer of power is an opportunity for Burundi to commit to human rights, democratic principles and the rule of law, welcoming the fact that the priorities announced by the newly elected President of Burundi in his inauguration speech of 18 June 2020 included political reconciliation, the fight against corruption, reform of the

<sup>6</sup> S/2019/837.

<sup>7</sup> S/2020/766.

judiciary and accountability for officials who committed offences, and reiterating its readiness to collaborate with the newly elected Government on these issues,

*Expressing utmost appreciation* for the work of the Commission of Inquiry on Burundi, including its most recent report on the situation of human rights in Burundi,<sup>8</sup> while deploring the persistent refusal by the Government of Burundi to cooperate with the Commission, its regrettable decision to declare the three members of the Commission *personae non gratae* and its dismissal of the Commission's findings,

*Deeply* regretting the lack of follow-up to the recommendations made to the Government of Burundi contained in the previous reports of the Commission of Inquiry,

*Regretting* that, since the decision made by the Government of Burundi to close the Office of the United Nations High Commissioner for Human Rights in Burundi on 28 February 2019, the Government has only selectively cooperated with the Office and the United Nations human rights mechanisms,

1. *Condemns in the strongest terms* all human rights violations and abuses committed in Burundi, including in the context of the recent election process, and including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, acts of torture and other cruel, inhuman or degrading treatment or punishment, acts of violence, including sexual and gender-based violence, intimidation, political intolerance, harassment, destruction and theft of property, notably against members of opposition political parties, civil society representatives, human rights defenders, demonstrators, journalists, bloggers and other media workers, and also condemns the severe restrictions on fundamental freedoms, in particular the freedoms of opinion and expression, peaceful assembly and association, thereby contributing to creating a climate of fear and intimidation among the population;

2. *Deplores* that the campaign and the election took place without international observers, and notes with deep concern the statements made by national election observers, in particular the Catholic Church in Burundi and opposition parties, expressing grave concern at alleged serious irregularities during the electoral process, such as infringements of fundamental freedoms, political intolerance, violent clashes between members of the contending political parties, arrests of numerous political opponents and the lack of plurality and political independence of the Independent National Electoral Commission;

3. *Also deplores* the shrinking space for civil society and citizens' activism that prevailed during the pre-electoral period, all acts of violence, harassment, intimidation and restrictions on civil and political rights and fundamental freedoms, and the tolerance of hate speech messages with political and ethnic dimensions that circulate unrestricted on social media, and expresses deep concern at the arbitrary arrest, detention and criminalization of human rights defenders, journalists, bloggers and civil society activists;

4. *Urges* the Government of Burundi to fight the impunity enjoyed by perpetrators of grave crimes, including members of the security forces and the youth league of the ruling party Conseil national pour la défense de la démocratie – Forces pour la défense de la démocratie, known as the Imbonerakure, who have been carrying out extrajudicial killings, arresting people arbitrarily and threatening and harassing perceived political opponents throughout the country;

5. *Condemns* the widespread impunity for all human rights violations and abuses and related crimes, while noting that two recent prosecutions have resulted in the conviction of members of the Imbonerakure, the Conseil national pour la défense de la démocratie – Forces pour la défense de la démocratie, the local administration and the police;

6. *Reaffirms* its call upon the Burundian authorities to guarantee equal access to justice for all, to conduct full, impartial, independent, effective and thorough investigations into all human rights violations and abuses, to hold perpetrators, regardless of their affiliation, accountable for their criminal actions before a court, and to provide fair, effective and prompt remedies to victims, including adequate reparation;

<sup>8</sup> A/HRC/45/32.



7. *Reiterates* its urgent call upon the Government of Burundi to immediately put an end to all human rights violations and abuses and to ensure full respect for and protection and fulfilment of all human rights and fundamental freedoms for all, including the freedoms of opinion and expression, peaceful assembly and association, to ensure the safety, physical integrity and protection of its population, to strengthen the separation of powers with parliamentary oversight and the independence of the judiciary, the rule of law and good governance, and to end impunity for all violations and abuses, including sexual and gender-based violence, while acknowledging the first positive acts undertaken by the Government since the recent election;

8. *Expresses particular concern* at accounts of persistent sexual violence, including rape, affecting mostly women and girls, but also men and boys, and aimed at intimidating, controlling, repressing or punishing the victims of such violence for their supposed or actual political opinions or affiliation, and at the structural nature of such violence, and calls upon the Government of Burundi to prevent such violations and abuses and to bring perpetrators to justice in order to fight impunity;

9. *Urges* the Government of Burundi to provide a political, legal and administrative environment in which fundamental freedoms can flourish, that is conducive to a free and functioning civil society and in which free and safe operations and access to funding are ensured, including through foreign sources;

10. *Also urges* the Government of Burundi to release all human rights defenders, journalists and prisoners of conscience who have been arbitrarily arrested, detained or arrested solely for the peaceful exercise of their human rights, and encourages the Government to consider releasing them on humanitarian grounds, notably as part of its response to the coronavirus disease (COVID-19) health crisis;

11. *Further urges* the Government of Burundi to promote and protect the right to freedom of opinion and expression and the freedom, pluralism and independence of the media and to foster a safe environment for all journalists and other media workers, enabling them to carry out their work independently, without intimidation or undue interference and without fear of violence or persecution;

12. *Calls upon* the Government of Burundi to take the measures necessary to ensure that the National Independent Commission on Human Rights complies fully with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to provide it with all the means necessary to fulfil its mandate to promote and protect human rights;

13. *Also calls upon* the Government of Burundi to implement the recommendations made by the Secretary-General in his recent report on the situation in Burundi submitted to the Security Council;<sup>9</sup>

14. *Further calls upon* the Government of Burundi to implement the recommendations made by the Commission of Inquiry on Burundi in its reports and to build upon the early signs of positive change that have emerged since the establishment of the new Government;

15. *Calls upon* the Government of Burundi to implement the recommendations it has accepted in the context of the universal periodic review, the most recent review having been held on 18 January 2018;

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

17. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to grant access to special procedure mandate holders to undertake country visits, to

<sup>9</sup> S/2019/837.

constructively engage with the regional office for Central Africa of the Office of the United Nations High Commissioner for Human Rights, to unconditionally and without delay reopen the United Nations human rights office in Burundi, and to finalize the status-of-mission agreement with the Office of the Special Envoy of the Secretary-General for Burundi;

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

19. *Encourages* the Government of Burundi to cooperate with the international community and regional organizations, including the African Union and the East African Community, to help to achieve lasting peace and stability in Burundi;

20. *Welcomes* the work of the African Union human rights observers in Burundi, and calls upon the Government of Burundi to further facilitate their effective work and movement in the country and to engage in negotiations with the African Union on a memorandum of understanding thereon;

21. *Encourages* the Government of Burundi to engage, without preconditions, with all Burundian stakeholders, including civil society representatives, media workers and representatives of political parties, both inside and outside the country, to ensure the active and meaningful participation of women and girls and to address the multilayered challenges in the spheres of human rights, human development, the social fabric of society and the public health situation;

22. *Expresses concern* at the difficult situation of Burundians who have fled the country, including the 333,700 Burundians who are currently settled in five neighbouring countries, notes with appreciation the tripartite agreement of 29 November 2019 among Burundi, the United Republic of Tanzania and the Office of the United Nations High Commissioner for Refugees and the tripartite agreement of 13 August 2020 among Burundi, Rwanda and the Office of the United Nations High Commissioner for Refugees, urges all parties to respect their commitment to voluntary, safe and dignified repatriation in accordance with the Convention relating to the Status of Refugees, calls upon the Government of Burundi and countries hosting refugees to ensure that the conditions for the safe return and the sustainable reintegration of returning refugees are met, and commends refugee-hosting countries, donors and other partners providing humanitarian support and international protection to refugees;

23. *Also expresses concern* at the humanitarian and socioeconomic situation that, despite signs of economic recovery, remains precarious, and calls upon the Government of Burundi to tackle the impact of the COVID-19 pandemic, in particular by ensuring full access to quality essential health services for all and allowing medical and humanitarian personnel to provide humanitarian assistance to persons in need;

24. *Recommends* that the General Assembly submit the report of the Commission of Inquiry on Burundi to the relevant United Nations bodies for their consideration and appropriate action, taking into account the relevant conclusions and recommendations of the Commission;

25. *Decides* to extend the mandate of the Commission of Inquiry on Burundi for a further period of one year in order for it to continue its investigations, including with regard to the economic underpinnings of the State;

26. *Requests* the Commission of Inquiry on Burundi to present to the Human Rights Council, at its forty-sixth session, an oral update on the situation of human rights in Burundi, to be followed by an interactive dialogue, and also requests the Commission to present to the Council, at its forty-eighth session, and to the General Assembly, at its seventy-sixth session, a comprehensive written report, to be followed by an interactive dialogue;

27. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry on Burundi, to grant the Commission access to the country and to provide it with all the information necessary to properly fulfil its mandate;

28. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all the resources necessary to enable the Commission of Inquiry on Burundi to carry out its mandate;

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

37th meeting  
6 October 2020

[Adopted by a recorded vote of 24 to 6, with 17 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Cameroon, Pakistan, Philippines, Somalia, Togo and Venezuela (Bolivarian Republic of)

*Abstaining:*

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Democratic Republic of the Congo, Eritrea, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Nigeria, Qatar, Senegal and Sudan]

#### **45/20. Situation of human rights in the Bolivarian Republic of Venezuela**

*The Human Rights Council,*

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

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

*Recalling* its resolutions 39/1 of 27 September 2018, 42/4 of 26 September 2019 and 42/25 of 27 September 2019 on the Bolivarian Republic of Venezuela,

*Expressing grave concern* at the alarming situation of human rights in the Bolivarian Republic of Venezuela, which includes patterns of violations directly and indirectly affecting all human rights – civil, political, economic, social and cultural – in the context of the ongoing political, economic, social and humanitarian crisis, as stated in the reports of the United Nations High Commissioner for Human Rights, the international independent fact-finding mission and other international organizations,

*Expressing concern* that the coronavirus disease (COVID-19) pandemic is aggravating the situation in the Bolivarian Republic of Venezuela, and urging the authorities to follow the international human rights recommendations to address the pandemic and to increase access to information about the development of the COVID-19 pandemic and humanitarian needs in general to both the Venezuelan population and the international community,

*Expressing alarm* at the erosion of the rule of law, the lack of independence of the judicial system and the impact on access to justice for victims of violations of human rights and for ensuring oversight of the electoral process in the Bolivarian Republic of Venezuela,

*Expressing concern* that the ongoing crisis continues to have a disproportionate impact on the rights of women and children, indigenous peoples, older persons and other groups in vulnerable situations, and that such effects have been further aggravated by the COVID-19 pandemic and by the measures taken by the authorities to tackle it,

*Expressing deep concern* that more than 5 million people have been compelled to leave the Bolivarian Republic of Venezuela, that the Office for the Coordination of Humanitarian Affairs has, in its *Global Humanitarian Overview 2020*, identified a population of 7 million in need of humanitarian assistance owing to the deepening political and economic crisis, and that the World Food Programme has estimated, through a food security assessment, that one in three Venezuelans is food insecure and in need of assistance,

*Welcoming* the efforts of neighbouring and other countries of the region to host Venezuelan migrants, refugees and asylum seekers and the humanitarian assistance provided by the United Nations, other humanitarian organizations and partner countries,

*Expressing concern* at the abuses and violations suffered by returnees and people leaving the Bolivarian Republic of Venezuela, including extortion and illegal requisitions,

*Acknowledging* the ongoing efforts of human rights defenders, journalists and other media workers, health professionals, politicians, civil servants, academics and other civil society stakeholders in the Bolivarian Republic of Venezuela to call attention to and to document violations and abuses of human rights,

*Aware* of the confidential letter of understanding dated 20 September 2019 and renewed on 14 September 2020 between the Office of the United Nations High Commissioner for Human Rights and the authorities of the Bolivarian Republic of Venezuela and the resulting commitments, and urging the Venezuelan authorities to fulfil those commitments,

*Welcoming* the enlarged presence of officers from the Office of the High Commissioner in the Bolivarian Republic of Venezuela, and the establishment of a mechanism for the exchange of information regarding individual cases,

*Recalling* the work of the entities of the inter-American human rights system and the preliminary examination opened by the Prosecutor of the International Criminal Court, and calling upon the Bolivarian Republic of Venezuela to cooperate fully with their work,

*Recalling also* that the States members of the Human Rights Council shall uphold the highest standards in the promotion and protection of human rights and shall fully cooperate with the Council, including its subsidiary bodies and mechanisms,

*Affirming* its strong conviction that there can only be a peaceful and democratic solution to the current crisis in the Bolivarian Republic of Venezuela, and that such a solution lies with the Venezuelan people, without any sort of foreign military, security or intelligence interference, and requires the holding of free, fair, transparent and credible presidential and parliamentary elections in accordance with international standards, and expressing support for relevant diplomatic efforts in this regard,

1. *Welcomes* the reports of the United Nations High Commissioner for Human Rights,<sup>10</sup> and requests the High Commissioner to present them to the General Assembly at its seventy-fifth session;

2. *Also welcomes* the report of the independent international fact-finding mission containing information on documented cases of extrajudicial executions, enforced disappearances, arbitrary detention and torture and other cruel, inhuman or degrading treatment committed in the country since 2014,<sup>11</sup> and its detailed findings thereon;<sup>12</sup>

3. *Strongly condemns* all violations and abuses of international human rights law in the Bolivarian Republic of Venezuela, urges the Venezuelan authorities to implement fully and immediately the recommendations contained in the recent reports of the High Commissioner and in the report of the independent international fact-finding mission, and regrets that most of the recommendations made in the previous report of the High Commissioner<sup>13</sup> have not been implemented;

<sup>10</sup> A/HRC/44/20 and A/HRC/44/54.

<sup>11</sup> A/HRC/45/33.

<sup>12</sup> Available from [www.ohchr.org/EN/HRBodies/HRC/FFMV/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/FFMV/Pages/Index.aspx).

<sup>13</sup> A/HRC/41/18.

4. *Expresses deep concern* that insecurity of tenure, lack of transparency in the process of designating judges and prosecutors, precarious working conditions and political interference, including in respect of members of the Supreme Court lacking personal independence from the authorities and the ruling party, undermine the independence of the justice system, contribute to impunity and the persistence of human rights violations and hinder the holding of free, fair, transparent and credible elections;

5. *Strongly condemns* the widespread targeted repression and persecution on political grounds, including through the excessive use of force, arbitrary detention, torture, ill-treatment, extrajudicial execution and enforced disappearance by the security forces, and the violations of the independence of the National Assembly, including against its leadership and in the exercise of its functions concerning the National Electoral Council and through the violation of the rights of its members, their relatives and support staff, as well as the intervention in the autonomy and composition of several political parties;

6. *Urges* the Venezuelan authorities to adopt appropriate measures to address reported acts of violence and harassment, sexual violence against women and girls in detention in the Bolivarian Republic of Venezuela, which includes accounts of physical, sexual and verbal abuse, threats and intimidation, the sexual exploitation of women and girls for food, protection and privileges, and the ill-treatment, torture and denial of rights of women human rights defenders, nurses, teachers, civil servants, political prisoners and detainees in detention centres;

7. *Welcomes* the recent pardon of 110 people, most of whom had been arbitrarily detained, forced into exile or held under precautionary measures, and urges the Venezuelan authorities to immediately release all political prisoners and all other persons unlawfully or arbitrarily deprived of their liberty, prioritizing those particularly vulnerable to the COVID-19 pandemic and those identified by the Working Group on Arbitrary Detention, the independent international fact-finding mission and the Office of the High Commissioner;

8. *Calls upon* parties in the Bolivarian Republic of Venezuela to engage promptly in, or in support of, a process that will ensure the holding of free, fair and credible presidential and parliamentary elections, with an independent national electoral council and an impartial Supreme Court, as well as full freedom of the press and the unfettered political participation of all Venezuelans and all political parties, without fear of repercussions or interference, respecting international standards;

9. *Expresses deep concern* at the human rights and environmental situation in the Arco Minero del Orinoco region, which is the site of labour exploitation of miners, including child labour, human trafficking and forced prostitution, and expresses particular concern about the violations of the rights of indigenous peoples in the region;

10. *Deplores* the restrictions to civic and democratic space, including under the “state of alarm” decreed in response to the COVID-19 pandemic, and the continued killings of young men by security forces in marginalized neighbourhoods characterized by high levels of insecurity;

11. *Expresses profound alarm* that the independent international fact-finding mission found reasonable grounds to believe that the following crimes against humanity were committed in the Bolivarian Republic of Venezuela since 2014: murder, imprisonment and other severe deprivation of physical liberty, torture, rape and other forms of sexual violence, enforced disappearance of persons, and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health;<sup>14</sup>

12. *Decides* to transmit all reports and oral updates of the High Commissioner on the situation of human rights in the Bolivarian Republic of Venezuela and the report of the independent international fact-finding mission to the General Assembly, and recommends that the Assembly submit them, in particular the report on the situation in the Arco Minero del Orinoco region, to all relevant United Nations bodies for appropriate action;

<sup>14</sup> [A/HRC/45/33](#), para. 161.

13. *Encourages* relevant special procedures to pay particular attention, within their respective mandates, to the situation of human rights in the Bolivarian Republic of Venezuela, and urges the Venezuelan authorities to cooperate fully with their work, including by facilitating country visits;

14. *Requests* the High Commissioner to continue to monitor, report on and provide technical cooperation with a view to improving the situation of human rights in the Bolivarian Republic of Venezuela, including through the presentation of oral updates to the Human Rights Council at its forty-sixth and forty-ninth sessions, to be followed by interactive dialogues, and also requests the High Commissioner to prepare comprehensive written reports on the situation of human rights in the Bolivarian Republic of Venezuela containing a detailed assessment of the implementation of the recommendations made in her previous reports, and to present them to the Council at its forty-seventh and fiftieth sessions, to be followed by interactive dialogues;

15. *Decides* to extend the mandate of the independent international fact-finding mission for a period of two years, to enable the mission to continue to investigate gross violations of human rights, including extrajudicial executions, enforced disappearances, arbitrary detention, torture and other cruel, inhuman or degrading treatment, including those involving sexual and gender-based violence, committed since 2014, with a view of combating impunity and ensuring full accountability for perpetrators and justice for victims, and requests the mission to present an oral update on its work during an interactive dialogue at the forty-sixth and forty-ninth sessions of the Council, and to prepare written reports on its findings, to be presented to the Council during an interactive dialogue at its forty-eighth and fifty-first sessions;

16. *Urges* the Venezuelan authorities to cooperate fully with the Office of the High Commissioner and the independent international fact-finding mission, to grant them immediate, full and unfettered access to the entire country, including to victims and places of detention, to provide them with all the information necessary to fulfil their mandates, and to ensure that all individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack;

17. *Requests* that the Office of the High Commissioner be provided with all the resources necessary to fulfil the mandate and that the independent international fact-finding mission be provided with the full administrative, technical and logistical support needed to carry out its mandate;

18. *Decides* to remain actively seized of the matter and to consider further measures, including the establishment of a commission of inquiry if the situation continues to deteriorate or if the Venezuelan authorities do not cooperate meaningfully with the Office of the High Commissioner, the independent international fact-finding mission and the special procedures, particularly through the implementation of the recommendations contained in the reports of the High Commissioner.

*37th meeting  
6 October 2020*

[Adopted by a recorded vote of 22 to 3, with 22 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Eritrea, Philippines and Venezuela (Bolivarian Republic of)

*Abstaining:*

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

**45/23. Commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action**

*The Human Rights Council,*

*Recalling* all resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance, in particular Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, and Commission resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

*Recalling also* General Assembly resolution 57/195 of 18 December 2002, in which the Assembly assigned responsibilities to the relevant United Nations institutions to ensure the effective implementation of the Durban Declaration and Programme of Action at the international level,

*Recalling further* General Assembly resolution 68/237 of 23 December 2013, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent,

*Noting* that 2021 will mark the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action,

*Affirming* that the above-mentioned anniversary offers an important opportunity to reflect on progress made in efforts to eliminate racism, racial discrimination xenophobia and related intolerance, and on best practices and challenges with regard to the implementation of the Declaration,

*Concerned* by continued acts of racism, racial discrimination, xenophobia and related intolerance,

*Emphasizing* the need for reinforced efforts to combat the scourge of racism, racial discrimination, xenophobia and related intolerance, whenever and wherever they may occur,

*Underlining* the fact that the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and encouraging States and communities to commemorate the twentieth anniversary in all regions through a wide range of activities,

1. *Notes with appreciation* the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its work to implement its mandate, and welcomes the conclusions and recommendations made at its seventeenth session and in its report on preparations for marking the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action;<sup>15</sup>

2. *Encourages* the General Assembly to adopt a resolution, at its seventy-fifth session, in which it requests the organization of a one-day high-level plenary event to mark the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action during the high-level segment of its seventy-sixth session, with the aim of proclaiming its determination to make the fight against racism, racial discrimination, xenophobia and related intolerance, and the protection of the victims thereof, a high priority for all countries;

3. *Decides* to convene, at its forty-sixth session, a high-level panel discussion during the high-level segment to mark the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, with a particular focus on its implementation, and on achievements, best practices and challenges in this regard;

4. *Encourages* States and communities to commemorate the twentieth anniversary in all regions through a wide range of activities;

<sup>15</sup> [A/HRC/45/48](#).

5. *Invites* Member States, intergovernmental organizations and other stakeholders to consider providing support to enable non-governmental organizations to organize and participate in activities linked to the twentieth anniversary;

6. *Invites* Member States, international and regional organizations, civil society representatives and other stakeholders to organize various initiatives, with high visibility, to celebrate positive developments and to address remaining challenges, which will effectively increase awareness at all levels;

7. *Requests* the United Nations High Commissioner for Human Rights to organize the panel discussion, and to liaise with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, States, relevant United Nations bodies and agencies, as well as with representatives of civil society, non-governmental organizations and national human rights institutions, with a view to ensuring their participation in the panel discussion;

8. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

9. *Requests* the High Commissioner to prepare a summary report on the outcome of the panel discussion;

10. *Also requests* the High Commissioner to prepare public information materials on the twentieth anniversary, to be disseminated at various events, through United Nations information centres and the website of the Office of the High Commissioner and of other United Nations entities.

*37th meeting  
6 October 2020*

[Adopted without a vote.]



### III. Resolutions

#### 45/1. Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath

*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,

*Having held* an urgent debate at its current session to discuss the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath,

*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 44/19 of 17 July 2020,

*Recalling also* the statement made by the United Nations High Commissioner for Human Rights on 12 August 2020, the statement made by the Office of the Secretary-General on 13 August 2020 and the joint statements made by the special procedure mandate holders since the presidential election held in Belarus on 9 August 2020,

1. *Expresses deep concern* about the overall situation of human rights in Belarus and its deterioration in the run-up to the 2020 presidential election held on 9 August 2020 and in its aftermath;

2. *Regrets* that the Government of Belarus has not fulfilled its obligations with regard to the right of every citizen to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with, inter alia, its obligations under article 25 (b) of the International Covenant on Civil and Political Rights, and also regrets the failure of Belarus to implement previous recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe on holding credible elections that meet international standards and its non-cooperation in issuing a timely invitation, which precluded the deployment of a mission by that Office to observe the recent presidential election;

3. *Expresses serious concern* at credible allegations that human rights violations were committed in Belarus in the run-up to the 2020 presidential election and in its aftermath, including numerous acts of torture; enforced disappearance; abduction and arbitrary expulsion; arbitrary detention, including of minors; sexual and gender-based violence; arbitrary deprivation of life; attacks against and harassment, intimidation and detention of members of the political opposition, including members of the Coordination Council, as well as the politically motivated arbitrary expulsion from the territory of Belarus of members of the Coordination Council, human rights defenders, civil society representatives, journalists and other media workers and people seeking to peacefully exercise their civil and political rights; denial of the right to freedom of peaceful assembly; and denial of the right to freedom of opinion and expression, online and offline, including through attacks on the media by revoking foreign media workers' accreditations, blocking independent media websites and shutting down the Internet;

4. *Expresses particular concern* at the credible allegations of numerous acts of torture and other cruel, inhuman or degrading treatment or punishment by law enforcement and prison officers, including in prisons and detention centres, which urgently require an independent investigation, and regrets that, despite being a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Belarus has not complied with its obligations under that treaty;

5. *Calls upon* the Belarusian authorities to cease using excessive force against peaceful demonstrators, including torture and other cruel, inhuman or degrading treatment or punishment and enforced disappearance, and to stop carrying out arbitrary arrests and detentions on political grounds, and urges the Belarusian authorities to immediately release

all political prisoners, journalists, human rights defenders, members of strike committees, students and those detained in the lead-up to, during and after the presidential election for exercising their human rights and fundamental freedoms;

6. *Also calls upon* the Belarusian authorities to enter into a dialogue with the political opposition, including the Coordination Council and civil society, in order to guarantee respect for human rights law, including civil and political rights;

7. *Recognizes* the important role played by civil society, including human rights defenders, in continuing to carry out essential human rights work, including by documenting and monitoring, in challenging circumstances, allegations of human rights violations in the lead-up to, during and after the election;

8. *Urges* the Belarusian authorities to fulfil their obligations under international human rights law, in particular with regard to freedom of peaceful assembly and association, the prohibition of torture and other forms of ill-treatment, and freedom of opinion and expression, both online and offline, including its obligations related to freedom of the media and freedom of information;

9. *Also urges* the Belarusian authorities to enable independent, transparent and impartial investigations into all human rights violations allegedly committed in the context of the election, including allegations of torture and other cruel, inhuman or degrading treatment or punishment of detainees and protesters and of enforced disappearance, and to guarantee that victims have access to justice and redress and that perpetrators are held fully accountable;

10. *Urges* Belarus to cooperate fully with the Special Rapporteur on the situation of human rights in Belarus, in particular by granting her free, full and unhindered access to the territory of the country, including unhindered access to all places of detention, and to extend full cooperation to the thematic special procedures of the Human Rights Council;

11. *Requests* the United Nations High Commissioner for Human Rights to monitor closely the situation of human rights in Belarus in the context of the 2020 presidential election, to present to the Human Rights Council, before the end of 2020, an interim oral update on that situation, with recommendations, to be followed by an interactive dialogue, and to submit a comprehensive written report on the situation of human rights in Belarus in the lead-up to, during and after the 2020 presidential election during an enhanced interactive dialogue at the forty-sixth session of the Council.

*10th meeting  
18 September 2020*

[Adopted by a recorded vote of 23 to 2, with 22 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Eritrea and Venezuela (Bolivarian Republic of)

*Abstaining:*

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

**45/2. Strengthening cooperation and technical assistance in the field of human rights in the Bolivarian Republic of Venezuela**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international human rights instruments,

*Reiterating* the primary responsibility of the State to respect, protect and fulfil human rights and fundamental freedoms,

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

*Reaffirming also* that the process of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter, including the respect for the universal principles of sovereignty, territorial integrity, the free determination of peoples, the sovereign equality of States and non-intervention and non-interference in internal affairs, and in full respect for international law,

*Recalling* that States elected to membership in the Human Rights Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council,

*Recalling also* the obligation of States to ensure accessible and effective remedies to individuals for any violations or abuses of human rights,

*Underlining* the primary importance of engaging in continuous constructive dialogue and cooperation with the State concerned in order to strengthen its capacity to comply with its human rights obligations,

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

*Recalling also* Human Rights Council resolution 42/4 of 26 September 2019,

*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 in particular* that the United Nations High Commissioner for Human Rights has a mandate to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights and to play an active role in removing the current obstacles to and in meeting the challenges for the full realization of all human rights and in preventing the continuation of human rights violations throughout the world,

*Expressing concern* over reports of alleged restrictions on civic and democratic space, including claims of alleged arbitrary detention, intimidation and public defamation of protesters, journalists and human rights defenders,

*Expressing concern also* at the negative effect of unilateral coercive measures imposed on the Bolivarian Republic of Venezuela, which, according to the High Commissioner, have exacerbated further the effects of the economic crisis and thus the humanitarian situation of the Venezuelan people,

*Recognizing* the increased cooperation of the Government of the Bolivarian Republic of Venezuela with the High Commissioner and the Office of the High Commissioner,

*Welcoming* the visit of the High Commissioner to the Bolivarian Republic of Venezuela from 19 to 21 June 2019 and the commitments agreed with the Government to improve the situation of human rights in the country,

*Recalling* the memorandum of understanding signed on 20 September 2019, welcoming the commitments made in the letter of understanding signed on 14 September 2020 between the High Commissioner and the Government of the Bolivarian Republic of

Venezuela on the development of cooperation and technical assistance in the field of human rights, and noting the steps taken by the Government towards the establishment of a permanent presence of the Office of the High Commissioner in the Bolivarian Republic of Venezuela and the full implementation of its mandate, in accordance with General Assembly resolution 48/141 of 20 December 1993,

*Affirming* its strong conviction that the responsibility for reaching a peaceful, democratic and constitutional solution to the current situation in the Bolivarian Republic of Venezuela lies with the Venezuelan people, without any military or security forces or foreign intelligence interference, in full respect of human rights and fundamental freedoms, and that such a solution requires free, fair and transparent electoral processes held in accordance with the Venezuelan Constitution and international standards, and in this regard encouraging all relevant diplomatic efforts aimed at promoting negotiations and a genuine and inclusive political dialogue between the Government and the opposition to find a peaceful, democratic, credible and constitutional solution in the Bolivarian Republic of Venezuela,

*Welcoming* the granting of alternative formulas to the deprivation of liberty for 67 people since September 2019 through the Commission for Truth, Justice, Peace and Public Tranquillity, within the framework of the national dialogue process, and the pardon of 110 people as part of efforts to strengthen political dialogue, open up democratic space and improve the situation of human rights in the country,

*Noting* the efforts made by the Government of the Bolivarian Republic of Venezuela to cooperate with the World Health Organization and the Pan American Health Organization in the implementation of policies and in the search for financial and material resources to address the coronavirus disease (COVID-19) pandemic, and the adoption of a new humanitarian response plan for 2020, while recognizing the urgent need to facilitate further access to humanitarian assistance, especially in the light of the COVID-19 pandemic,

*Welcoming* the strengthened presence of the Office of the High Commissioner in the Bolivarian Republic of Venezuela, in agreement with the Government, and the progress made through technical cooperation, in areas such as the revision of police protocols on the use of force, the identification of factors that contribute to the overcrowding of pretrial detention centres, the exchange of information on individual cases and human rights situations, as well as the technical cooperation provided for the elaboration of the National Human Rights Action Plan and the increased access by the Office of the High Commissioner to detention facilities in the Bolivarian Republic of Venezuela in coordination with the Government,

*Recognizing* the importance of the technical assistance provided by the Office of the High Commissioner regarding the initiation of cooperation with the National Commission for the Prevention of Torture to enhance its capacity to effectively prevent cases of torture, and to establish a national mechanism for the presentation of reports and to follow up on the recommendations emanating from international human rights mechanisms, and to establish a dialogue with the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances,

*Noting* the progress made by the Bolivarian Republic of Venezuela in terms of issuing invitations to various special procedures of the Human Rights Council to visit the country,

1. *Takes note* of the most recent reports of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, covering the period from June 2019 to May 2020,<sup>16</sup> and of other reports by the mechanisms of the Human Rights Council and the United Nations treaty bodies;

2. *Calls upon* the Government of the Bolivarian Republic of Venezuela to implement the recommendations contained in the reports of the High Commissioner submitted to the Human Rights Council at its forty-first and forty-fourth sessions;<sup>17</sup>

3. *Welcomes* the establishment of a permanent presence of the Office of the United Nations High Commissioner for Human Rights in the Bolivarian Republic of

<sup>16</sup> [A/HRC/44/20](#) and [A/HRC/44/54](#).

<sup>17</sup> [A/HRC/41/18](#) and [A/HRC/44/20](#).

Venezuela under the terms established in the memorandum of understanding signed on 20 September 2019 and renewed on 14 September 2020, including the unlimited access granted by the Government to all regions and detention centres and the strengthening of the judicial system and institutional mechanisms for the protection of human rights in the Bolivarian Republic of Venezuela;

4. *Calls upon* the Venezuelan authorities to cooperate with the special procedures and mechanisms of the Human Rights Council in the fulfilment of their respective mandates, to extend an invitation to mandate holders, as agreed upon with the Office of the High Commissioner, and to ensure that all individuals can communicate with the United Nations without fear of reprisal, intimidation or attack;

5. *Encourages* the Bolivarian Republic of Venezuela to extend an invitation to a third special procedure mandate holder in 2020 in order to comply with the calendar of 10 visits in two years committed to during the visit in June 2019 of the High Commissioner;

6. *Notes* the efforts of the Bolivarian Republic of Venezuela to implement the recommendations accepted during the second cycle of the universal periodic review and encourages the State to continue to collaborate with the mechanism;

7. *Recalls* the United Nations humanitarian response plan for the Bolivarian Republic of Venezuela launched in August 2019, and encourages the granting of a United Nations-led response, in agreement with the Government of the Bolivarian Republic of Venezuela, to the humanitarian situation, including by allowing access for humanitarian actors, facilitating the entry of the World Food Programme and ensuring the protection of humanitarian workers, and calls upon the international community, States and United Nations agencies to support this important initiative, as the humanitarian situation in the Bolivarian Republic of Venezuela remains one of the least funded in the world;

8. *Acknowledges* the progress made in, as well as the challenges and obstacles remaining to, realizing human rights in the Bolivarian Republic of Venezuela, calls upon the Government to fulfil its obligations in accordance with international human rights law and to fully cooperate with and to continue its commitment to the Office of the High Commissioner, the special procedures and mechanisms of the Human Rights Council and the treaty bodies, and calls upon States and international organizations to support the Bolivarian Republic of Venezuela in this regard;

9. *Notes* the call by the High Commissioner to lift economic sanctions to facilitate the allocation of resources during the pandemic, and urges States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations;

10. *Urges* the Venezuelan authorities to take all measures necessary to guarantee the full enjoyment of social and economic rights, including but not limited to the right to food, water and the highest attainable standard of physical and mental health, including access to essential medicines and health services, without discrimination of any kind;

11. *Calls upon* the Venezuelan authorities to ensure the democratic and civic space in the country by respecting, protecting and fulfilling civil and political rights, including the freedoms of opinion and expression, peaceful assembly and association, especially in the run-up to the elections, to ensure full accountability for perpetrators of human rights violations and to guarantee justice for victims;

12. *Also calls upon* the Venezuelan authorities to continue to release all persons alleged to be illegally or arbitrarily deprived of liberty, in accordance with Venezuelan Constitutional law and international standards;

13. *Encourages* both the Government of the Bolivarian Republic of Venezuela and the opposition to make progress down the path of genuine political dialogue with the aim of reaching a peaceful, democratic and constitutional solution that will lead to full respect for and the protection and fulfilment of human rights in the country;

14. *Requests* the High Commissioner to continue to provide the technical cooperation and support necessary to the Bolivarian Republic of Venezuela to fulfil its human

rights obligations and commitments, including by strengthening the justice system and the national protection mechanisms;

15. *Also requests* the High Commissioner to continue to engage with the Bolivarian Republic of Venezuela in addressing the situation of human rights in the country and providing substantive capacity-building and technical assistance, and to present to the Human Rights Council, at its forty-sixth session, an oral update on the situation of human rights in the country, especially on the implementation of the recommendations included in her report,<sup>18</sup> and a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela, to be presented at the Council at its forty-eighth session;

16. *Requests* that the Office of the High Commissioner be provided, in Geneva and in the Bolivarian Republic of Venezuela, with the resources necessary to fulfil the mandate in line with the renewed letter of understanding signed on 14 September 2020.

*36th meeting  
6 October 2020*

[Adopted by a recorded vote of 14 to 7, with 26 abstentions. The voting was as follows:

*In favour:*

Angola, Burkina Faso, Cameroon, Eritrea, Fiji, Indonesia, Mexico, Namibia, Nepal, Pakistan, Philippines, Qatar, Sudan and Venezuela (Bolivarian Republic of)

*Against:*

Australia, Brazil, Chile, Marshall Islands, Peru, Ukraine and Uruguay

*Abstaining:*

Afghanistan, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bulgaria, Czechia, Democratic Republic of the Congo, Denmark, Germany, India, Italy, Japan, Libya, Mauritania, Netherlands, Nigeria, Poland, Republic of Korea, Senegal, Slovakia, Somalia, Spain and Togo]

### **45/3. Enforced or involuntary disappearances**

*The Human Rights Council,*

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

*Reaffirming* the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right to liberty and security of person, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment and the right to recognition as a person before the law,

*Recalling* Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolutions 7/12 of 27 March 2008 and 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances, as well as Council decision 25/116 of 27 March 2014, and Council resolutions 21/4 of 27 September 2012, 27/1 of 25 September 2014 and 36/6 of 28 September 2017,

*Recalling also* General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States, Assembly resolution 61/177 of 20 December 2006, by which it adopted the International Convention for the Protection of All Persons from Enforced Disappearance, which came into force on 23 December 2010, and Assembly resolutions 70/160 of 17 December 2015 and 74/161 of 18 December 2019,

<sup>18</sup> A/HRC/44/20.

*Recalling further* that no one shall be subjected to enforced disappearance and that no exceptional circumstance whatsoever may be invoked as justification for enforced disappearances,

*Welcoming* the fact that 98 States have signed the Convention and that 63 States have ratified or acceded to it, and recognizing that its implementation is a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

*Recalling* the fortieth anniversary of the establishment of the Working Group on Enforced or Involuntary Disappearances and the tenth anniversary of the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

*Deeply concerned* in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

*Recalling* that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, provides for the guarantee of access to information concerning the whereabouts of the person deprived of liberty to any person with a legitimate interest in such information, and sets out obligations for the State party to take appropriate measures in this regard,

*Taking note with interest* of the recommendation made by the Working Group on Enforced or Involuntary Disappearances that more assistance should be provided to family members and members of civil society in order to enable them to report alleged cases of enforced disappearance to the Working Group, given that, in a large number of cases, the underreporting of cases of enforced disappearance remains a major problem owing to various reasons, including, inter alia, fear of reprisal, weak administration of justice, poverty and illiteracy,

*Taking note with interest also* of the most recent thematic reports prepared by the Working Group, including the study on standards and public policies for an effective investigation of enforced disappearances,<sup>19</sup>

*Acknowledging* the fact that acts of enforced disappearance may amount to crimes against humanity as it is defined by the Rome Statute of the International Criminal Court,

*Welcoming* the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances, as well as the decision of the Assembly in its resolution 65/196 of 21 December 2010 to proclaim, pursuant to the recommendation made by the Human Rights Council in its resolution 14/7 of 17 June 2010, 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, and its call upon Member States, the United Nations system and other international and regional organizations, national human rights institutions, civil society and other relevant stakeholders to observe these days,

*Acknowledging* that many States cooperate with the Working Group, including by responding favourably to its requests for visits to their countries,

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

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to

<sup>19</sup> [A/HRC/45/13/Add.3](#).

consider doing so as a matter of priority, and to consider as well the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

2. *Calls upon* States to cooperate with the Working Group on Enforced or Involuntary Disappearances and to respond favourably to its request for visits;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States interested in becoming parties to the Convention, while recognizing that a significant number of States support universal ratification;

4. *Takes note with appreciation* of the reports of the Working Group,<sup>20</sup> and encourages States to give due consideration to the comments and recommendations contained therein;

5. *Welcomes* the important work undertaken by the Working Group to address all situations of enforced disappearance;

6. *Encourages* the Working Group to continue to explore issues regarding enforced disappearances and to continue to submit reports to the Human Rights Council, in accordance with its mandate;

7. *Welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, as well as with other relevant special procedures and treaty bodies, within the framework of their respective mandates, and encourages them to continue their cooperation in the future;

8. *Decides* to extend the mandate of the Working Group on Enforced or Involuntary Disappearances for a further period of three years, in conformity with the terms set forth in Human Rights Council resolution 7/12;

9. *Calls upon* States that have not provided substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

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

11. *Requests* the Secretary-General to continue to provide the Working Group with all financial and human resources necessary to enable it to carry out fully its mandate;

12. *Decides* to continue its consideration of the question of enforced disappearances in accordance with its programme of work.

*36th meeting  
6 October 2020*

[Adopted without a vote.]

#### **45/4. Mandate of the Independent Expert on the promotion of a democratic and equitable international order**

*The Human Rights Council,*

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

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

<sup>20</sup> [A/HRC/45/13](#) and [Add.1–5](#).



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

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

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

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

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

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

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order and that a democratic and equitable international order fosters the full realization of all human rights for all, including the right to development;
2. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;<sup>21</sup>
3. *Decides* to renew the mandate of the Independent Expert on the promotion of a democratic and equitable international order for a period of three years, in conformity with the terms set forth by the Human Rights Council in its resolution 18/6;
4. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his or her mandate, and to provide the Independent Expert with all the necessary information requested by the Independent Expert in order to enable him or her to fulfil the duties of the mandate effectively;
5. *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 Independent Expert;
6. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as South Centre, and with other relevant stakeholders from all regions;
7. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution, and to make contributions to its implementation;
8. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

<sup>21</sup> [A/HRC/45/28](#).

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

10. *Invites* the Independent Expert to give special attention in his next report to the Human Rights Council to the negative impact of the COVID-19 pandemic at the international level on relevant issues pertaining to his mandate;

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

*36th meeting  
6 October 2020*

[Adopted by a recorded vote of 22 to 15, with 10 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, Eritrea, Fiji, India, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Senegal, Sudan, Togo and Venezuela (Bolivarian Republic of)

*Against:*

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

*Abstaining:*

Afghanistan, Armenia, Brazil, Chile, Democratic Republic of the Congo, Libya, Mexico, Peru, Somalia and Uruguay]

## **45/5. Human rights and unilateral coercive measures**

*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 resolution 43/15 of 22 June 2020 and General Assembly resolution 74/154 of 18 December 2019,

*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, in particular during the coronavirus disease (COVID-19) pandemic,

*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, 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,

*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 the persons in vulnerable situations, on developing countries by developed countries,

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

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

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

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

*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 developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*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,

*Recalling also* article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides, inter alia, that in no case may a people be deprived of its own means of subsistence, including but not limited to food and medicines,

*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, the right to an adequate standard of living, food, education, work and housing and the right to development,

*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* 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 to monitor human rights violations associated with unilateral coercive measures and to promote accountability,

*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 her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, including her thematic reports and country visits;

2. *Also welcomes* the calls made by the Special Rapporteur to lift unilateral sanctions during the COVID-19 pandemic;

3. *Further welcomes* the report of the Special Rapporteur;<sup>22</sup>

4. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, as set out in Human Rights Council resolution 27/21 of 26 September 2014;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to human rights and unilateral coercive measures, to pursue further work in this area in full cooperation with the Special Rapporteur in her various activities, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of the mandate;

6. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her tasks, to supply all necessary information requested by the mandate holder, and to respond favourably to her requests to visit their countries to enable her to fulfil her mandate effectively;

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

8. *Decides* to continue its consideration of the issue of human rights and unilateral coercive measures in accordance with its programme of work.

*36th meeting  
6 October 2020*

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

*In favour:*

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

*Against:*

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

*Abstaining:*

Afghanistan, Armenia, Brazil, Mexico and Uruguay]

<sup>22</sup> A/HRC/45/7.

## 45/6. The right to development

*The Human Rights Council,*

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

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

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

*Reaffirming* Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development, and recalling also all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 42/23 of 27 September 2019 and Assembly resolution 74/152 of 18 December 2019,

*Recalling* the outcome document of the second High-level United Nations Conference on South-South Cooperation, held in Buenos Aires from 20 to 22 March 2019,<sup>23</sup>

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

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

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

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

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

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

*Stressing* that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the States Members of the United Nations and should be exercised multilaterally, and that in this regard the central

<sup>23</sup> General Assembly resolution 73/291.

role must be played by the United Nations as the most universal and representative international organization in the world,

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

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

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

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

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

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

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

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

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

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

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

Member States, development agencies and international development, financial and trade institutions,

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

*Noting with appreciation* the submission of the draft legally binding instrument on the right to development with commentaries by the Chair-Rapporteur of the Working Group, as mandated by the Human Rights Council in its resolution 39/9 of 27 September 2018,<sup>24</sup>

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

*Welcoming also* the holding of the open-ended discussion by the Chairmanship of the Movement of Non-Aligned Countries, with multi-stakeholder participation, in Geneva on 12 February 2020, about the right to development and possible ways of achieving its practical implementation,

*Reaffirming* 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 the duties of the mandate in accordance with those resolutions and the annexes thereto,

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

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

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

4. *Welcomes* the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;<sup>25</sup>

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

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

<sup>24</sup> A/HRC/WG.2/21/2/Add.1.

<sup>25</sup> A/HRC/45/21.

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

8. *Reiterates* the importance of the core principles contained in the conclusions of the Working Group at its third session<sup>26</sup> that are congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

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

10. *Also stresses* the importance of constructive engagement at the twenty-first session of the Working Group, which will consider the draft legally binding instrument on the right to development submitted by the Chair-Rapporteur of the Working Group;

11. *Welcomes* the first report of the Expert Mechanism on the Right to Development,<sup>27</sup> and requests the Expert Mechanism to implement the recommendations contained in its report and in doing so to pay particular attention to the international dimension of the right to development, and how this aspect will make the practical implementation of the right to development effective at the international, regional and national levels;

12. *Also welcomes* the report of the Special Rapporteur on the right to development,<sup>28</sup> and requests him to continue to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

13. *Further welcomes* the work of the Special Rapporteur on the right to development, in particular the consultations with States and the regional consultations held by the Special Rapporteur, on the implementation of the right to development, as a result of which he submitted guidelines and recommendations on the practical implementation of the right to development to the Human Rights Council at its forty-second session;<sup>29</sup>

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

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

16. *Takes note* of the report of the Human Rights Council Advisory Committee on the importance of a legally binding instrument on the right to development submitted to the Human Rights Council pursuant to Council resolution 39/9;<sup>30</sup>

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<sup>26</sup> See [E/CN.4/2002/28/Rev.1](#).

<sup>27</sup> [A/HRC/45/29](#).

<sup>28</sup> [A/HRC/45/15](#).

<sup>29</sup> See [A/HRC/42/38](#).

<sup>30</sup> [A/HRC/45/40](#).



17. *Welcomes* the appointment of the members of the subsidiary expert mechanism as established by the Human Rights Council in its resolution 42/23 with a view to provide the Council with thematic expertise on the right to development in searching for, identifying and sharing best practices;

18. *Requests* the Office of the High Commissioner to continue to give high priority to the right to development, to pursue further work in this area in full cooperation with the Expert Mechanism on the Right to Development in its activities, and to provide the Expert Mechanism with all the assistance necessary for the effective fulfilment of its mandate;

19. *Encourages* all States to cooperate with and to assist the Expert Mechanism in its tasks, and to supply all necessary information requested, where available, for the fulfilment of the mandate entrusted to it;

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

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

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

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

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

*36th meeting  
6 October 2020*

[Adopted by a recorded vote of 27 to 13, with 7 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Australia, Austria, Bulgaria, Czechia, Denmark, Germany, Italy, Japan, Netherlands, Poland, Slovakia, Spain and Ukraine

*Abstaining:*

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

## 45/7. Local government and human rights

*The Human Rights Council,*

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

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

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

*Recalling further General Assembly resolution 70/1 of 25 September 2015 on 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 its commitments to working tirelessly for the full implementation of the Agenda by 2030 at all levels,*

*Underscoring the significant contribution that local government can make to the implementation of the Sustainable Development Goals and their targets, including with regard to the promotion and protection of human rights,*

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

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

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

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

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

*Deeply concerned that the coronavirus disease (COVID-19) pandemic perpetuates and exacerbates existing inequalities, and that those most at risk are persons in vulnerable and marginalized situations,*

*Emphasizing the importance of upholding human rights in shaping the response to the pandemic both in relation to the public health emergency and the broader impact on people's lives and livelihoods, and in this regard acknowledging the essential role of local government in ensuring a human rights-compliant response to the COVID-19 pandemic at the local level,*

*Acknowledging the role of local government in preventing and reducing inequalities and protecting the rights of persons in vulnerable and marginalized situations from discrimination by developing and implementing local laws, policies and programmes that are based on States' obligations under international human rights law,*

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

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

*Underlining also* that the expertise and knowledge of local government officials are an important asset in the provision of public services and the promotion and protection of human rights and fundamental freedoms at the local government level and in the implementation of the pledge in the 2030 Agenda for Sustainable Development to leave no one behind,

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

*Recognizing* the constructive role of local government in and its contribution to the strengthening of national mechanisms for implementation, reporting and follow-up, and encouraging its continued participation in and contribution to this mechanism,

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

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

*Noting also* that local government is increasingly connected with the United Nations human rights system, including through the universal periodic review, the treaty bodies, the special procedures and the forums mandated by the Human Rights Council,

*Recognizing* that local government is among the key actors in localizing the commitments set out in the 2030 Agenda for Sustainable Development and can contribute, among other things, to raising awareness of and implementing its goals and targets, including through self-assessments, regional and international networks and local strategies,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on effective methods to foster cooperation between local government and local stakeholders for the promotion and protection of human rights at their level, including by raising awareness of the Sustainable Development Goals;<sup>31</sup>

2. *Encourages* the interaction and exchange of knowledge between local government and local stakeholders, including local civil society, in the formulation and implementation of local government programmes, with the aim of achieving the Sustainable Development Goals through the promotion of a human rights culture within public services;

3. *Encourages* local government to ensure the participation of local stakeholders in local government activities and in public affairs in efforts to promote and protect human rights at the local level;

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

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

6. *Requests* the United Nations High Commissioner for Human Rights to prepare a report, in consultation with all States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, relevant special procedures, the Advisory Committee, the treaty bodies, national human rights institutions, civil society representatives,

<sup>31</sup> [A/HRC/42/22](#).

including non-governmental organizations, and local governments, on the role of local government and the challenges faced in the promotion and protection of human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations, with a view to identifying possible elements of principles guiding local and national governments in this regard, and to submit the report to the Council prior to its fifty-first session;

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

36th meeting  
6 October 2020

[Adopted without a vote.]

## **45/8. The human rights to safe drinking water and sanitation**

*The Human Rights Council,*

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

*Recalling* all resolutions of the General Assembly on the human rights to safe drinking water and sanitation, in particular resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and resolution 74/141 of 18 December 2019,

*Reaffirming* all previous resolutions of the Human Rights Council on the human rights to safe drinking water and sanitation, inter alia, Council resolution 39/8 of 27 September 2018,

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

*Recalling also* that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health and to the right to life and human dignity,

*Recalling further* the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, that human rights must be treated globally in a fair and equal manner, on the same footing and with the same emphasis, and that it is the duty of States to promote and protect all human rights, and which also reaffirms the right to development,

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which States pledged to leave no one behind,

*Recalling* that the 2030 Agenda for Sustainable Development covers the issue of the human rights to safe drinking water and sanitation and other water-related Sustainable Development Goals, including Goal 6, on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation, as well as health and hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, reduce the number of people suffering from water scarcity and ensure special attention to the needs and rights of women and girls,

*Recalling also* that 10 years after the recognition of the human rights to safe drinking water and sanitation and five years after the adoption of the 2030 Agenda for Sustainable Development, integrated approaches that support the practical realization of the human rights to safe drinking water and sanitation, particularly by tackling inequalities and ensuring special attention to the needs and rights of all women and girls, are more pertinent than ever before, also in the context of the coronavirus disease (COVID-19) pandemic,

*Recognizing* the need to pursue these integrated approaches to the implementation of Goal 6 and other water-related Sustainable Development Goals that reflect the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and personal hygiene, in particular for women and girls, to enable menstrual hygiene management in a dignified and healthy way, while also striving to improve the quality and safety of water and to reduce the number of people suffering from water scarcity,

*Recalling* General Assembly resolution 71/222 of 21 December 2016, by which the Assembly proclaimed the period from 2018 to 2028 the International Decade for Action, “Water for Sustainable Development”,

*Noting* the work of the High-level Panel on Water, jointly convened by the United Nations and the World Bank Group, in order to champion a comprehensive, inclusive and collaborative way of developing and managing water resources and improving water and sanitation-related services in line with Sustainable Development Goal 6, and taking note of its outcome document of 14 March 2018,

*Noting also* the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at recent regional and subregional conferences and meetings,

*Welcoming* the work of the World Health Organization and the United Nations Children’s Fund in the 2019 update published by their Joint Monitoring Programme for Water Supply, Sanitation and Hygiene,

*Welcoming also* the fact that, according to a report published in 2019 by the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene, 1.6 billion people gained access to safe drinking water between 2000 and 2017 and that an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water system,

*Deeply concerned* that 785 million people lack a basic water service, 2 billion people lack access to safe drinking water that is available when needed and free from contamination in their homes, 4.2 billion people lack access to a safely managed sanitation service and 673 million people still practise open defecation,

*Deeply alarmed* about the fact that, according to *The Sustainable Development Goals Report 2020*, scarcity of water could displace an estimated 700 million people by 2030,

*Welcoming* the fact that the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene has established an extensive global database and has been instrumental in developing global norms by which to benchmark progress, while taking into consideration the fact that official figures do not always capture all the dimensions of the human rights to safe drinking water and sanitation,

*Deeply concerned* that the lack of access to safe drinking water, sanitation and hygiene underlies severe human costs, such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility, availability and quality, as human rights criteria ensuring the realization of the rights to safe drinking water and sanitation, require, inter alia, that water, sanitation and hygiene facilities and services are within the safe physical reach of all sections of the population without discrimination of any kind, and are accessible at a price that is affordable to all,

*Recognizing* that sustained access to safe water, sanitation and hygiene facilities is essential to preventing infectious diseases, and that people without or with inadequate access to water, sanitation and hygiene facilities are at a much higher risk of contracting and passing on diseases,

*Deeply concerned* that the COVID-19 pandemic perpetuates and exacerbates existing inequalities, and that those most at risk are persons in vulnerable and marginalized situations, recognizing the need to expand as a matter of utmost urgency access to adequate water and sanitation services, including for menstrual hygiene management, and to ensure continued access to existing services in this regard, and gravely concerned that 3 billion people worldwide lack basic hand-washing facilities at home, which is the most effective method of preventing the spread of COVID-19,

*Expressing 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, including the human rights to safe drinking water and sanitation,

*Recognizing* that, while the implications of climate change-related impacts and environmental damage for the enjoyment of the human rights to safe drinking water and sanitation affect individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable and marginalized situations, such as people living in informal settlements, people living in small island developing States and the least developed countries, rural and local communities and people facing desertification, land degradation, drought and water scarcity, and rising water levels due to storm surges, sea level rise and flooding, and recognizing also that indigenous peoples, because of their specific situation and nature, may be among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources,

*Deeply concerned* that women and girls often face particular barriers in their enjoyment of the rights to safe drinking water and sanitation, which are exacerbated in humanitarian crises, and that in many parts of the world they shoulder the main burden of collecting household water, which constitutes a major impediment to the achievement of their economic empowerment, independence and social and economic development,

*Deeply concerned also* that widespread silence and stigma surrounding menstruation and menstrual hygiene mean that women and girls often lack basic information thereon and are excluded and stigmatized, and are thus prevented from realizing their full potential,

*Deeply concerned further* that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, workplaces, health centres and public facilities and buildings, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education, health, safe and healthy working conditions and to participate in public affairs,

*Deeply concerned* that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water, when accessing sanitation facilities outside their homes or when, in the absence of adequate sanitation facilities, practising open defecation and urination, which limits their ability to move freely and safely in the public sphere,

*Deeply concerned also* that persons with disabilities, especially children with disabilities, often face barriers in accessing water and sanitation facilities, as such facilities are often inaccessible and inappropriate for meeting their needs, which affects their ability to live independently and participate fully in all aspects of life, including education and employment, which is further exacerbated in particular in the situation of homelessness, in informal settlements and in humanitarian emergencies and crises,

*Deeply alarmed* that water-, sanitation- and hygiene-related diseases have a disproportionate impact on children, and that, in humanitarian crises, including in times of conflict or during natural disasters, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation services,

*Reaffirming* the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property,

birth or other status, and on any other grounds, including disability, and reaffirming also the importance of taking steps with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, tenure status, income levels or other related considerations,

*Affirming* the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

*Stressing* the importance of achieving universal access to safe, affordable and adequate drinking water, sanitation and hygiene by 2030, and of adequate and new sources of funding, including innovative financing,

*Stressing also* the importance of monitoring and reporting on the implementation of the Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all,

*Affirming* the importance of regional and international cooperation and technical assistance, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without prejudice to questions of international water law, including international watercourse law,

*Recognizing* the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

1. *Reaffirms* that the human right to safe drinking water entitles everyone, without discrimination, to have sustained access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living;

2. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation, and takes note with appreciation of his reports;<sup>32</sup>

3. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

4. *Stresses* the important role of international cooperation and technical assistance by States, specialized agencies of the United Nations system and international and development partners, and by donor agencies, in particular in the timely achievement of the relevant Sustainable Development Goals, urges development partners to adopt a human rights-based approach that includes menstrual health management when designing, implementing and monitoring development programmes in support of national initiatives and plans of action relating to the rights to safe drinking water and sanitation, and invites regional and international organizations to complement the efforts made by States to progressively realize the human rights to safe drinking water and sanitation, in accordance with their respective mandates;

5. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights with a view to ensuring justice for all for violations in the context of the realization of the rights to safe drinking water and sanitation as components of the right to an adequate standard of living, including taking

<sup>32</sup> A/HRC/45/10 and Add.1–3.

the measures necessary to ensure that women and girls and persons in vulnerable situations have equal access to effective remedies;

6. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation, in particular as a result of women's and girls' specific needs concerning menstrual hygiene and menstrual health;

7. *Calls upon States:*

(a) To implement the internationally agreed Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, in accordance with their obligations under international law;

(b) To consider making the Sustainable Development Goals, including Goal 6, a priority at the highest level in order to ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for persons in vulnerable situations and marginalized groups, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as well as on any other grounds, including disability;

(c) To increase public funding and support private capital in order to make adequate funding available to the sector and to close the financing gap that hampers the achievement of Sustainable Development Goal 6 and the human rights to safe drinking water and sanitation;

(d) To monitor continuously and analyse regularly the status of the realization of the human rights to safe drinking water and sanitation, to enhance efforts to improve the availability, accessibility, quality and use of water-related data at the local, national and regional levels, and to develop disaggregated and gender-responsive indicators and monitoring mechanisms;

(e) To promote both women's leadership and the full, effective, meaningful and equal participation of women in planning, decision-making and implementation on water and sanitation management; to ensure that a gender-based approach is adopted in relation to water and sanitation programmes and that measures are taken to reduce the time spent by women and girls in collecting household water, in order to address the negative impact of inadequate water and sanitation services on the access of girls to education; to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when accessing sanitation facilities outside of their home or practising open defecation; to protect women's and girls' equal access to water and sanitation; and to take positive measures to guarantee their availability and accessibility;

(f) To promote safe public spaces and to improve the security and safety of all women and girls through gender-responsive rural and urban planning and infrastructure when accessing sanitation facilities and water waste collection and treatment facilities outside their homes or when collecting household water;

(g) To enhance international solidarity, cooperation and support for countries hosting large numbers of displaced persons and refugees in addressing their water- and sanitation-related challenges;

(h) To address the widespread stigma and shame surrounding menstruation and menstrual hygiene by ensuring access to factual information thereon, addressing the negative social norms around the issue in order to foster a culture in which menstruation is recognized as healthy and natural, and ensuring universal access to hygienic products and gender-sensitive facilities, including options for the disposal and waste management of menstrual hygiene products, while recognizing that women's and girls' attendance at school, university or, for women, work, can be affected by negative perceptions of menstruation and lack of means to maintain personal hygiene, such as safe water, sanitation and hygiene facilities in schools, public places and, for women, the workplace;

(i) To take steps to promote action to raise international awareness of the issue of waterborne diseases and to mitigate the disproportionate impact of water-, sanitation- and



hygiene-related diseases on children, and to reduce child mortality, morbidity and stunting by ensuring the progressive realization of the human rights to safe drinking water and sanitation and by engaging in partnerships with stakeholders to implement projects aimed at scaling up access to safe water, sanitation and hygiene in developing countries;

(j) To take measures to accelerate the realization of the human rights to safe drinking water and sanitation, in line with the Sustainable Development Goal 6 global acceleration framework, in particular in the context of responding to and preventing the spread of COVID-19, including by working collaboratively with all stakeholders in a coordinated manner to improve water and sanitation services and by ensuring that water and sanitation systems are resilient and sustainable in order to protect people's health and support national health systems;

(k) To step up disease prevention efforts by ensuring access to safe, adequate and affordable water and sanitation services for all in public and private spaces;

(l) To apply broad and inclusive participatory approaches, consulting and coordinating with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable and non-discriminatory access to adequate water and sanitation services;

(m) To provide for effective accountability mechanisms for all water and sanitation service providers, including private sector providers, to ensure that they respect human rights and do not cause or contribute to human rights violations or abuses;

8. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for information and to conduct country visits, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

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

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

36th meeting  
6 October 2020

[Adopted without a vote.]

## **45/9. The role of good governance in the promotion and protection of human rights**

*The Human Rights Council,*

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

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

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

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

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

*Noting with satisfaction* the twentieth anniversary of the Warsaw Declaration expressing 19 core democratic principles and practices and recognizing the universality of democratic values, thereby founding the Community of Democracies to support the integrity of democratic processes in societies and to enhance the effectiveness of democratic governance,

*Welcoming* the commitments made by all States in the 2005 World Summit Outcome<sup>33</sup> to make the fight against corruption a priority at all levels,

*Noting* the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

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

*Recognizing also* that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

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

*Stressing* that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, and in this context reaffirming the Millennium Declaration, the 2005 World Summit Outcome, the outcome of the 2010 High-level Summit on the Millennium Development Goals and the 2030 Agenda for Sustainable Development,

*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 also through the impairment of the ability of Governments to fulfil all their human rights obligations,

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

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

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

*Noting with interest* the outcomes of the third, fourth, fifth, sixth, seventh and eighth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, in Marrakech, Morocco, in 2011, in Panama City in 2013, in Saint Petersburg, Russian Federation, in 2015, in Vienna in 2017 and in Abu Dhabi in 2019,

*Stressing* the importance of developing and implementing national legislation on the promotion of access to information, of establishing active, free and meaningful participation

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<sup>33</sup> General Assembly resolution 60/1.

and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

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

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

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

*Recognizing further* that meaningful progress towards good governance can better be achieved with appropriate tools or mechanisms to review, measure and assess such progress,

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

*Welcoming also* the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development, on effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions,

*Stressing* that transparent, accountable and participatory government, responsive to the needs and aspirations of the people, including women and members of vulnerable and marginalized groups, is the foundation on which good governance and democracy rests, and that such a foundation is a sine qua non for the protection of human rights, especially in times when humanity is on an unprecedented scale confronted with such crises as the coronavirus disease (COVID-19) pandemic,

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

*Noting with concern* that the COVID-19 pandemic has had a detrimental effect on public access to reliable information, and stressing that providing transparent, accurate and timely information can contribute to containing the pandemic and its impact while respecting the right of every person to hold an opinion without interference and to freedom of expression, including the right to seek, receive and impart information, including accurate information relating to public health and safety and ideas of all kinds, regardless of frontiers, through any media, both online and offline, and acknowledging the United Nations “Verified” initiative that encourages us all to check the advice we share,

*Noting* that States have been confronted with the need to provide public services and to respond to the needs of people in the exceptional circumstances of a global pandemic,

*Recalling* that the Global Humanitarian Response Plan for COVID-19 is aimed at ensuring a global response in the fight against the virus to support the most vulnerable, especially women and children, older persons and persons with disabilities, and conflict-affected populations living under already dire humanitarian conditions with extremely poor or non-existent public services, such as health-care systems, and acknowledging that the elimination of any impediments to the delivery of humanitarian assistance to residents living in conflict-affected zones, and their access to it, in accordance with international humanitarian law, is of the utmost importance for alleviating their heavy plight and realizing their human rights,

*Taking into account* the ongoing work of the United Nations system and other relevant international and regional organizations relating to the role of good governance in the promotion and protection of human rights,

1. *Welcomes* the convening on 14 June 2019 of a half-day intersessional seminar on the role of good governance in the promotion and protection of human rights, and on sharing best practices in the implementation of the Sustainable Development Goals, including Goal 16 in this regard;

2. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the above-mentioned seminar;<sup>34</sup>

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

4. *Notes with concern* that the current pandemic lockdowns may limit freedom of movement and access to basic public services and, among other things, affect jobs, livelihoods and family life;

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

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

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

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

9. *Encourages* States to address any weaknesses in the way public services are being delivered, including in the areas of health, education, justice and other areas, and to increase accessibility to them, including through new communications technology, thus mitigating the impact of the COVID-19 pandemic on the enjoyment of all human rights;

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

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

12. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service to humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations

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

system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

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

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

15. *Requests* the High Commissioner:

(a) To organize, at the fiftieth session of the Human Rights Council, a panel discussion on good governance in the promotion and protection of human rights during and after the COVID-19 pandemic, with a view to discuss the most efficient ways of using new technologies to overcome challenges and to ensure the full realization of human rights and the achievement of the Sustainable Development Goals;

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

(c) To prepare a report on the panel discussion in the form of a summary, and to present it to the Human Rights Council at its fifty-second session;

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

36th meeting  
6 October 2020

[Adopted without a vote.]

#### **45/10. Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977 and other relevant international human rights law and international humanitarian law instruments,

*Reaffirming also* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, and recalling in this regard the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity as effective international instruments for the prevention and punishment of genocide, war crimes and crimes against humanity,

*Recalling* the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in which article 24, paragraph 2, sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble reaffirms the right to freedom to seek, receive and impart information to that end,

*Recalling also* the set of principles for the protection and promotion of human rights through action to combat impunity,<sup>35</sup> and the updated version of those principles,<sup>36</sup>

*Recalling further* General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

*Recalling* Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009, 21/15 of 27 September 2012, 33/19 of 30 September 2016 and 42/17 of 26 September 2019, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, and 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, and General Assembly resolution 68/165 of 18 December 2013, on the right to the truth,

*Reaffirming* Human Rights Council resolution 18/7 of 29 September 2011, in which the Council decided to establish the mandate of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Recalling* the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies<sup>37</sup> and his 2011 follow-up report on the same topic,<sup>38</sup> including the relevant recommendations contained therein, as well as his reports issued in 2006, 2012, 2013 and 2014<sup>39</sup> outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

*Acknowledging* that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of gross violations of human rights and serious violations of international humanitarian law,

*Recalling* General Assembly resolution 70/262 of 27 April 2016, on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council, inter alia, stressed that a comprehensive approach to transitional justice, including the promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law, access to justice and good governance, further extending legitimate State authority and preventing countries from lapsing or relapsing into conflict,

*Noting with appreciation* the active engagement of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in assisting States to address gross human rights violations and serious violations of international humanitarian law, in cooperation with and at the request of States,

*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,

*Recognizing* that the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence will continue to deal with situations in which there have

<sup>35</sup> E/CN.4/Sub.2/1997/20/Rev.1, annex II.

<sup>36</sup> E/CN.4/2005/102/Add.1.

<sup>37</sup> S/2004/616.

<sup>38</sup> S/2011/634.

<sup>39</sup> A/61/636-S/2006/980 and Corr.1, A/66/749, S/2013/341, A/68/213/Add.1 and A/69/181.

been gross violations of human rights and serious violations of international humanitarian law,

*Underlining* the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations of human rights, to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels, and to promote reconciliation,

*Emphasizing* the importance of a comprehensive approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, the vetting of public employees and officials, memorialization initiatives and processes to achieve shared narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law,

1. *Takes note with appreciation* of the reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence submitted to the Human Rights Council at its thirty-ninth, forty-second and forty-fifth sessions,<sup>40</sup> as well as those submitted to the General Assembly at its seventy-second, seventy-third and seventy-fourth sessions,<sup>41</sup> and calls upon States to take into due consideration the recommendations contained therein when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law within their national context;

2. *Also takes notes with appreciation* of the joint study on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence, prepared by the Special Rapporteur and the Special Adviser to the Secretary-General on the Prevention of Genocide<sup>42</sup> and presented to the Human Rights Council at its thirty-seventh session, and of the conclusions and recommendations therein;

3. *Welcomes* the work undertaken by the Special Rapporteur in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant actors from all regions for his thematic reports, and the undertaking of country visits;

4. *Also welcomes* the cooperation of those States that have received the Special Rapporteur in their country, those that have accepted requests for visits by the Special Rapporteur and those that have extended invitations to the Special Rapporteur to visit their country, as well as those that have responded to his requests for information;

5. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, whose tasks will include:

(a) To contribute to and, where applicable, facilitate, upon request, the provision of technical assistance or advisory services on the issues pertaining to the mandate;

(b) To gather relevant information on national situations, including on normative frameworks, national practices and experiences, such as truth and reconciliation commissions and other mechanisms, relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and to study trends, developments and challenges, and to make recommendations thereon;

<sup>40</sup> A/HRC/39/53, A/HRC/42/45, and A/HRC/45/45 and Add.1–3.

<sup>41</sup> See A/72/523, A/73/336 and A/74/147.

<sup>42</sup> A/HRC/37/65.

- (c) To identify, exchange and promote good practices and lessons learned, and to identify potential additional elements with a view to recommending ways and means to improve and strengthen the promotion of truth, justice, reparation and guarantees of non-recurrence;
- (d) To develop a regular dialogue and to cooperate with, inter alia, Governments, international and regional organizations, national human rights institutions and non-governmental organizations, and relevant United Nations bodies and mechanisms;
- (e) To make recommendations concerning, inter alia, judicial and non-judicial measures when designing and implementing strategies, policies and measures for addressing gross violations of human rights and serious violations of international humanitarian law;
- (f) To explore further the contribution of transitional justice to the prevention of gross violations of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence;
- (g) To conduct country visits and to respond promptly to invitations from States;
- (h) To participate in and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;
- (i) To raise awareness concerning the value of a systematic and coherent approach when dealing with gross violations of human rights and serious violations of international humanitarian law, and to make recommendations in this regard;
- (j) To integrate a gender perspective throughout the work of the mandate;
- (k) To integrate a victim-centred approach throughout the work of the mandate;
- (l) To work in close coordination, while avoiding unnecessary duplication, with the Office of the United Nations High Commissioner for Human Rights, other relevant entities of the United Nations Secretariat, relevant United Nations agencies, funds and programmes, intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council and other relevant actors;

6. *Urges* all States to cooperate with and to assist the Special Rapporteur so that his mandate can be carried out effectively, including by responding favourably and rapidly to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and to provide him in a timely manner with all the necessary information requested by him;

7. *Requests* the Special Rapporteur to continue to report annually to the Human Rights Council and the General Assembly;

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

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

*36th meeting  
6 October 2020*

[Adopted without a vote.]

## **45/11. Terrorism and human rights**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and



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

*Recalling* all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning human rights and terrorism, the most recent being Assembly resolutions 72/129 of 8 December 2017, 72/165 of 19 December 2017, 72/180 of 19 December 2017, 72/246 of 24 December 2017, 73/174 of 17 December 2018, 73/305 of 28 June 2019 and 74/147 of 18 December 2019, and reaffirming Human Rights Council resolutions 34/8 of 23 March 2017, 35/34 of 24 June 2017, 37/27 of 23 March 2018, 40/16 of 22 March 2019 and 42/18 of 26 September 2019,

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

*Reaffirming* the obligation of States to respect all human rights and fundamental freedoms and the fundamental importance of respecting the rule of law,

*Reaffirming also* its unequivocal condemnation of all acts, methods and practices of terrorism and violent extremism conducive to terrorism in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism as unjustifiable in accordance with applicable international law,

*Recognizing* that terrorism and violent extremism conducive to terrorism have a detrimental effect on the full enjoyment of all human rights and fundamental freedoms, and impede the full enjoyment of political, civil, economic, social and cultural rights, destroy lives, family ties and the fabric of communities, sow fear in individuals and communities and demolish livelihoods and whole economies, and that they pose a threat to the territorial integrity and security of States, the stability of Governments, the rule of law and democracy and, ultimately, to the functioning of societies and international peace and security,

*Recognizing also* that an approach that fully respects human rights and the rule of law is the only way to effectively counter terrorism and violent extremism conducive to terrorism,

*Emphasizing* that terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, and that tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding and respect among people, including at the national, regional and global levels, while combating the escalation of hatred, are among the most important elements in the promotion of cooperation and success in preventing and combating terrorism and violent extremism conducive to terrorism, and welcoming the various initiatives to that end,

*Reaffirming* that States must ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law,

*Reaffirming also* its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, as adopted by the General Assembly in its resolution 60/288 of 8 September 2006, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism, and recalling the sixth biennial review of the Strategy, in General Assembly resolution 72/284 of 26 June 2018,

*Taking note* of General Assembly decision 74/556 of 20 May 2020, in which the Assembly decided to postpone the seventh biennial review of the United Nations Global Counter-Terrorism Strategy to the seventy-fifth session of the Assembly,

*Reaffirming* that the promotion and the protection of human rights for all and the rule of law are essential to the fight against terrorism and violent extremism conducive to terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

*Deploring* attacks on religious places and shrines and cultural sites in violation of international law, in particular international human rights law and international humanitarian law, as applicable, including all deliberate destruction of relics, monuments or religious sites,

*Deeply deploring* the suffering caused by terrorism and violent extremism conducive to terrorism to the victims and their families, while stressing the need to promote and protect the rights of victims of terrorism, thereby advancing an approach that fully respects their human rights, in particular those of women and children victims of terrorism, reaffirming its profound solidarity with them, and stressing the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

*Strongly condemning* all violations committed while countering terrorism and abuses committed by terrorist groups against women and girls, including killing, maiming, abduction, trafficking, forced marriage, harassment, rape and other forms of sexual and gender-based violence, and stressing the importance of holding the perpetrators of such violations accountable,

*Deeply deploring* all violations committed while countering terrorism and abuses committed by terrorist groups against children, and strongly condemning the recruitment and use of children to perpetrate terrorist attacks, and all violations and abuses committed by terrorist groups against children, including trafficking, killing, maiming, abduction and rape and other forms of sexual and gender-based violence, and noting that such violations and abuses may amount to war crimes or crimes against humanity,

*Expressing its grave concern* at the phenomenon of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, and encouraging all States to address this threat by enhancing their cooperation and developing relevant measures to tackle this phenomenon, in accordance with their obligations under international law, including international human rights law, international refugee law and international humanitarian law,

*Recognizing* that countering terrorism requires a comprehensive approach and a multidimensional strategy to tackle the factors underlying and conditions conducive to terrorism,

*Conscious* that there are a number of drivers underlying and conditions conducive to radicalization to terrorism and that development based on the principles of social justice, inclusion and equal opportunities can contribute to the prevention of terrorism and violent extremism conducive to terrorism, and to the promotion of inclusive, open and resilient societies, notably through education, and affirming the determination of States to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights and fundamental freedoms for all and the rule of law, to improve intercultural understanding and to promote respect for all,

*Renewing* its unwavering commitment to strengthening international cooperation to prevent and combat terrorism and violent extremism conducive to terrorism in all their forms and manifestations, in compliance with the obligations of States under international law, in particular international human rights law, international refugee law and international humanitarian law,

*Recognizing* the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in addressing the human rights and fundamental freedoms of victims of terrorism, and alleged violations of human rights and fundamental freedoms while countering terrorism,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of all human rights;

2. *Stresses* the responsibility of States to protect persons in their territory against such acts, in full compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

3. *Calls upon* States to ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular human rights law, international refugee law and international humanitarian law;

4. *Expresses serious concern* at the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

5. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and the work done by civil society organizations for victims of terrorism, acknowledges the importance of protecting the human rights of victims and of providing them with legally based and sufficiently resourced support, assistance and rehabilitation, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice, truth and reparations in such a way that promotes accountability and ends impunity, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

6. *Stresses* the importance of ensuring access to justice and accountability, and calls upon States to ensure that any person who alleges that their human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy, and that victims of human rights violations and abuses receive adequate, effective and prompt remedy and reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-repetition as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

7. *Also stresses* the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems in a manner that fully respects the rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal, to access to independent and adequate legal representation, to a review of detention and to the presumption of innocence and other fundamental judicial guarantees, in accordance with their obligations under international law, including international human rights law, international humanitarian law and international refugee law;

8. *Urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory, and not to resort to profiling based on stereotypes founded on ethnic, racial or religious grounds or any other ground of discrimination prohibited by international law;

9. *Recognizes* the important role of religious leaders and institutions, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

10. *Also recognizes* the important role of women in preventing and countering terrorism and violent extremism conducive to terrorism, and requests States to consider the impact of counter-terrorism strategies on women's and children's enjoyment of human rights and to seek consultations with their representative organizations when developing strategies to counter terrorism and violent extremism conducive to terrorism;

11. *Urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with and are applied in a manner that fully respects the rights enshrined in the Universal Declaration of Human Rights and the obligations of States under international human rights law, in particular the International Covenant on Civil and Political Rights, with a view to ensuring respect for the principles of legal certainty and legality;

12. *Strongly condemns* terrorist acts and all acts of violence committed by terrorist groups, including trafficking in persons, kidnapping and hostage-taking with demands for ransom and/or political concessions, and the continued systematic and widespread abuses of human rights perpetrated by such groups, and calls upon all Member States to prevent terrorists from benefiting from ransom payment and political concessions and to secure the safe release of hostages, in accordance with applicable legal obligations, while noting the initiatives in this regard, including the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists;

13. *Urges* States to do all they can, in accordance with their obligations under international law, to prevent any political, material or financial support from reaching

terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment, and to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, by terrorist groups for any purpose, and to bring to justice or, where appropriate, extradite the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning or preparation of terrorist acts;

14. *Also urges* States to prohibit and criminalize the recruitment and use of children, including by terrorist groups, to investigate cases of exploitation of children and to bring perpetrators to justice;

15. *Requests* States to refrain from providing support to entities or persons involved in terrorist acts, including support in establishing propaganda platforms advocating hatred that constitutes incitement to discrimination, hostility or violence, including through the Internet and other media, and emphasizes in this regard the key importance of full respect for the right to freedom of opinion and expression as set out in the International Covenant on Civil and Political Rights;

16. *Urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters in accordance with international law, including international human rights law and international humanitarian law, and good practices, such as those set out in the Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes, inter alia, the development of national centres for counsel and the prevention of radicalization to violence, which can play an important role together with criminal justice responses;

17. *Renews its commitment* to strengthening international cooperation to prevent and counter terrorism in accordance with international law, including the Charter of the United Nations, international human rights law and international humanitarian law, including through technical cooperation, capacity-building and the exchange of information and intelligence on countering terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

18. *Strongly encourages* relevant United Nations agencies, including those involved in supporting counter-terrorism efforts and preventing and countering violent extremism conducive to terrorism, to take into account in their technical assistance with regard to counter-terrorism efforts, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law, and to continue to facilitate the promotion and protection of human rights and fundamental freedoms, due process and the rule of law while countering terrorism;

19. *Urges* States and the international community and encourages civil society to take measures, as appropriate, including through education, awareness-raising, the media and human rights education and training, to promote peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs and cultures, and to effectively address the conditions conducive to the spread of terrorism and violent extremism conducive to terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

20. *Emphasizes* that mutual respect, tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding, and combating intolerance, discrimination and hatred that constitutes incitement to discrimination, hostility or violence on the basis of religion or belief, or any other basis, including at the national, regional or global levels, are among the most important elements in promoting cooperation and success in preventing and combating terrorism and violent extremism conducive to terrorism, and welcomes the various initiatives to that end;

21. *Acknowledges* that the active participation of civil society can strengthen ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism and to assess the impact of terrorism on the enjoyment of all human

rights, and calls upon States to ensure that measures to counter terrorism and violent extremism conducive to terrorism and to preserve national security do not hinder their work and safety and are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

22. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms and on alleged violations of human rights and fundamental freedoms while countering terrorism and violent extremism conducive to terrorism, and to report regularly to the Human Rights Council;

23. *Invites* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to pay attention to the negative effect of terrorism on the enjoyment of human rights and fundamental freedoms, and to make recommendations in this regard;

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

36th meeting  
6 October 2020

[Adopted without a vote.]

## **45/12. Human rights and indigenous peoples**

*The Human Rights Council,*

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

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

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

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

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

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

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

*Taking note* of the report of the Expert Mechanism on the repatriation of ceremonial objects, human remains and intangible resources under the United Nations Declaration on

the Rights of Indigenous Peoples,<sup>43</sup> and encouraging all parties to consider the recommendations made in the report,

*Taking note also* of the study of the Expert Mechanism on the right to land under the United Nations Declaration on the Rights of Indigenous Peoples,<sup>44</sup> and encouraging States to consider implementing the advice therein,

*Taking note further* of the report of the Special Rapporteur on the rights of indigenous peoples highlighting the impact of the work carried out during the period of her mandate,<sup>45</sup> and calling upon all States to consider the recommendations contained in the report,

*Stressing* the need to pay particular attention to the rights and needs of indigenous women, children, young persons, elderly persons and persons with disabilities, and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference on Indigenous Peoples, which was adopted by consensus by the Assembly in 2014,<sup>46</sup>

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

*Recognizing also* the increasing impact of climate change on human rights and the specific impact on the rights and ways of life of indigenous peoples around the world, and recalling the preamble to the Paris Agreement and to decision 1/CP.21 on the adoption of the Paris Agreement<sup>47</sup> acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of indigenous peoples, paragraph 135 of decision 1/CP.21 recognizing the need to strengthen the role of indigenous peoples' knowledge systems relating to mitigation and adaptation to climate change, and paragraph 36 of the outcome document of the World Conference on Indigenous Peoples,

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

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

*Noting* that the coronavirus disease (COVID-19) pandemic is having a serious impact on the health, education, food security, safety, well-being and livelihoods of people across the world, with a disproportionately negative effect on indigenous peoples, their ancestral territories and sacred sites, and the need to take immediate and appropriate measures to address these effects, including the elimination of barriers, such as language barriers, to the effective participation of indigenous peoples in matters affecting their rights,

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<sup>43</sup> [A/HRC/45/35](#).

<sup>44</sup> [A/HRC/45/38](#).

<sup>45</sup> [A/HRC/45/34](#).

<sup>46</sup> Resolution 69/2.

<sup>47</sup> [FCCC/CP/2015/10/Add.1](#).

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,<sup>48</sup> and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow up on the effectiveness of the Declaration;
2. *Welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, and encourages all Governments to respond favourably to the requests of the mandate holder for visits and to respond to communications;
3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples,<sup>49</sup> including its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of its reports to the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;
4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;
5. *Urges* States and other potential donors to contribute to the United Nations Voluntary Fund for Indigenous Peoples, and notes with satisfaction the expansion of its mandate in order to support the participation of indigenous peoples, including indigenous women, youth and persons with disabilities, in United Nations business and human rights and climate change processes;
6. *Acknowledges* the efforts of States, indigenous peoples and United Nations agencies to engage with the Expert Mechanism under its current mandate to facilitate dialogue, when agreeable to all parties, to provide technical assistance and coordination in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, encourages all parties to consider the Expert Mechanism's initiation of country engagements upon the request of States and indigenous peoples, and acknowledges the engagement of those States that have already collaborated with the Expert Mechanism under its current mandate;
7. *Notes* that the next study of the Expert Mechanism, to be finalized by 2021, will focus on the rights of indigenous children, and acknowledges the efforts made to improve complementarity and to avoid duplication among the reports prepared by the Expert Mechanism, the Special Rapporteur and the Permanent Forum on Indigenous Issues;
8. *Acknowledges* the progress and outcomes of and lessons learned from the International Year of Indigenous Languages in 2019 through the activities led by the United Nations Educational, Scientific and Cultural Organization;
9. *Welcomes* the proclamation of the period 2022–2032 as the International Decade of Indigenous Languages, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages and to take urgent steps at the national and international levels;<sup>50</sup>
10. *Takes note* of the outcome document of the high-level event held in February 2020 on the occasion of the closing of the 2019 International Year of Indigenous Languages, entitled "Los Pinos Declaration [Chapoltepek] – Making a Decade of Action for Indigenous Languages", to inspire a global plan of action for the Decade;
11. *Decides* that the theme of the annual half-day panel discussion on the rights of indigenous peoples, to be held during the forty-eighth session of the Human Rights Council, will be the situation of human rights of indigenous peoples facing the COVID-19 pandemic, and will have a special focus on the right to participation, and requests the Office of the High

<sup>48</sup> A/HRC/45/22.

<sup>49</sup> A/HRC/45/61.

<sup>50</sup> General Assembly resolution 74/135.

Commissioner to encourage and facilitate the participation of indigenous women and to make the discussion fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its fiftieth session;

12. *Encourages* all stakeholders, in their responses to and recovery from the COVID-19 pandemic, to work in collaboration with indigenous peoples' representatives and institutions, guided by the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and to refer to the guidelines of the Office of the High Commissioner on this matter;<sup>51</sup>

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

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

15. *Acknowledges* that, owing to the public health emergency, it has not been possible to hold the intersessional round table mandated in Human Rights Council resolution 42/19 on possible steps to be taken to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Council on issues affecting them, and looks forward to holding that round table in 2021, in accordance with the agreed modalities, to allow for the broadest participation of Member States and indigenous peoples, and with the full and effective participation of indigenous peoples' representatives and institutions from the seven indigenous sociocultural regions;

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

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

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

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

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

<sup>51</sup> See [www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance\\_COVID19\\_IndigenouspeoplesRights.pdf](http://www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenouspeoplesRights.pdf).



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

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

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

24. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

25. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them, to include the specific needs and priorities of indigenous peoples in addressing the global COVID-19 outbreak and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

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

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

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

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

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

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

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

36th meeting  
6 October 2020

[Adopted without a vote.]

#### **45/13. Human rights and the regulation of civilian acquisition, possession and use of firearms**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations,

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

*Recalling also* Human Rights Council resolutions, 26/16 of 26 June 2014, 29/10 of 2 July 2015 and 38/10 of 5 July 2018,

*Bearing in mind* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,<sup>52</sup> in particular Sustainable Development Goal 16 to promote peaceful and inclusive societies, and acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

*Recalling* that States bear the primary responsibility under international law to respect, protect and fulfil all human rights and fundamental freedoms, and that such responsibility may include, as appropriate, enacting and enforcing relevant national legislation and implementing related policies and practices,

*Alarmed* that hundreds of thousands of human beings of all ages around the world continue to have their human rights, in particular their right to life and security of person, but also other civil, political, economic, social and cultural rights, including their rights to freedom of thought, conscience and religion, to freedom of expression, to enjoy one's culture and use one's own language, and the right to participate in public, political and cultural life, and the rights to health, to education, and to an adequate standard of living and social security, negatively affected by the misuse, intentional or unintentional, of firearms, which has direct links to violence, including violence against women and children, and domestic violence,

*Noting with concern* that cases of civilian firearms-related violence cause death, non-fatal physical injuries and psychological trauma, and may lead to severe disability and an overall decline in a sense of public safety,

*Noting also with concern* that increased civilian access to and possession and use of firearms have had alarming patterns of impact on the human rights of women, children and youth, and of persons belonging to ethnic, religious or linguistic minorities,

*Noting further with concern* the increase in domestic violence during the coronavirus disease (COVID-19) pandemic and the risk of firearms being used to commit such violence,

*Recognizing* that the costs generated by civilian firearms-related violence in terms of, inter alia, medical treatment, mental health services and criminal justice might undermine the

<sup>52</sup> General Assembly resolution 70/1.

capabilities of States to use their resources to further enhance the promotion and protection of human rights and fundamental freedoms,

*Recognizing also* that national regulation of civilian acquisition, possession and use of firearms includes appropriate measures to avoid illicit practices, including diversion of firearms, which is a crucial step towards reducing the impact of civilian access to firearms on the enjoyment of human rights,

*Recognizing further* the importance of systematic measuring and monitoring of and reporting on civilian firearms related-violence, including illicit firearms-related violence, for the enjoyment of human rights, especially through the collection of data disaggregated on the basis of relevant criteria,

*Acknowledging* that effective national regulation of civilian acquisition, possession and use of firearms and ammunition may contribute positively to diminishing the number of victims of the misuse of firearms, and may enhance the protection of all human rights,

*Acknowledging also* the efforts made by different States at various levels, including at the regional and subregional levels, to ensure that civilian acquisition, possession and use of firearms in their respective societies are effectively regulated,

*Highlighting* the importance of reducing and preventing armed violence through comprehensive public policies, inter alia, socioeconomic interventions and the provision of services tailored to address the factors driving firearms-related violence among civilians, especially children and youth,

1. *Expresses its concern* that civilians own far more firearms worldwide than the military and law enforcement sectors combined, and that the majority of these firearms are unregistered;

2. *Reiterates its deep concern* at the fact that the majority of firearms-related homicides are committed in non-conflict settings, and that hundreds of thousands of human beings of all ages around the world have lost their lives or suffered injuries and psychological harm by the misuse of firearms by civilians, thus having their human rights negatively affected;

3. *Recognizes* that civilian firearms-related violence and insecurity pose direct risks to the right to life and to security of person, and also affect other civil and political rights, as well as economic, social and cultural rights;

4. *Calls upon* States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international law, in particular human rights law, and their constitutional frameworks, including, inter alia, socioeconomic interventions, such as programmes, activities and services, tailored to address the factors driving firearms-related violence in order to minimize the human rights impact of civilian acquisition, possession and use of firearms, with the aim of strengthening the protection of the human rights of all;

5. *Calls once more upon* States to ensure that regulations on civilian acquisition, possession and use of firearms include appropriate measures to avoid illicit practices, including diversion of firearms;

6. *Calls upon* all States to take effective measures with the aim of implementing the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, to promote peaceful and inclusive societies;

7. *Takes note with appreciation* of the report by the United Nations High Commissioner for Human Rights on the impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights,<sup>53</sup> in which she highlighted how increased civilian access to and possession and use of firearms lead to greater levels of violence and insecurity, which have a negative impact on all human rights;

<sup>53</sup> A/HRC/42/21.

8. *Requests* the High Commissioner to prepare a report on the human rights impact of the civilian acquisition, possession and use of firearms by children and youth, with a view to contributing to the strengthening or the development of comprehensive public policies based on socioeconomic interventions and services that address the factors driving firearms-related violence, and to present the report to the Human Rights Council at its forty-eighth session;

9. *Invites* all relevant special procedures, commissions of inquiry and other accountability mechanisms, and human rights treaty bodies, as well as the Office of the High Commissioner, to continue to bear in mind the present resolution within the framework of their respective mandates;

10. *Decides* to remain seized of this issue.

*36th meeting  
6 October 2020*

[Adopted without a vote.]

#### **45/14. Eliminating inequality within and among States for the realization of human rights**

*The Human Rights Council,*

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

*Guided also* by the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,

*Recalling* the Vienna Declaration and Programme of Action, which affirms that all human rights are universal, indivisible and interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

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

*Stressing* the critical role of the Human Rights Council with respect to human dignity and in promoting universal respect for and the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, and recalling relevant Council resolutions,

*Acknowledging* the contributions of international human rights mechanisms, including the human rights treaty bodies, the special procedures of the Human Rights Council and the universal periodic review, in promoting the implementation of the 2030 Agenda for Sustainable Development in accordance with States' human rights obligations,

*Recognizing* that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

*Recognizing also* that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law, and acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

*Recognizing further* that human rights are inherent in the 2030 Agenda and the Sustainable Development Goals in their indivisibility and interdependence, and that their realization is in essence the advancement of human rights,

*Recalling* that the Sustainable Development Goals build on the Millennium Development Goals and aim to complete what the latter did not achieve, to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls,

*Noting* that 2020 marks the twenty-fifth anniversary of the World Summit for Social Development held in Copenhagen, where Heads of State and Government committed in the Declaration to reduce inequalities, increase opportunities and access to resources and income, and to remove any political, legal, economic and social factors and constraints that foster and sustain inequality,

*Reaffirming* the Beijing Declaration and Platform for Action, the outcome documents of the twenty-third special session of the General Assembly and the declarations of the Commission on the Status of Women on the tenth, fifteenth and twentieth anniversaries of the Fourth World Conference on Women,

*Noting with concern* that inequalities persist within and among countries, posing significant challenges to social cohesion, and reaffirming that the eradication of poverty, the promotion of prosperity, gender equality and the empowerment of all women and girls and the reduction of inequality within and among countries are fundamental to achieving sustainable development for all, and that they require collective and transformative efforts to leave no one behind and put the furthest behind first, and to adapt institutions and policies to take into account the multidimensional nature of inequality and poverty and the inherent interlinkages between the different goals and targets of the 2030 Agenda,

*Deeply concerned* that, just five years after the commencement of the implementation of the 2030 Agenda, the coronavirus disease (COVID-19) pandemic has reversed the gains made, including the successes of the Millennium Development Goals,

*Gravely concerned* that the COVID-19 pandemic has eroded years of progress accomplished by perpetuating and exacerbating existing inequalities, and that those most at risk are persons in a vulnerable and marginalized situation,

*Deeply concerned* by the morbidity and mortality caused by the COVID-19 pandemic, its negative impacts on physical and mental health and social well-being, the negative impacts on the economy and society and the consequent exacerbation of inequalities within and between countries,

*Recognizing* that the COVID-19 pandemic disproportionately affects the poor and the most vulnerable people, with repercussions on health and development gains, in particular in low- and middle-income and developing countries, thus hampering the achievement of the Sustainable Development Goals, reiterating the importance of continued and concerted efforts, and the provision of development assistance, and recognizing also with deep concern the impact of high debt levels on States' ability to withstand the impact of the COVID-19 shock,

*Deeply concerned* that the impact of the COVID-19 pandemic is deepening already existing inequalities and risks reversing the progress made in achieving gender equality and the empowerment of women and girls in recent decades, while disproportionately affecting persons in vulnerable situations, including women, children, persons with disabilities, older persons and migrants, regardless of migration status, in every sphere, from health and education to the economy, security and social protection,

*Recalling* the reports of the Secretary-General and the United Nations High Commissioner for Human Rights on the critical milestones towards coherent, efficient and inclusive follow-up to and review of the 2030 Agenda at the global level, and on progress towards the Sustainable Development Goals,

1. *Reaffirms* that extreme poverty, deep inequality and exclusion constitute a violation of human rights and dignity, and that urgent national and international action is therefore required to eliminate them;

2. *Decides* to work in a systematic manner to give due consideration to address inequality within and among States by sharing best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development;

3. *Calls upon States:*

(a) To continuously analyse the impact of the COVID-19 pandemic on their objectives to achieve equality, and to share the outcomes thereof;

(b) To ensure protection for those most affected, namely, women, children, youth, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees, internally displaced persons, migrants and the poor, vulnerable and marginalized segments of the population, and to prevent all forms of discrimination, especially in the context of timely, universal, inclusive, equitable and non-discriminatory access to safe, quality, effective and affordable health care and services and medical supplies and equipment, including diagnostics, therapeutics, medicine and vaccines, and to leave no one behind, endeavouring to reach the furthest behind first, founded on the dignity of the human person and reflecting the principles of equality and non-discrimination;

4. *Recognizes* the need for greater international cooperation to further reduce inequality within and among States and to increase capacity-building support to countries with the most constrained resources to ensure that social expenditures meet certain targets as part of their efforts to further promote and protect human rights for all;

5. *Decides*, in order to have a clear line of sight with respect to inequalities as States “build back better” after the pandemic, to hold at its forty-eighth session a half-day panel discussion on deepening inequalities exacerbated by the COVID-19 pandemic and their implications for the realization of human rights, and requests the Office of the United Nations High Commissioner for Human Rights to make the discussion fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Human Rights Council at its fifty-first session;

6. *Requests* the Office of the High Commissioner to organize the above-mentioned panel discussion and to collaborate with States and other relevant stakeholders, including United Nations agencies, funds and programmes within their respective mandates, civil society organizations, and national human rights institutions, in order to ensure multi-stakeholder participation in the panel discussion;

7. *Requests* all mechanisms of the Human Rights Council, the treaty bodies and relevant stakeholders to pay particular attention to the 2030 Agenda and the Sustainable Development Goals and targets, including Goal 10;

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

*36th meeting  
6 October 2020*

[Adopted by a recorded vote of 25 to 8, with 14 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Australia, Bulgaria, Czechia, Denmark, Japan, Netherlands, Poland and Slovakia

*Abstaining:*

Argentina, Armenia, Austria, Brazil, Chile, Germany, Italy, Marshall Islands, Mexico, Peru, Republic of Korea, Spain, Ukraine and Uruguay]

**45/15. Situation of human rights in Yemen**

For the text of the resolution, see chapter II.

**45/16. Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

*The Human Rights Council,*

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

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders, of 18 June 2007,

*Recalling also* Human Rights Council resolution 15/26 of 1 October 2010, establishing the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,

*Recalling further* its resolution 36/11 of 28 September 2017 establishing a new open-ended intergovernmental working group for a period of three years, with a mandate to elaborate the content of an international regulatory framework, without prejudging the nature thereof, to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies,

*Noting* that the working group held its first session from 20 to 23 May 2019 and duly reported to the Human Rights Council on the outcomes,<sup>54</sup>

*Recognizing* the ongoing need to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and private security companies,

*Noting* relevant national, regional and international standards and tools, including those prepared by various stakeholders,

*Noting also* that the second session of the open-ended intergovernmental working group, scheduled to be held from 11 to 15 May 2020, was postponed owing to the coronavirus disease (COVID-19) pandemic,

1. *Decides* to renew the mandate of the open-ended intergovernmental working group for a period of three years, with a mandate to continue elaborating the content of an international regulatory framework, without prejudging the nature thereof, in efforts to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and private security companies, informed by the discussion document on elements for an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, as prepared by the Chair-Rapporteur, and further inputs from Member States and other stakeholders, and factoring in the work done under the previous mandate;

2. *Also decides* that the open-ended intergovernmental working group shall meet for five working days and submit an annual progress report to the Human Rights Council in conformity with its annual programme of work;

3. *Acknowledges* the importance of providing the open-ended intergovernmental working group with the expertise and expert advice necessary to fulfil its mandate, and decides that the working group shall invite experts and all relevant stakeholders to participate in its work;

4. *Invites* the contributions of Governments, relevant special procedure mandate holders and mechanisms of the Human Rights Council, treaty bodies, regional groups, intergovernmental organizations, representatives of civil society, the industry and other stakeholders with relevant expertise, including the Co-Chairs of the Montreux Document Forum and the International Code of Conduct Association;

<sup>54</sup> See [A/HRC/42/36](#).

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate;

6. *Decides* to remain seized with this important matter.

*37th meeting  
6 October 2020*

[Adopted without a vote.]

**45/17. Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and the Declaration on the Right to Development,

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

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

*Recalling also* its resolutions 9/1 of 24 September 2008, 18/11 of 29 September 2011, 21/17 of 27 September 2012, 27/23 of 26 September 2014 and 36/15 of 28 September 2017 and all the resolutions of the Commission on Human Rights on this subject,

*Recalling further* General Assembly resolution 70/1 of 25 September 2015, by which the Assembly adopted the 2030 Agenda for Sustainable Development, including target 12.4 of the Sustainable Development Goals to achieve, by 2020, the environmentally sound management of chemicals and hazardous wastes throughout their life cycle, in accordance with international standards, and affirming the interlinkages and integrated nature of all the Goals,

*Expressing concern* at the key finding of the United Nations Environment Programme contained in the summary for policymakers of the *Global Chemicals Outlook II* that the global goal to minimize the adverse impacts of chemicals and waste will not be achieved by 2020,<sup>55</sup>

*Recalling* its resolution 42/21 of 26 September 2019 on the protection of the rights of workers exposed to hazardous substances and wastes, in which it encouraged States, business enterprises and other actors to implement the 15 principles on human rights and the protection of workers from exposure to toxic substances<sup>56</sup> to help them to protect workers from unsafe exposure to hazardous substances and to provide remedies for violations and abuses of workers' rights,

*Reaffirming* that the way hazardous substances and wastes are managed throughout their life cycle, including manufacturing, distribution, use and final disposal, may have an adverse impact on the full enjoyment of human rights,

*Welcoming* the work carried out, in accordance with his mandate, by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, including on guidelines for good practices in relation to human rights and hazardous substances and wastes; the situation of persons at

<sup>55</sup> UNEP/EA.4/21, p. 2.

<sup>56</sup> See A/HRC/42/41.



higher risk of exposure, including during childhood, to toxic chemicals and pollution, and workers' exposure to hazardous substances; the right to information on hazardous substances and wastes; pesticides and the right to food; and human rights issues relating to all business enterprises, both transnational and other, regarding the environmentally sound management and disposal of hazardous substances and wastes,

1. *Takes note* of the report submitted by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the Human Rights Council at its forty-fifth session,<sup>57</sup> and requests the Special Rapporteur, in accordance with his mandate, to continue to provide detailed, up-to-date information on the adverse consequences for the full enjoyment of human rights of managing and disposing of hazardous substances and wastes, in an unlawful manner, which may include information on:

(a) The adverse consequences for persons and groups in vulnerable situations, including indigenous peoples;

(b) The science-policy interface as regards the risks associated with the life cycle of hazardous substances and wastes, including the risks to the right to freedom of expression, which includes the freedom to seek, receive and impart information, and the right to enjoy the benefits of scientific progress;

(c) The developments, gaps and shortcomings in the effectiveness of international regulatory mechanisms concerning hazardous substances and wastes and their impact on the enjoyment of human rights, including with respect to emerging chemicals and waste management and disposal issues;

(d) Human rights issues relating to all business enterprises, both transnational and other, regarding the environmentally sound management and disposal of hazardous substances and wastes;

2. *Decides* to extend the mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes for a period of three years, and invites him to report to the Human Rights Council in accordance with its programme of work and annually to the General Assembly;

3. *Encourages* the Special Rapporteur to continue his close cooperation with the United Nations Environment Programme, the United Nations Environment Assembly, relevant United Nations specialized agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of the international environmental conventions with a view to mainstreaming human rights into their work and to avoiding duplication;

4. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and bodies and with the secretariats of the relevant international conventions as part of a multidisciplinary, in-depth approach to addressing existing problems with a view to finding lasting solutions for the management of such substances and wastes so that he may present to the Human Rights Council, in accordance with its programme of work, annual reports on the implementation of the resolutions that it has adopted, as well as specific recommendations and proposals concerning the steps that should be taken immediately in order to address the adverse implications for human rights of hazardous substances and wastes;

5. *Encourages* all States, United Nations agencies and other relevant international organizations, civil society actors, including non-governmental organizations, as well as the public and the private sectors and all other stakeholders to engage in a process of consultation, dialogue and cooperation with the Special Rapporteur to enable him to provide guidance in accordance with his mandate;

6. *Encourages* the Special Rapporteur, in accordance with his mandate and with support and assistance from the Office of the United Nations High Commissioner for Human

<sup>57</sup> [A/HRC/45/12](#).

Rights, to continue to provide Governments with appropriate opportunities to respond to allegations that are transmitted to him and are referred to in his report and to have their observations reflected in his report to the Human Rights Council;

7. *Reiterates* its appeal to States and other stakeholders to facilitate the work of the Special Rapporteur by providing him with information and inviting him to undertake country visits;

8. *Requests* the Special Rapporteur to inform States, United Nations agencies and other relevant international organizations, civil society and other stakeholders of the impact on human rights of the environmentally sound management and disposal of hazardous substances and wastes, including in the implementation of the 2030 Agenda for Sustainable Development, to seek views and contributions from Governments, United Nations agencies and other relevant international organizations, civil society and other stakeholders, in accordance with his mandate, to investigate national, regional and international efforts in respect of the Sustainable Development Goals and to undertake thematic research on the effective implementation of the 2030 Agenda;

9. *Reiterates* its appeal to the Secretary-General and to the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all assistance necessary for the successful fulfilment of his mandate;

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

*37th meeting  
6 October 2020*

[Adopted without a vote.]

## **45/18. The safety of journalists**

*The Human Rights Council,*

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

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

*Recalling* all General Assembly and Human Rights Council resolutions on the safety of journalists, in particular Assembly resolution 74/157 of 18 December 2019 and Council resolution 39/6 of 5 October 2018, as well as Council resolution 44/12 of 16 July 2020 on freedom of opinion and expression and Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

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

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

*Welcoming also* the initiatives taken by States, media organizations and civil society relevant to the safety of journalists, noting in this regard the establishment of the Media Freedom Coalition, the Freelance Journalist Safety Principles, and the International Declaration on the Protection of Journalists, presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

*Mindful* that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights

and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

*Recalling* that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19, paragraph 3, of the International Covenant on Civil and Political Rights,

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

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

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

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

*Recognizing* the importance of public trust in and the credibility of journalism, and in particular the challenges of maintaining media professionalism in an environment where new forms of media are constantly evolving and where targeted disinformation and smear campaigns to discredit the work of journalists are increasing,

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

*Underlining* the importance of voluntary professional principles and ethics developed and observed by the media,

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

*Alarmed also* at acts of intimidation and reprisal directed against foreign journalists and media workers, especially by political leaders, public officials and/or authorities through, inter alia, the arbitrary and unwarranted denial of accreditation or visas in connection with their journalistic work,

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

*Deeply concerned* that the work of journalists and media workers often puts them at specific risk of human rights violations and abuses, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, arbitrary expulsion, physical and

sexual violence, as well as intimidation, threats and harassment of all kinds, including by the targeting of their family members or arbitrarily raiding and searching their residences, which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

*Equally concerned* about incidents of the extraterritorial targeting of journalists and media workers, including harassment, surveillance and the arbitrary deprivation of life,

*Deeply concerned* about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counter-extremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting,

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

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

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

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

*Welcoming* the work of the Special Rapporteur on violence against women, its causes and consequences, and taking note of her report on combating violence against women journalists,<sup>58</sup>

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

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

*Emphasizing* the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or the interception of communications, hacking, including government-sponsored hacking, and denial of service attacks to force the shutdown of

<sup>58</sup> A/HRC/44/52.

particular media websites or services, in violation of their rights to privacy and to freedom of expression,

*Emphasizing also* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources,

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

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

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

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

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

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

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

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

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

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

5. *Expresses concern* about the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate

human rights, including the rights to privacy and to freedom of expression, to spread hatred, racism, xenophobia, negative stereotyping or stigmatization, and to incite violence, discrimination and hostility, and emphasizes the important contribution by journalists in countering this trend;

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

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

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

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

10. *Calls upon* States:

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

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

(c) To develop and implement strategies for combating impunity for attacks and violence against journalists, including by, inter alia, (i) creating special investigative units or independent commissions, (ii) appointing a specialized prosecutor, and (iii) adopting specific protocols and methods of investigation and prosecution;

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

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

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

(g) To take into account the specific role, exposure and vulnerability of journalists and media workers observing, monitoring, recording and reporting protests and assemblies, and to protect their safety;

(h) To ensure that defamation and libel laws are not misused, in particular through excessive criminal sanctions, to illegitimately or arbitrarily censor journalists and interfere

with their mission of informing the public, and where necessary to revise and repeal such laws, in compliance with States' obligations under international human rights law;

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

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

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

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

(m) To promote the availability and accessibility of the broadest possible diversity of media content and the representation of the whole diversity of society in the media, and in this regard to do their utmost to reduce the economic vulnerability of journalists;

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

(o) To take measures to prevent sexual harassment and other forms of sexual and gender-based violence, including threats, threats of rape, intimidation and harassment against women journalists, to encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures, to provide adequate support, remedy, reparations and compensation for victims, including psychological support as part of broader efforts to promote and protect the human rights of women, to eliminate gender inequality and to tackle gender-based stereotypes in society, and to prohibit incitement to hatred against women journalists, online and offline, and other forms of abuse and harassment through relevant policy and legal measures that comply with international human rights law;

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

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

(r) To provide for an enabling environment for civil society organizations to contribute to monitor and report cases of violence against the media and other infringements of freedom of expression, to provide assistance to journalists and media workers against

wrongful prosecutions, and to advocate for crimes against them to be properly investigated and, where appropriate, for improvement of legal frameworks governing an enabling environment for journalists and media workers;

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

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

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

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

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

13. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

14. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

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

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

17. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

18. *Requests* the High Commissioner to present to the Human Rights Council at its forty-eighth session a report on the impact and repercussions of measures taken by Governments in response to the COVID-19 pandemic on the safety and work of journalists and media workers, integrating a gender perspective, and to identify trends and collect good practices, in particular on how the Office of the High Commissioner, within its mandate and working with other relevant United Nations entities, can assist, when requested, in the development of national approaches to protect journalists;



19. *Encourages* States and all other relevant stakeholders to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

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

37th meeting  
6 October 2020

[Adopted without a vote.]

#### **45/19. Situation of human rights in Burundi**

For the text of the resolution, see chapter II.

#### **45/20. Situation of human rights in the Bolivarian Republic of Venezuela**

For the text of the resolution, see chapter II.

#### **45/21. Situation of human rights in the Syrian Arab Republic**

*The Human Rights Council,*

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

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

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

*Noting* that, under applicable international law, and in line with Security Council resolution 2474 (2019) of 11 June 2019, parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities, and to provide their family members with any information that the parties have on their fate, and noting also that the Council in its resolution 2474 (2019) called upon parties to the conflict to take steps to prevent people from going missing in armed conflict,

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

*Expressing its deepest concern* at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, including in its most recent report,<sup>59</sup> expressing support for the mandate of the Commission of Inquiry and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

*Welcoming* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,<sup>60</sup> and noting with appreciation the work of the United Nations Board of Inquiry,

1. *Deplores* the situation of human rights in the Syrian Arab Republic and the fact that the ongoing conflict continues to have a devastating impact on the civilian population, including consistent patterns of gross violations and abuses of international human rights law

<sup>59</sup> A/HRC/45/31.

<sup>60</sup> See A/74/699.

and violations of international humanitarian law, and reiterates the call of the Secretary-General for a global ceasefire and that of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, and urges all parties to the conflict to direct their efforts to enact it;

2. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law throughout the Syrian Arab Republic, takes note of the most recent report of the Independent International Commission of Inquiry on the Syrian Arab Republic in this regard,<sup>61</sup> demands that all parties immediately comply with their respective obligations, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account;

3. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for violations and abuses of international human rights law and violations of international humanitarian law, and reparations and effective remedies for victims and survivors, and the prerequisite role that accountability and transitional justice mechanisms can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict, and welcomes the significant endeavours of the Commission of Inquiry and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, while noting the important role that the International Criminal Court can play in this regard;

4. *Welcomes* the recent efforts by the Special Envoy of the Secretary-General for Syria to convene and facilitate the third session of the Syrian-led and Syrian-owned constitutional committee in Geneva, and urges all parties, particularly the Syrian authorities, to engage meaningfully in the political process under the auspices of the Special Envoy and his office in Geneva, in accordance with all elements of Security Council resolution 2254 (2015) of 18 December 2015, including free and fair elections pursuant to the new constitution, the release of any arbitrarily detained persons, the immediate cessation of any attacks directed at civilians and civilian objects and the building of conditions for the safe, voluntary, dignified and sustainable return of Syrian refugees and internally displaced persons, and to ensure the inclusion of the equal voice and full, effective and meaningful participation and representation of women in all efforts and decision-making;

5. *Deplores* the military offensive instigated by Syrian regime forces in Idlib Governorate and the surrounding areas in December 2019, which continues to indiscriminately target and severely affect the civilian population, and remains extremely concerned about the situation, notes in this regard the signing by the Russian Federation and Turkey on 5 March 2020 of the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, and stresses the importance of continuing to work towards preserving calm on the ground and the urgent need for the immediate cessation of any military hostilities in Idlib and surrounding areas, the prioritization of the protection of all civilians, including those previously displaced, and the guarantee of rapid and unimpeded humanitarian access;

6. *Expresses deep concern* at the situation on the ground across other areas of the Syrian Arab Republic, including those areas retaken by the Syrian authorities and allied forces and areas under the control of non-State armed groups, while noting that the Commission of Inquiry in its latest report highlighted impediments to the freedom of movement of people and goods, which limited access to basic services and curtailed housing, land and property rights;

7. *Strongly condemns* the continued practice of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities have retaken control, which undermines the potential for genuine progress towards a political solution and that, according to the Commission of Inquiry, represents an urgent and large-scale crisis of human rights protection, and welcomes the priority given by the Special Envoy to this issue

<sup>61</sup> [A/HRC/45/31](#).

and his intention to actively pursue efforts to scale up action in this regard in his engagement with all concerned;

8. *Takes note* of the recent findings of the Commission of Inquiry that there are reasonable grounds to believe that the Syrian authorities, in pursuance of a continued State policy, have continued to perpetrate crimes against humanity, enforced disappearance, murder, torture, sexual violence and imprisonment; highlights in this regard the urgent call by the Commission of Inquiry for all parties to immediately cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention, to cease all forms of incommunicado detention and release all persons arbitrarily detained, and to take all feasible measures, under Security Council resolution 2474 (2019), to search for and reveal the fates of those detained and/or missing or disappeared, and further establish an effective channel of communication with families to ensure that their legal, economic and psychological needs are addressed adequately; and urges all parties, but particularly the Syrian authorities, also to grant appropriate international monitoring bodies and medical services immediate access, without undue restrictions, to detainees and detention facilities;

9. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, in violation of international law, including obligations under international customary law and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, to which the Syrian Arab Republic acceded in 2013, and expresses its strong conviction that those responsible for such use must be held accountable;

10. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, which the risks created by the coronavirus disease (COVID-19) pandemic has further exacerbated, deeply regrets the reduction in approved crossing points for cross-border humanitarian aid and the impact on vulnerable populations, and demands that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, including by ensuring immediate cross-line access to prevent further suffering and loss of life and by guaranteeing respect for humanitarian principles across the Syrian Arab Republic;

11. *Recalls* that international humanitarian law prohibits the starvation of civilians as a method of warfare, and implores all parties to urgently resolve such issues, including the recurring service cuts in water distribution and electricity;

12. *Expresses concern* at the impact of the COVID-19 pandemic in the Syrian Arab Republic, and the increased impact on persons in vulnerable situations, particularly in the light of the limitations to health-care services caused by years of conflict, including the deliberate targeting of medical facilities and personnel by the regime and its allies, as noted by the United Nations Board of Inquiry, and recalls the statement by the President of the Human Rights Council on the human rights implications of the COVID-19 pandemic, adopted by the Council on 29 May 2020;<sup>62</sup>

13. *Demands* that all parties to the conflict comply fully with their obligations under international law to ensure respect for and the protection of all persons engaged in medical duties, their means of transport and equipment, and hospitals and all other medical facilities;

14. *Recalls* Security Council resolution 1325 (2000) of 31 October 2000, the upcoming twentieth anniversary of its adoption, and other relevant resolutions on women and peace and security, expresses deep concern about the ongoing situation of human rights of women and girls throughout the Syrian Arab Republic, including those human rights violations and abuses highlighted in the latest findings of the Commission of Inquiry and systematic discrimination threatening their physical safety and dignity, reaffirms the importance of the full implementation of the agenda of Security Council resolution 1325 (2000), while noting the particular protection needs of displaced women and girls across the Syrian Arab Republic, and the need to ensure the full, effective and meaningful participation

<sup>62</sup> [A/HRC/PRST/43/1](#).

of women in peace efforts and decision-making, and calls for greater protection of civil society actors, including women peacebuilders;

15. *Expresses alarm* at the upcoming tenth anniversary of the beginning of the conflict, and encourages the Commission of Inquiry to reflect on this anniversary in its reporting through the analysis of key recurrent human rights concerns over the course of the conflict and continuing trends;

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

37th meeting  
6 October 2020

[Adopted by a recorded vote of 27 to 1, with 19 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Venezuela (Bolivarian Republic of)

*Abstaining:*

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

## **45/22. National human rights institutions**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant instruments,

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

*Recalling* all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 39/17 of 28 September 2018 and Assembly resolution 74/156 of 18 December 2019,

*Recalling also* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

*Recalling further* General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

*Recalling* that the 2030 Agenda is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

*Reaffirming* the Vienna Declaration and Programme of Action, and reaffirming also its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to human rights violations and abuses, in the dissemination of human rights information, and education in human rights,

*Recalling* the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the establishment of the Global Alliance of National Human Rights Institutions,

*Reaffirming* the importance of, and welcoming the rapidly growing interest and progress throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

*Recalling* that the existence of independent national human rights institutions in compliance with the Paris Principles is a global indicator of progress towards achieving Sustainable Development Goal 16, and taking note of the report of the Secretary-General on progress towards the Sustainable Development Goals,<sup>63</sup> including this indicator,

*Reaffirming* the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

*Encouraging* greater efforts to investigate and respond to increasing reports of cases of reprisal against national human rights institutions, their members and staff, and those who cooperate or seek to cooperate with them,

*Recognizing* the important role that national human rights institutions can play in preventing and addressing acts of intimidation and cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms, and in this regard taking note of the Marrakech Declaration adopted at the thirteenth International Conference of National Human Rights Institutions,

*Welcoming* the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

*Commending* the important work of the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions, in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

*Welcoming* efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,<sup>64</sup> and encouraging further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions, the Global Alliance of National Human Rights Institutions and its regional networks,

*Welcoming also* the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant

<sup>63</sup> E/2020/57.

<sup>64</sup> General Assembly resolution 70/163, para. 19.

United Nations mechanisms and processes, in accordance with their respective mandates, including the Human Rights Council and its universal periodic review mechanism and the special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

*Emphasizing* the importance of human rights in shaping the response to the coronavirus disease (COVID-19) pandemic, for both the public health emergency and the broader impact on people's lives and livelihoods,

*Recognizing* the important role of national human rights institutions in highlighting the human rights implications of the COVID-19 pandemic, including offering guidance to States in ensuring a human rights-compliant response to the pandemic, examining and monitoring the situation, raising public awareness, including the provision of accurate and timely information, working to protect groups in vulnerable situations and cooperating with civil society, rights-holders and other stakeholders, and encouraging States to cooperate with their national human rights institution and to ensure that they can effectively discharge their mandate and functions, including by ensuring the allocation of adequate resources,

*Welcoming* the role of the Global Alliance of National Human Rights Institutions and its regional networks in supporting national human rights institutions to fulfil their mandate with respect to COVID-19 and the support provided by the Office of the High Commissioner and the United Nations Development Programme, and taking note of the aide-memoire on national human rights institutions, human rights and COVID-19, issued by the High Commissioner to national human rights institutions on 21 April 2020, and of technical assistance and capacity-building and facilitation of the exchange of good practices,

*Reaffirming* that, as the 2030 Agenda recognizes, eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and interdependent,

*Stressing* that the effective participation of all individuals in national, political, cultural, religious, economic and social processes in their societies is crucial to their full and equal enjoyment of all human rights,

*Bearing in mind* that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the 2030 Agenda pledges to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

*Recognizing* the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, which seeks to realize the human rights of all,

*Welcoming* the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current Strategic Plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts that national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

*Taking note* of the Belgrade principles on the relationship between national human rights institutions and parliaments,<sup>65</sup>

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions<sup>66</sup> and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);<sup>67</sup>

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Stresses* the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

4. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;

5. *Encourages* national human rights institutions that are compliant with the Paris Principles and their networks to continue to participate in and contribute to, including where relevant by providing parallel reports and other information, the work of the Human Rights Council and its universal periodic review mechanism, the special procedures and the treaty bodies and all other relevant United Nations forums, and also encourages all relevant United Nations mechanisms and processes, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development and the high-level political forum on sustainable development, and the review of General Assembly resolution 72/305, on the strengthening of the Economic and Social Council, to strengthen the independent participation of national human rights institutions compliant with the Paris Principles, in accordance with their respective mandates;

6. *Welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;

7. *Encourages* the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;

<sup>65</sup> A/HRC/20/9, annex.

<sup>66</sup> A/HRC/45/42.

<sup>67</sup> A/HRC/45/43.



8. *Recognizes* the contribution that national human rights institutions have made to the promotion and protection, and prevention of violations, of human rights by exercising their mandates and functions consistent with the Paris Principles, and encourages them to continue to do so, including by:

(a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;

(b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

(c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;

(d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

(e) Conducting and promoting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;

(f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;

(g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations;

9. *Acknowledges* that, in the performance of their key functions, in accordance with their mandates and with the Paris Principles, national human rights institutions are supporting the establishment and maintenance of inclusive societies, and in doing so are contributing to the implementation of the 2030 Agenda, including by:

(a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals without discrimination on any grounds, including race, colour, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;

(c) Contributing to the progressive realization of economic, social and cultural rights for all;

(d) Contributing to the elimination of all forms of discrimination against women and gender-based violence;

(e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;

(f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of persons with disabilities, indigenous peoples, refugees and migrants, persons who are socioeconomically



disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

(g) Working with businesses to fulfil their responsibility to respect human rights in accordance with human rights law, and to support initiatives aimed at protecting victims of human rights abuses, including through the dissemination and implementation of the Guiding Principles on Business and Human Rights;

10. *Encourages* all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris Principles, and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda;

11. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

12. *Requests* the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, urges the High Commissioner to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

13. *Requests* the Secretary-General to submit to the Human Rights Council, at its fifty-first session, a report on the implementation of the present resolution that includes examples of best practices among national human rights institutions, prepared in consultation with States, national human rights institutions and other relevant stakeholders, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

37th meeting  
6 October 2020

[Adopted without a vote.]

**45/23. Commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action**

For the text of the resolution, see chapter II.

**45/24. Mandate of the Working Group of Experts on People of African Descent**

*The Human Rights Council,*

*Recalling* General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, reaffirming the commitments contained therein with regard to people of African descent, Assembly resolution 57/195 of 18 December 2002, in which the Assembly invited all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference and the effective implementation of the Durban Declaration and

Programme of Action, and Assembly resolution 68/237 of 23 December 2013, in which the Assembly proclaimed the International Decade for People of African Descent,

*Recalling also* all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance, in particular Commission resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003 and Council resolutions 9/14 of 18 September 2008, 18/28 of 17 October 2011, 27/25 of 26 September 2014 and 36/23 of 29 September 2017 on the mandate of the Working Group of Experts on People of African Descent,

*Reaffirming* the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

*Underlining* that the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, remains the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that prescribes comprehensive measures and remedies for the effective combating of all the scourges of racism at all levels,

*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, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

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

*Recalling* Human Rights Council resolution 43/1 of 19 June 2020 on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against the excessive use of force and other human rights violations by law enforcement officers,

*Welcoming* the report of the Working Group,<sup>68</sup> in which the Working Group analysed the connections between the coronavirus disease (COVID-19) pandemic, police impunity and global protests, and made recommendations thereon,

*Stressing* the imperative need for the Working Group to accomplish its mandate,

1. *Decides* to extend the mandate of the Working Group of Experts on People of African Descent for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 9/14;

2. *Also decides* that one of the two annual sessions of the Working Group may be held in New York or another location of relevance to the mandate, to facilitate the wide participation of people of African descent;

3. *Further decides* that the Working Group shall undertake a minimum of two country visits per year;

4. *Requests* all Governments to cooperate fully with the Working Group in the discharge of its mandate, including by responding promptly to the Working Group's communications and by providing the information requested;

5. *Requests* the Working Group to submit an annual report to the Human Rights Council on all activities relating to its mandate, and to the General Assembly in the context of the International Decade for People of African Descent;

<sup>68</sup> [A/HRC/45/44](#).

6. *Also requests* the Working Group to pay special attention in its annual report to the rising tide of racism and racial hatred, as evidenced by the resurgence of white supremacist ideologies, and extremist nationalist and populist ideologies, and to make specific recommendations in this regard;

7. *Further requests* the Working Group to contribute to the report that the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare in its resolution 43/1, including by providing recommendations, information on best practices and innovations, and updates on status, with regard to the promotion of equality and fair treatment;

8. *Requests* the Working Group to contribute to activities marking the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, including by participating in relevant meetings;

9. *Also requests* the Working Group to contribute to the midterm review of the International Decade for People of African Descent;

10. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Human Rights Council, national human rights institutions, international financial and development institutions and United Nations specialized agencies, programmes and funds to collaborate with the Working Group, including by, inter alia, providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate, including with regard to field missions;

11. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the human, technical and financial assistance necessary for the sustainable and effective fulfilment of its mandate;

12. *Decides* that all public meetings of the Working Group will be webcast;

13. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group, and invites States to contribute to that fund;

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

*37th meeting  
6 October 2020*

[Adopted without a vote.]

## **45/25. Technical assistance and capacity-building to further improve human rights in the Sudan**

*The Human Rights Council,*

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

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

*Recalling also* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

*Recalling further* Human Rights Council resolutions 39/22 of 28 September 2018 and 42/35 of 27 September 2019,

*Emphasizing* that States have the primary responsibility for the promotion and protection of all human rights,

*Acknowledging* that the situation of human rights in the Sudan has significantly improved and is on track to improve further, while technical assistance and capacity-building will nevertheless continue to be needed,

*Mindful* of the exemplary, non-violent and inspiring popular uprising of the Sudanese people, in particular the wide participation of women and youth, calling for freedom, peace and justice, which led to a fundamental change in the political situation in the Sudan,

*Welcoming* the positive steps taken by the Transitional Government of the Sudan in introducing legal reforms, rebuilding and developing the legal and justice system and ensuring the independence of the judiciary and the rule of law, and the commitment of the Sudan, reflected in its constitutional document, to respect and protect human rights and all basic freedoms,

*Welcoming also* the initialling of a peace agreement between the Government of the Sudan and the Sudanese Revolutionary Front in Juba on 31 August 2020,

*Noting with appreciation* the close cooperation between the Government of the Sudan and the country office of the Office of the United Nations High Commissioner for Human Rights in the Sudan,

*Welcoming* the appointment of 18 civilian state governors, two of whom are women, in accordance with the constitutional document,

1. *Notes with appreciation* the work of the Independent Expert on the situation of human rights in the Sudan, including his final report,<sup>69</sup> and the comments of the Government of the Sudan thereon;<sup>70</sup>

2. *Welcomes* the commitments made by the Government of the Sudan to revise and amend its national legislation to bring it into line with international human rights instruments and the steps taken to date in that regard, including:

- (a) Repealing the death penalty for apostasy and in respect of minors;
- (b) Criminalizing female genital mutilation;
- (c) Repealing the Public Order Law;
- (d) Decriminalizing the consumption, purchase and sale of alcohol by non-Muslims;

3. *Also welcomes* the adoption by the Government of the Sudan of a national action plan for the implementation of Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, the signing of a framework agreement on cooperation with the Special Representative of the Secretary-General on Sexual Violence in Conflict, and the commitment made by the Government to continue to promote women's rights, including by ensuring the full, effective and meaningful participation and leadership of women at all levels of decision-making, including in conflict resolution and peacebuilding;

4. *Further welcomes* the ongoing efforts of the Government of the Sudan to investigate alleged human rights abuses and violations by all parties, and encourages its efforts to hold perpetrators to account as its foremost priority;

5. *Notes with appreciation* the continued efforts of the Government of the Sudan to implement the universal periodic review recommendations that it has accepted, and encourages the Government to continue to cooperate in the review process, including through the further implementation of accepted recommendations;

6. *Encourages* the efforts of the Government of the Sudan in creating and maintaining a safe and conducive environment in which civil society representatives, human rights defenders, the media and other independent actors can operate freely, in accordance with the constitutional document, and welcomes the signature by the Government of the Sudan of the Global Pledge on Media Freedom;

<sup>69</sup> A/HRC/45/53.

<sup>70</sup> A/HRC/45/53/Add.1.

7. *Encourages* the Government of the Sudan to accede to the international human rights treaties that it has not yet ratified;
8. *Also encourages* the Government of the Sudan to establish a national human rights institution that conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
9. *Welcomes* the signature of the Joint Agreement between the Prime Minister of the Sudan, Abdalla Hamdok, and Abdulaziz al-Hilu on behalf of the Sudanese People's Liberation Movement-North Abdulaziz al-Hilu faction, encourages the parties to build on the recent progress made in their negotiations, and calls upon the Sudan Liberation Army-Abdul Wahid to enter into similar negotiations with the Government of the Sudan at the earliest opportunity;
10. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to continue to support the efforts of the Government of the Sudan to further improve the situation of human rights in the country, including by responding to the Government's requests for technical assistance and capacity-building;
11. *Welcomes* the establishment and operation of a fully mandated country office of the Office of the High Commissioner in the Sudan, with field presences, since 26 December 2019, as declared by the Government of the Sudan and the Office at the enhanced interactive dialogue held during the forty-fourth session of the Human Rights Council;
12. *Also welcomes* the commitment of the Government of the Sudan to assist in establishing the field presences of the country office of the Office of the High Commissioner in the Sudan;
13. *Requests* the Secretary-General to provide all the resources necessary to enable the country office of the Office of the High Commissioner in the Sudan and its field presences to fulfil their mandates;
14. *Requests* the High Commissioner to prepare a written report that assesses progress and challenges, including the work of the country office and its field presences, in accordance with their mandates, and to present it to the Human Rights Council at its forty-eighth session, under agenda item 10, to be followed by an enhanced interactive dialogue thereon;
15. *Decides* to end the mandate of the Independent Expert, in accordance with Human Rights Council resolutions 39/22 and 42/35.

*37th meeting  
6 October 2020*

[Adopted without a vote.]

#### **45/26. Technical assistance and capacity-building for Yemen in the field of human rights**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

*Recognizing* the primary responsibility of States to promote and protect human rights,

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

*Recalling* Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29

September 2016, 36/31 of 29 September 2017, 39/23 of 28 September 2018 and 42/31 of 27 September 2019,

*Emphasizing* Security Council resolutions 2216 (2015) of 14 April 2015 and 2451 (2018) of 21 December 2018,

*Welcoming* the Stockholm Agreement, accepted by the Government of Yemen and the Houthis, for a ceasefire in Hudaydah city, and the mutual redeployment of the forces from the ports of Hudaydah, Salif and Ra's Isa, thereby establishing a mechanism for activating the exchange of prisoners, lifting the siege of the city of Ta'izz and facilitating the delivery of humanitarian aid,

*Reiterating* its strong support for the efforts of the Secretary-General and the Special Envoy of the Secretary-General for Yemen, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

*Recognizing* that the promotion, protection and fulfilment of human rights are essential factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

*Welcoming* the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the fulfilment of the recommendations made in the outcome document of the National Dialogue Conference, including the completion of the drafting of a new constitution,

*Taking note with appreciation* of Presidential Decree No. 30 of 22 August 2019, in which the mandate of the National Commission of Inquiry was extended for a period of two years with a view to investigating all human rights violations since 2011,

*Welcoming* the Riyadh Agreement signed by the Government of Yemen and the Southern Transitional Council, and encouraging the speedy and full implementation of the Agreement as an important step towards a political solution in Yemen,

*Aware* of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of fundamental human rights, including social and economic rights, and that the parties to the conflict must facilitate the rapid, safe and unhindered delivery of humanitarian aid,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building in Yemen;<sup>71</sup>

2. *Notes* the comments made by the Government of Yemen on the report of the High Commissioner during the present session;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the High Commissioner and other relevant United Nations bodies and mechanisms;

4. *Takes note* of the eighth report of the National Commission of Inquiry;

5. *Notes* the work carried out by the Joint Incident Assessment Team;

6. *Calls upon* all parties to immediately implement the Stockholm Agreement in order to begin negotiations for a comprehensive political solution to the current crisis in Yemen;

7. *Expresses deep concern* at the serious human rights abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including those involving sexual and gender-based violence, the continued recruitment of children, contrary to international treaties, the abduction of political activists, the violations against journalists, the killing of civilians, the prevention of access

<sup>71</sup> [A/HRC/45/57](#).

for relief and humanitarian aid, persecution on the basis of religion or belief, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

8. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law, to stop immediately attacks on civilians, including on those delivering medical supplies and aid workers, and to facilitate rapid, safe and unhindered humanitarian access to the affected population nationwide;

9. *Expresses deep concern* at all attacks against civilian objects, in violation of international humanitarian law, and recalls the obligations by all parties to the conflict to take all precautions necessary to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including water installations, supplies and foodstuffs;

10. *Urges* the Government of Yemen to take measures to protect civilians and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, and violence against journalists and the detention of journalists and political activists;

11. *Requests* all parties to the conflict in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring that women are part of the political and peacemaking process;

12. *Demands* that all parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

13. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

14. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, which is further exacerbated by the spread of the coronavirus disease (COVID-19), and expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the United Nations Yemen humanitarian response plan for 2020 and to fulfil their pledges to the relevant United Nations humanitarian appeal;

15. *Reaffirms* the responsibilities of all parties to the conflict to facilitate the immediate, safe and unhindered delivery of humanitarian assistance to all those who are in need, in accordance with the principles of international human rights law and international humanitarian law;

16. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist with the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

17. *Requests* the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and technical support to the National Commission of Inquiry to ensure that the National Commission continues to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and submits its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 30 of 22 August 2019, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

18. *Also requests* the High Commissioner to present a written report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its forty-eighth session.

37th meeting  
6 October 2020

[Adopted without a vote.]

#### **45/27. Assistance to Somalia in the field of human rights**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Reaffirming also* its previous resolutions on Somalia,

*Recalling* its resolutions 5/1 and 5/2 of 18 June 2007,

*Recognizing* that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia, and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and to encourage reconciliation,

*Recognizing also* the need for all authorities engaged in security to uphold their international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

*Recognizing further* the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and Federal Member State levels, and in that regard welcoming the Somalia Partnership Forum held in Mogadishu in October 2019, at which Somali stakeholders made a commitment to implement the 2019 Mutual Accountability Framework with the aim of accelerating reforms regarding human rights, as well as reforms regarding security, economic and political institutions and elections,

*Reaffirming* the need for continued regular Somalia Partnership Forum meetings to hold all parties to account for progress and to agree on shared future priorities,

*Recognizing* the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the Mission is creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,



*Recognizing also* the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to end gender-based violence and all other forms of violence in situations of armed conflict, to end impunity and to prosecute those responsible for violence against women and girls, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security,

*Recognizing further* the increased proactiveness of the Federal Government of Somalia in strengthening the promotion and protection of human rights at the federal and federal Member State levels through its Ministry for Women and Human Rights Development, including its advocacy and implementation of human rights commitments in Somalia and its engagement with the international human rights system,

*Recognizing* that the coronavirus disease (COVID-19) pandemic represents an additional and profound challenge to the difficulties already presented by natural disasters to the health system and the socioeconomic and humanitarian situation in Somalia, as well as to social cohesion owing to increased stigma experienced by those affected, and recognizing also that the secondary effects of the pandemic have disproportionately affected those in vulnerable situations and women and girls,

*Noting* the important role played by women as first responders to the COVID-19 pandemic and the importance of women's meaningful participation in recovery and relief,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the situation of human rights in Somalia, and in that regard also welcomes:

(a) The enactment in February 2020 of the Electoral Law, which represents a significant step forward, and the resolution of key outstanding issues by the Federal Parliament, in collaboration with the National Independent Electoral Commission, including the definition of constituencies, the allocation of seats to constituencies, the implementation of a quota of 30 per cent of seats for women, to which Somalia has committed, and the representation of Banadir and Somaliland;

(b) The reaffirmation in September 2019 by the Federal Government of Somalia, through the Ministry of Labour and Social Affairs, of its commitment to fulfil its international obligations to promote universal respect for and the protection of all human rights and fundamental freedoms, including freedom of association and union rights, and, furthermore, the Ministry's willingness to engage and cooperate with the International Labour Organization to advance social and economic justice by adhering to international labour standards;

(c) The enforcement by the Attorney General's Office of an order of the Banadir Regional Court, following a petition submitted by the National Union of Somali Journalists, through the appointment on 8 September 2020 of a special prosecutor, to investigate and prosecute those responsible for killing journalists in Somalia as a step in the right direction to put an end to impunity for crimes committed against Somali journalists and to hold perpetrators accountable;

(d) The progressive improvement in the human rights context in Somalia, not least through progress towards the ambitious goals set out in the New Partnership for Somalia and the National Development Framework of Somalia to promote stability and development with respect for human rights, as set out in the 2017–2019 human rights scorecard of the Federal Government of Somalia by, inter alia, strengthening the rule of law, promoting inclusivity in political decision-making, particularly for women and girls, young persons, minorities and persons with disabilities, delivering a constitutional settlement that guarantees freedoms of expression and association, and addressing security threats in a manner that respects human rights obligations and protects civilians;

(e) The advancement of the refreshed Somali-led Transition Plan, which should support the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Mission in Somalia to increased Somali ownership, and appreciating, in particular, that this approach is underpinned by a focus on the rule of

law, reconciliation, justice, respect for human rights and the protection of women and children, and girls in particular;

(f) The continued commitment of the Federal Government, the federal Member States and the Banadir Regional Authority to improve representation, inclusion and the participation of women in public and political affairs and, in particular, in leadership roles;

(g) The Federal Government's ratification of the Convention on the Rights of Persons with Disabilities, in August 2019, the enactment of a law establishing a disability authority, and its commitment to entrenching the rights of persons with disabilities in social, educational, political and economic life through the first-ever national disability bill for Somalia and other legislative mechanisms, by improving the collection of data on persons with disabilities and by approving the creation of a national disability agency;

(h) The work undertaken by the Ministry for Women and Human Rights Development as the lead body of the Federal Government to advance the human rights agenda in Somalia, including through the implementation of the Somalia Joint Human Rights Programme, the establishment of the interministerial Human Rights Task Force, the capacity-building of interministerial focal points on human rights, the submission of the midterm review report on the implementation of the recommendations made in the context of its universal periodic review, and reporting under the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(i) The continued cooperation with the Independent Expert on the situation of human rights in Somalia, the cooperation with the special representatives of the Secretary-General, including the Special Representative on Sexual Violence in Conflict and the Special Representative for Children and Armed Conflict, and the pledge by Somalia to develop a new national action plan to end sexual violence in conflict following the visit by the relevant Special Representative;

2. *Also welcomes* the continued commitment of the Federal Government to the universal periodic review process, and in this regard further welcomes its acceptance of the many recommendations made during the review, and encourages the Government to implement them;

3. *Expresses concern* at the reports of violations and abuses of human rights in Somalia, including by all armed actors, underscores the need to uphold respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes, including those committed against women and children, and girls in particular, such as the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation, and emphasizes the importance that recaptured child soldiers be recognized as victims and the need to establish and implement rehabilitation and reintegration programmes;

4. *Also expresses concern* that internally displaced persons, including those who may be vulnerable, who may include women, children, young persons, persons with disabilities and persons belonging to minority groups, are the most at risk of violence, abuse and violations;

5. *Further expresses concern* at the attacks against and harassment of human rights defenders and the media in Somalia, including journalists, especially in the form of arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

6. *Expresses concern* that members of minority clans, including women and girls, continue to be at the periphery of economic and political opportunities and decision-making in Somalia, and encourages the Federal Government of Somalia to increase its efforts to widen opportunities for their participation in public affairs, recognizing that women and girls belonging to minorities continue to be more vulnerable to sexual and gender-based violence due to poverty, marginalization and discriminatory attitudes;

7. *Also expresses concern* about the failure of the Lower House of Parliament to hold a first reading of the Sexual Offences Bill endorsed by the Cabinet in May 2018 and about its decision to instead table a bill on “sexual intercourse-related crimes” in August 2020, which is incompatible with the obligations of Somalia under international human rights law, and encourages the Lower House of Parliament to reconsider its decision and to table the Sexual Offences Bill endorsed by the Cabinet in 2018;

8. *Further expresses concern* about the proposal made in August 2018 by the Somaliland House of Representatives to replace the 2018 law on rape and sexual offences with a new bill on “rape, fornication and related offences”, which would affect the response to serious offences such as rape, the due process rights of those accused of sexual offences and the protection of the rights of women, children and persons with disabilities, and encourages Somaliland lawmakers to reconsider their decision on the new bill, noting that the 2018 law on rape and sexual offences is in line with international human rights standards;

9. *Expresses concern* about the signing into law in August 2020 of the amended 2016 media law, which retains several provisions that do not comply with international standards on freedom of expression, such as those providing for imprisonment as a punishment for media-related offences, and encourages the Federal Government of Somalia to consider repealing such provisions;

10. *Recognizes* that the exposure and sensitivity of Somalia to climate change and environmental degradation is vast and structural, and that this vulnerability is a driver of fragility, conflict and humanitarian need;

11. *Also recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

12. *Further recognizes* the efforts of Somalia, despite its own struggles, to accept and not turn its back on refugees from other countries in the region;

13. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(a) To make urgent progress towards settling outstanding constitutional issues and completing the constitutional review process in an inclusive manner that promotes the building of peace and the rule of law, protects the freedoms of expression and association, and includes targeted provisions that enable and facilitate the advancement of women, children, young persons, persons with disabilities, minorities and all members of disadvantaged groups in the areas of access to justice, education, health, water, security and economic recovery, including representation and the right to participate in the 2020 and 2021 elections;

(b) To expedite the establishment of a national human rights commission in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), providing it with adequate resources, to monitor and ensure accountability for violations and abuses, including a recruitment process that guarantees the representation of women, members of marginalized groups and persons with disabilities;

(c) To accelerate the Government-led inclusive political settlement and to reach political agreement among the Federal Government, all Federal Member States and the Federal Parliament in order to deliver shared political and security commitments through inclusive and regular high-level dialogue at all levels;

(d) To make efforts to hold elections in a manner agreed upon by all stakeholders and that are free, fair, timely, peaceful, transparent, credible and inclusive, incorporating a direct voting component enabling as many citizens as possible to vote in 2020–2021, in accordance with the Provisional Federal Constitution of Somalia, and underscores the importance of cooperation and consensus for making further progress on key national

priorities, including the implementation of the national security architecture, reaching agreement on a federated justice system, power- and resource-sharing, the constitutional review, fiscal federalism and the planning and holding of national elections, all of which require political agreements that can form the basis for legislation in the Federal Parliament;

(e) To continue its cooperation with the Special Representative of the Secretary-General for Somalia;

(f) To secure constitutional provisions for the equal representation and full, effective and meaningful participation and inclusion of women and members of minority clans, particularly in leadership and decision-making roles in public and elected offices and the civil service through the constitutional review and other ongoing political and legislative processes;

(g) To promote the inclusivity of the 2020–2021 elections, particularly by ensuring the equal participation and representation of women in decision-making and in leadership positions, as well as of internally displaced persons, young persons, persons with disabilities, members of minorities and all members of disadvantaged groups at all stages of the electoral cycle, while noting that, in future elections, the Federal Government of Somalia should ensure the representation of all Somalis, in accordance with long-standing commitments to conduct one person, one vote elections;

(h) To realize its commitments to security sector reform, including by ensuring the active participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and the strengthening of internal and external accountability of all relevant security forces and institutions;

(i) To continue measures to implement the action plans to prevent the unlawful recruitment and use of children in armed forces of all types, including forces operating at the national, federal and local levels and groups such as Al-Shabaab, and to work with specialized agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(j) To accelerate the implementation of the joint communiqué and the adoption and implementation of the new national action plan against sexual violence in conflict;

(k) To continue the process towards the development of a national action plan to implement the women and peace and security agenda, including Security Council resolution 1325 (2000) and the Council's subsequent resolutions on that issue, noting that the Cabinet endorsed a Somali women's charter to strengthen women's participation in peacebuilding and socioeconomic progress in the stabilization and rebuilding efforts for Somalia;

(l) To review the amended media law signed in August 2020, and to ensure its compliance with international human rights law;

(m) To realize its commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses by ensuring prompt, independent, impartial, thorough and effective investigations into human rights violations, by urgently concluding the establishment of an adequately resourced and independent national human rights commission, and by reforming State and traditional justice mechanisms to increase the representation of women in the judiciary, and to improve access to justice for women and children;

(n) To prioritize the enactment of legislation and to undertake reforms that respect, protect and fulfil women's and girls' full enjoyment of all human rights, and to allow for response to and the prevention and elimination of all forms of violence and discrimination against all women and girls, including by adopting a zero-tolerance approach to sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation, while ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(o) To continue to acknowledge the importance of inclusive dialogue and local reconciliation processes for stability in Somalia, and calls upon the Federal Government and the Federal Member States to increase leadership and engagement in de-escalating tensions and engage in constructive dialogue;

(p) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, including by fully funding the Joint Programme on Human Rights, which is a key vehicle for fulfilling the human rights commitments of Somalia, as well as the judiciary, the police and correctional services;

(q) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Prevention and Punishment of the Crime of Genocide;

(r) To realize the commitments it made at the Global Disability Summit, particularly by enacting a national disability bill in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of persons with disabilities, and by finalizing the establishment of a national disability agency;

(s) To encourage Parliament to hold a first reading of the original Sexual Offences Bill approved by the Cabinet and to ensure that any bill passed into law reflects international obligations and commitments on the protection of all women and children, and girls in particular, and to implement it and other laws as necessary to prevent sexual and gender-based violence;

(t) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(u) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(v) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017;

(w) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practices for relocations, and to provide sites that afford safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(x) To ensure safe, timely, sustained and unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate safe, timely, sustained and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

(y) To consider primarily as victims those children who have been released or otherwise separated from armed forces and armed groups in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, and to cease detaining all children on national security charges whenever doing so would be in violation of applicable international law;

(z) To implement fully the Convention on the Rights of the Child, the two action plans signed by the Federal Government of Somalia in 2012 to end and prevent the recruitment and use of child soldiers and the killing and maiming of children, the Somali National Army command order on the protection of children's rights before, during and after

operations, the road map signed in 2019 and the standard operating procedures on the handover of children;

(aa) To strengthen the legal and operational framework for the protection of children in Somalia, including by becoming a party to the Optional Protocols to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child;

14. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

15. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to strengthen synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

16. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;<sup>72</sup>

17. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

18. *Acknowledges* the progress that Somalia has made and its cooperation with United Nations bodies, the Office of the High Commissioner and the mandate of the Independent Expert since its creation in 1993, and that the situation of human rights in Somalia determines the action most appropriate for the Council to take, and in this regard requests the Independent Expert, in cooperation with the Federal Government of Somalia, to propose a transition plan towards deeper thematic engagement with the special procedures and other experts, including the Office of the High Commissioner, with clear steps and benchmarks to inform the appropriate follow-up actions of the Human Rights Council, considering the recommendations of the Independent Expert and the human rights commitments of Somalia;

19. *Requests* the Independent Expert to continue to work closely with the Federal Government and other relevant authorities at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

- (a) Its national and international human rights obligations;
- (b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;
- (c) Recommendations accepted in the context of the universal periodic review;
- (d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and members of marginalized groups such as minority clans, freedom of expression and assembly, the protection of the media and civil society, including women peacebuilders, access to justice for women and minorities, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

20. *Also requests* the Independent Expert to report to the Human Rights Council at its forty-eighth session and to the General Assembly at its seventy-sixth session;

21. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out the mandate fully;

<sup>72</sup> See [A/HRC/45/52](#).

22. *Decides* to remain actively seized of the matter.

37th meeting  
6 October 2020

[Adopted without a vote.]

**45/28. Promoting and protecting the human rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325 (2000)**

*The Human Rights Council,*

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

*Reaffirming* the obligations of State parties under the Convention on the Elimination of All Forms of Discrimination against Women,

*Reaffirming also* General Assembly resolution 60/251 of 15 March 2006 by which the Assembly established the Human Rights Council and, inter alia, acknowledged that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

*Reaffirming further* Human Rights Council resolution 5/1 of 18 June 2007 on the institution-building of the Council, and bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter,

*Recalling* Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, and subsequent, mutually reinforcing resolutions – Council resolutions 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009, 1960 (2010) of 16 December 2010, 2106 (2013) of 24 June 2013, 2122 (2013) of 18 October 2013, 2242 (2015) of 13 October 2015, 2467 (2019) of 23 April 2019 and 2493 (2019) of 29 October 2019 – which comprise the women and peace and security agenda, and in which the Council addressed, inter alia, the human rights of women and girls in conflict and post-conflict situations,

*Noting* that 2020 marks the twentieth anniversary of the adoption of Security Council resolution 1325 (2000), and emphasizing that anniversaries offer a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights,

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

*Recognizing* the important contribution of civil society to the women and peace and security agenda, and in this regard the importance of sustained dialogue with civil society, including women's organizations,

*Recalling* 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 the commitment of all States to achieve gender equality and the empowerment of women and girls, and recalling also the commitments of the Beijing Declaration and Platform for Action,

*Welcoming* the fact that a significant number of States have adopted national action plans on women and peace and security, and encouraging the adoption of these plans by those who have yet to do so,

*Expressing deep concern* that women's full, equal and meaningful participation in the prevention and resolution of conflicts, in peacebuilding and in peacekeeping remains a far-

off goal, while violations of the human rights of women and girls, including of women refugees and internally displaced persons in the context of conflict and post-conflict situations, remain widespread and underreported, including sexual and gender-based violence, multiple and intersecting forms of discrimination and lack of access to services,

*Acknowledging* that women's and girls' empowerment and gender equality are critical to efforts to maintain international peace and security, and emphasizing that persisting barriers to the full implementation of Security Council resolution 1325 (2000) and subsequent mutually reinforcing ones will only be dismantled through dedicated commitment to women's human rights, empowerment and participation, and through concerted leadership, consistent information and action, and support to build women's engagement at all levels of decision-making,

*Mindful* of the report of the Secretary-General on women and peace and security,<sup>73</sup> and the operational recommendations therein for the United Nations and for Member States in the lead-up to the twentieth anniversary of Security Council resolution 1325 (2000),

*Acknowledging* the need for a comprehensive approach to the promotion, protection and fulfilment of all human rights of women and girls and the need to integrate a gender perspective in a more systemic way into all aspects of the work of the United Nations system, including the treaty bodies, and the Human Rights Council and its mechanisms,

*Welcoming* the work of the United Nations treaty bodies in promoting gender equality and in the promotion and protection of the rights of women and girls at all times, including in armed conflict and post-conflict situations, and noting general recommendation No. 30 (2013) of the Committee on the Elimination of Discrimination against Women on women in conflict prevention, conflict and post-conflict situations,

*Welcoming also* the fact that the Human Rights Council and its mechanisms have made efforts to mainstream the human rights of women and girls at all times, including by documenting, in relevant reports, sexual and gender-based violence in conflict and post-conflict situations,

1. *Recognizes* the crucial role of women in the prevention and resolution of conflicts and in peacebuilding and confidence-building, the importance of their full, equal and meaningful participation and full involvement in all efforts for the maintenance and promotion of peace and security, and urges States and the United Nations system where applicable to make further efforts to ensure and support the full, equal and meaningful participation of women at all levels of decision-making and implementation of conflict prevention and resolution, mediation, post-conflict reconstruction, peacekeeping, peacemaking and peacebuilding;

2. *Calls upon* States to create and support an enabling environment for the meaningful participation of, inter alia, women mediators, women mediator networks, women's civil society organizations, women peacebuilders and women human rights defenders, in the creation and implementation of all relevant activities related to conflict prevention and resolution, mediation, post-conflict reconstruction, peacemaking and peacebuilding;

3. *Strongly condemns* all forms of violence against women and girls committed in conflict and post-conflict situations, recognizes that the term "violence against women and girls" is not limited to sexual violence but includes any act of gender-based violence that results, or is likely to result, in physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, and calls for effective measures of accountability where those acts amount to violations of international human rights and humanitarian law;

4. *Encourages* States to enhance the promotion and protection of the human rights of women and girls in conflict and post-conflict situations that have been identified by the Security Council in relation to the women and peace and security agenda through the universal periodic review, as appropriate, by increasing their attention to these themes in

<sup>73</sup> S/2019/800.



national reports, to make specific, action-oriented recommendations to States under review, and to act on the recommendations made, and to report on achievements and challenges in implementation at subsequent review cycles;

5. *Calls upon* the United Nations High Commissioner for Human Rights to, in accordance with her mandate, systematically include, as applicable, the human rights of women and girls in conflict and post-conflict situations that have been identified by the Security Council in the women and peace and security agenda in country-specific related work and relevant thematic reports, and encourages her to hold consultations with women human rights defenders, women's organizations and women peacebuilders;

6. *Encourages* all States to pay due attention to the recommendations of the Committee on the Elimination of Discrimination against Women and other treaty bodies relating to the human rights of women and girls in conflict and post-conflict situations, and encourages all relevant entities of the United Nations system to continue to assist States parties, upon the request of those States, in abiding by their international human rights obligations relating to women's and girls' rights at all times, including in armed conflict and post-conflict situations;

7. *Requests* the High Commissioner to present to the Human Rights Council, at its forty-eighth session, an analytical report, based on the contributions of States and other stakeholders, to be followed by an interactive dialogue, on the current state of play of the mainstreaming of the human rights of women and girls in conflict and post-conflict situations in the work of the Council, namely in relevant resolutions and in its mechanisms, with a view to making recommendations, as applicable, to States, Council mechanisms and relevant stakeholders.

*38th meeting  
7 October 2020*

[Adopted without a vote.]

#### **45/29. Promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and recalling all relevant international human rights law and international humanitarian law instruments,

*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing, and recognizing the obligation of States to respect, protect and fulfil the human rights of all persons, and that persons living in humanitarian situations are entitled to respect for and the protection of all human rights, in accordance with international law,

*Recalling* Human Rights Council resolutions 31/6 of 23 March 2016, 35/16 of 22 June 2017, 37/20 of 23 March 2018 and 39/10 of 27 September 2018, General Assembly resolution 46/182 of 19 December 1991 and all other relevant resolutions,

*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 the commitment of all States to achieve gender equality and to provide access to justice for all,

*Recalling further* that States have the primary responsibility to promote and protect human rights,

*Acknowledging* the ongoing integration of gender and age perspectives into the formulation, interpretation and implementation of human rights instruments, as well as into reports, resolutions and/or decisions of the Human Rights Council and its various mechanisms and of other human rights mechanisms,

*Recognizing* that pre-existing human rights issues are further exacerbated and that new violations and abuses may arise in humanitarian situations, which include humanitarian emergencies, forced displacements, armed conflicts and natural disasters, including sudden-onset natural disasters and slow-onset events,

*Recognizing also* that humanitarian situations have the potential to exacerbate pre-existing or to create new patterns and structures of discrimination and inequalities, and further undermine access to health-care services and information, housing, water, sanitation, education and employment, and may disrupt protection systems, resulting in a disproportionately negative impact on the enjoyment of human rights by women and girls,

*Recognizing further and appreciating* the efforts of developing countries, despite severe resource constraints, to host people in humanitarian situations, in particular refugees, forcibly displaced persons and persons displaced by sudden-onset natural disasters, and slow-onset events, including climate-related events,

*Convinced* that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to address the human rights of women and girls in humanitarian situations, and welcoming and encouraging the continued humanitarian support provided by the international community, including Member States, and by relevant United Nations agencies and humanitarian actors,

*Expressing concern* that, according to the Office for the Coordination of Humanitarian Affairs in its *Global Humanitarian Overview 2020*, in 2020, nearly 168 million people will need humanitarian assistance and protection, and that women and girls face heightened risks in humanitarian situations,

*Recognizing* that, in humanitarian situations, the breakdown of infrastructure and service provision and the weakening of institutions may occur, along with sexual and gender-based violence, stereotypes, stigma, inequalities and multiple and intersecting forms of discrimination, which can prevent women and girls from having access to justice and remedies for human rights violations and abuses they have experienced, thus undermining accountability,

*Stressing* that addressing the root causes of humanitarian situations is important in supporting the prevention of violations and abuses of the human rights of women and girls,

*Emphasizing* the importance of women's and girls' meaningful participation, empowerment and leadership, including that of survivors and victims, in efforts to prevent, reduce the risk of, prepare for, resolve and rebuild from humanitarian emergencies, and noting the importance of a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations,

*Reiterating* that all States Members of the United Nations, and in particular the Members of the Human Rights Council, should cooperate fully with the Council and its mechanisms, in accordance with General Assembly resolution 60/251,

*Requests* the United Nations High Commissioner for Human Rights to submit to the Human Rights Council at its forty-ninth session an analytical report on a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, including good practices, challenges and lessons learned at the national, regional and international levels, with input from all relevant stakeholders, including States Members of the United Nations, United Nations bodies, agencies, funds and programmes, the treaty bodies, the special procedures of the Council, national human rights institutions, civil society organizations and women and girls in humanitarian situations.

*38th meeting  
7 October 2020*

[Adopted without a vote.]

### **45/30. Rights of the child: realizing the rights of the child through a healthy environment**

*The Human Rights Council,*

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

*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 resolutions 40/14 of 22 March 2019 and 43/22 of 22 June 2020, and Assembly resolution 74/133 of 18 December 2019,

*Welcoming* the convening of commemorative events to celebrate the thirtieth anniversary of the adoption of the Convention on 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, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

*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,

*Reaffirming also* that the Convention on the Rights of the Child requires States parties to pursue the full implementation of the right of the child to the enjoyment of the highest attainable standard of physical and mental health by taking measures to, inter alia, combat disease and malnutrition, including through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution, and that States parties have agreed that the education of the child shall be directed to, among others, the development of respect for the natural environment,

*Recalling* the 2016 day of general discussion of the Committee on the Rights of the Child, which was focused on the contents and the implications of the Convention on the Rights of the Child with regard to environmental matters, and taking note of its outcome report and recommendations,

*Welcoming* 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 issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, 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 notes with appreciation their most recent reports submitted to the Council,

*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 the realization of the rights of the child through a healthy environment is crucial to achieving

the goals outlined in the 2030 Agenda for Sustainable Development, namely human rights for all, well-being and a sustainable planet,

*Noting* the Secretary-General's "Call to action for human rights", which calls for, inter alia, creating space for young people to participate in shaping the decisions that will affect their future, including but not limited to environmental protection, protecting human rights defenders and environmental activists, particularly young people, women and girls, and raising awareness and enhancing education that prepares young people for the future they face, including climate change-related curricula at all levels of primary and secondary education,

*Reaffirming* that States have the obligation to respect, protect and fulfil human rights, including in all actions undertaken to address environmental harm, such as loss of biodiversity, climate change, pollution and exposure to hazardous substances and wastes, and to take measures to protect the rights of all, including the rights of the child, and that additional measures for those who are particularly vulnerable to the effects of environmental harm should be taken,

*Recalling* States' obligations and commitments under multilateral environmental instruments and agreements, including on climate change,

*Recalling 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, while stressing that the principle does not apply to States' human rights obligations,

*Profoundly concerned* that children in many parts of the world remain negatively affected by the adverse impact of environmental harm, including climate change, persistent drought and extreme weather events, environmental disasters, land degradation, sea level rise, coastal erosion and ocean acidification,

*Expressing concern* that millions of children worldwide continue to grow up deprived of parental care, separated from their families for many reasons, including due to natural disasters, the adverse impacts of climate change and different forms of environmental harm,

*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, including in the context of natural disasters, the adverse impacts of climate change or other forms of environmental harm,

*Recognizing* the particular vulnerability of children, due to their unique metabolism, physiology and developmental needs, to the effects of environmental harm, especially to pollution of the air, soil and water, and exposure to hazardous substances and wastes, and that exposure to those effects can have a lifelong impact on children, as their health outcomes, well-being and development are compromised from early age,

*Deeply concerned* that, each year, more than 1.7 million children under the age of 5 lose their lives as a result of avoidable exposure to the effects of environmental harm, while 12 million children in developing countries experience permanent brain damage due to lead poisoning and approximately 85 million children worldwide work in hazardous conditions and are regularly exposed to toxic substances, which cause brain damage and disease and an array of other forms of harm, some of which can result in irreversible and lifelong effects, such as impairment,

*Recognizing* that environmental harm, including climate change, exacerbates environmental disasters, which can deprive affected persons of essential livelihoods and generate displacement and migration, including of unaccompanied children and young persons,

*Deeply concerned* that the effects of environmental harm may undermine the full enjoyment of a vast range of the rights of the child, inter alia the right to life, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to a

standard of living adequate for the child's physical, mental, spiritual, moral and social development, the right to education, the right of the child to be cared for by his or her parents, the right to rest and leisure, to engage in play and recreational activities, and the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

*Recognizing* that close interlinkages exist between intersecting forms of discrimination and the inequalities faced by children and their level of exposure to the effects of environmental harm, and the unequal exposure to environmental health risks across countries and regions, with a higher burden in developing countries,

*Recognizing also* that girls may be disproportionately affected by the effects of environmental harm, inter alia concerning the enjoyment of their rights to education and of the highest attainable standard of physical and mental health, including sexual and reproductive health, and stressing the importance of protecting them from violence, exploitation and harmful practices, including, inter alia, child, early and forced marriage and female genital mutilation, and of ensuring their full, equal and meaningful participation in decision-making affecting their lives, in accordance with the evolving capacities of the child,

*Recalling* that discrimination against girls violates the principle of equality, and that all measures designed and implemented to prevent and address environmental harm should adhere to the principles of substantive equality and non-discrimination, including by taking into account and addressing pre-existing gender inequalities,

*Recognizing* that children with disabilities may be disproportionately affected by the effects of environmental harm and that specific measures may be required to ensure their protection and safety on an equal basis with others, while recognizing also the need to support the participation and inclusion of children with disabilities, and their representative organizations, in the development of and decision-making processes relating to such measures,

*Recalling* that every child has the right to the enjoyment of the highest attainable standard of physical and mental health, which includes States taking measures to combat and prevent disease and its impact on health and to ensure access to health-care services, and inter alia to prevent and reduce exposure to harmful substances or environmental conditions that directly or indirectly affect their health,

*Expressing concern* that epidemics and pandemics, and the unintended consequences of public health measures to combat them, can undermine the rights of the child, especially of children that are already in a vulnerable situation due to environmental harm, while underscoring that a healthy environment is an effective way to prevent epidemics and pandemics and to protect human rights, including the rights of the child,

*Expressing concern also* that children continue to be exposed to pollution, waste and hazardous substances, whether on their own or in mixtures, including through secondary products and processes related to business and industrial activities and nearby small- and large-scale mining activities, as well as through the use of pesticides to combat undesirable organisms, including in agriculture, and that approximately 73 million children are engaged in hazardous labour related to these activities, with the number of youngest children in hazardous labour increasing, thereby seriously affecting children's health, well-being and development,

*Acknowledging* ongoing discussions in the International Law Commission on the toxic remnants of war, and concerned at the possible threat that they pose to the full enjoyment of the rights of the child,

*Recalling* that, while States shall respect, protect and fulfil human rights and have the duty to take the necessary measures to prevent the exposure of children to pollution, hazardous substances and wastes, business enterprises have a responsibility to respect the rights of the child, including by conducting human rights due diligence appropriate to their size and circumstances, the risk of severe impact and context of their operation, with a view to preventing or mitigating adverse impacts on the rights of the child through actions directly

linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts, and to remediating contamination,

*Expressing concern* that children impacted by the effects of environmental harm are often unable to fully exercise their rights to freedom of expression, freedom of association and peaceful assembly, or to have access to an effective remedy, and underscoring that States have a duty to ensure effective remedies for violations of the rights of the child, that children have access to information in child-friendly formats, and that every child capable of forming his or her views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, including in environmental decision-making processes that may be relevant to his or her life,

*Recognizing* the importance of public access to environmental information and education to enable children to understand environmental risks and the effects of environmental harm on the enjoyment of their rights, and the crucial nature of accessible and age-, gender- and disability-responsive information in this respect,

*Recognizing also* the positive, important and legitimate role played by children and by child- and youth-led movements that defend human rights relating to a healthy environment, and deeply concerned that they may be among those most exposed and at risk, and recognizing the need to protect them,

*Underscoring* the importance of protecting children from the adverse impact of environmental harm through decisive climate action, including through mitigation of and adaptation to climate change, the conservation and sustainable use of biodiversity, pollution mitigation, the sound management of hazardous chemicals throughout their life cycle and the safe disposal of wastes, the disclosure of information and improved and affordable water, sanitation and hygiene,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on realizing the rights of the child through a healthy environment;<sup>74</sup>

2. *Urges* States to respect, protect and fulfil the rights of the child, without discrimination of any kind, including in efforts to implement their obligations and commitments under multilateral environmental instruments and agreements, and to achieve the Goals and targets of the 2030 Agenda for Sustainable Development;

3. *Acknowledges* the vital importance of ensuring that every child of present and future generations can enjoy an environment adequate to their health and well-being, and that preventing environmental harm is the most effective way to fully protect children from its effects;

4. *Urges* States to take the necessary measures to ensure the full enjoyment by children of all their human rights and fundamental freedoms, and to protect them from the effects of environmental harm through effective regulation and enforcement mechanisms, including by:

(a) Ensuring that the best interest of the child is a primary consideration in environmental decision-making by adopting a child rights-based approach and by recognizing the critical importance of child rights impact assessments of relevant laws, standards and policies to evaluate their actual impact on the rights of the child;

(b) Committing to take precautionary action whenever there are threats of serious or irreversible damage to children from the effects of environmental harm, while noting that a lack of full scientific certainty shall not be used as a reason for postponing cost-efficient measures to prevent such threats;

(c) Considering recognizing a right to a healthy environment in national legislation in order to promote justiciability, strengthen accountability and facilitate greater

<sup>74</sup> [A/HRC/43/30](#).

participation, improving environmental protection and performance and ensuring rights for present and future generations;

(d) Enhancing cross-sectoral cooperation and strengthening regulatory agencies and ministries responsible for overseeing standards relevant to the rights of the child implicated by exposure to pollution, hazardous substances and wastes, climate change and the loss of biodiversity with a view to ensuring that sufficient monitoring of laws, policies and implementation mechanisms are in place to protect children from the effects of such environmental harm;

(e) Strengthening efforts to monitor childhood exposure by collecting information on the impact of environmental harm on children, in particular exposure to hazardous substances, wastes and pollution, and ensuring that child-rights impact assessments take into account the ways in which environmental harm affects girls and boys differently, making such information publicly available and accessible while ensuring it is available also in age-responsive language and formats;

(f) Taking immediate and effective measures to eradicate forced labour and to secure the prohibition and elimination of the worst forms of child labour, including hazardous child labour, and putting an end to child labour in all its forms, *inter alia* through the enforcement of the fundamental principles and rights at work and by eliminating work by children where they are exposed to hazardous substances and wastes, while ensuring that children who have been subjected to such exposure have access to the necessary treatment and compensation;

(g) Integrating gender-responsive measures into their laws, policies and programmes relevant to the protection of children from the effects of environmental harm, including by addressing sexual and gender-based violence risks;

5. *Also urges* States to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health, without discrimination of any kind, including sexual and reproductive health, throughout their life course, by *inter alia*:

(a) Ensuring the availability, quality, accessibility and acceptability of health information and goods, and of health-care services;

(b) Taking measures to ensure that the underlying determinants of health, such as food, water and housing, are free from hazardous substances;

(c) Identifying and eliminating sources of exposure of children to indoor and outdoor air pollution and substances of high concern, such as heavy metals and endocrine disrupting chemicals;

(d) Ensuring that all children, in particular girls, are guaranteed protection from occupational exposure to hazardous substances and wastes;

(e) Taking all necessary measures to protect children from the health, social, and economic consequences of epidemics and pandemics by integrating the rights of the child into national contingency and recovery plans;

6. *Further urges* States to take effective measures to ensure that all children in vulnerable situations can exercise their rights on an equal basis with other children, and that the effects of environmental harm do not affect them disproportionately, including by strengthening the collection of disaggregated data, by requiring that childhood exposure monitoring and children's rights impact assessment procedures take fully into account the impact of proposed policies, programmes and projects on those in the most vulnerable situations, including their gender dimensions, and by providing children at particular risk and their parents, or primary caregivers and legal guardians, with assistance in accessing effective remedies;

7. *Urges* States to ensure that children have access to justice and timely, effective, inclusive and gender-, disability- and age-responsive remedies when exposed to violations or abuse of their rights through the effects of environmental harm, including by providing relevant information concerning violations and reparation mechanisms, access to effective assistance for children and, where relevant, for and through their parents, caregivers and legal

guardians, independent complaints procedures that are child sensitive, and by ensuring effective and prompt reparation of harm suffered and prevention of future violations, inter alia through the remediation of contaminated sites, the cessation of the acts or inaction that give rise to negative impacts, the provision of necessary medical and psychological services and care, the enacting of regulations to stop the production and sale of harmful products and by providing adequate compensation;

8. *Calls upon* States to consider ratifying the Convention on the Rights of the Child and the Optional Protocols thereto, and calls also for renewed efforts towards their full implementation by all parties;

9. *Urges* States to create opportunities for children's inclusive and meaningful participation, in accordance with their evolving capacities, in environmental decision-making processes that are likely to affect their development and survival, including by ensuring girls' meaningful participation in such processes on an equal basis with boys, by:

(a) Taking affirmative action to respect, protect and fulfil the rights of the child to freedom of expression, freedom of association and freedom of peaceful assembly;

(b) Developing consultative mechanisms and ensuring that mitigation and adaptation measures are developed with the best interest of the child as a primary consideration, based upon participatory, evidence-based decision-making processes that take into account the views of children;

(c) Providing a safe and empowering context for initiatives organized by children and child- and youth-led movements that defend human rights relating to a healthy, safe and sustainable environment, and ensuring their protection from all acts of intimidation, harassment and abuse;

(d) Providing for environmental education throughout the educational process of pupils to increase their awareness and understanding of environmental issues and their respect for the natural environment, and to strengthen their knowledge and capacity to respond to environmental challenges, while at all stages of such education taking into account children's culture, language and environmental situation and by considering the adoption of environmental education strategies and curricula;

(e) Providing training on environmental issues to school teachers as to allow them to carry out effective teaching on environmental issues and challenges;

(f) Ensuring the availability and accessibility of adequate and age- and disability-responsive information on the effects of environmental harm, including pollution, hazardous substances and wastes, the loss of biodiversity and climate change on their impact and adaptive responses, and about appropriate lifestyle choices for sustainable development, including consumption behaviours;

(g) Increasing public awareness to promote community engagement and child creativity and knowledge, and strengthening cooperation, joint efforts and knowledge exchange to engage all stakeholders and to create partnerships to respond collectively to environmental challenges;

10. *Also urges* States to take all necessary, appropriate and reasonable measures to prevent businesses from causing or contributing to children's rights abuses, including by:

(a) Regularly monitoring business activities' environmental impacts and ensuring that they comply with all applicable health and safety, labour, environmental and consumer laws and standards, and where relevant strengthening regulation to ensure enforcement of the rights of the child in the context of business activities and environmental harm;

(b) Requiring businesses to undertake child rights due diligence appropriate to their size, the risk of severe impact and the context of their operations, and ensuring that businesses meet their obligation to respect the rights of the child throughout their operations;

(c) Developing and updating national action plans on business and human rights that include consideration of the effects of environmental harm, particularly the adverse impact of business activities on the rights of the child through exposure to pollution and hazardous substances and wastes;



(d) Taking steps to ensure, through judicial, administrative, legislative or other appropriate means, that, when abuses of the rights of the child occur within their territory and/or jurisdiction, those affected have access to an effective remedy, without fear of reprisals;

11. *Calls upon* all business enterprises to meet their responsibility to respect the rights of the child by undertaking child rights due diligence, appropriate to their size, the risk of severe impact and the context of their operation, to identify risks and to prevent children from being exposed to the effects of environmental harm through their activities, and to prevent and mitigate exposure through their business relationships, as outlined in the recommendations of the Committee on the Rights of the Child in its general comment No. 16 (2013), the Guiding Principles on Business and Human Rights, the International Labour Organization Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the Children's Rights and Business Principles;

12. *Calls upon* States to increase cooperation to address the effects of environmental harm on the rights of the child, including by sharing information on the hazardous properties of chemicals, such toxicity and other characteristics of concern, and of products containing them, by ensuring that international trade in chemicals and waste is in full compliance with the relevant environmental treaties, and by adhering to their human rights obligations;

13. *Urges* States to ensure that considerations of the rights of the child are integrated in their environmental, climate, disaster risk reduction, humanitarian and development activities, monitoring and reporting, and also to ensure policy coherence in these fields in order to establish a coherent approach to sustainable development that benefits all persons, particularly children and future generations;

14. *Calls upon* States to develop ambitious mitigation measures to minimize the future negative impacts of climate change on children to the greatest extent possible by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and by pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, to develop adaptation plans and to make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development, in accordance with the commitments undertaken by each State under the Paris Agreement and the United Nations Framework Convention on Climate Change, and to consider their respective obligations regarding the rights of the child and intergenerational equity in their climate change adaptation and mitigation and environmental strategies;

#### **Follow-up**

15. *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 attention to the adverse impact of environmental harm on the full enjoyment of those rights;

16. *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 adverse impact of environmental harm on the full enjoyment of their rights;

17. *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 "the rights of the child and the Sustainable Development Goals", and requests the Office of the United Nations High Commissioner for Human Rights to make the discussion fully accessible to persons with disabilities and to prepare a summary report on the annual day discussion, and to present it to the Human Rights Council at its forty-eighth session;

18. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the rights of the child and family reunification, 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 through consultations with children themselves, and to present the report to the Human Rights Council at its forty-ninth session with a view to providing information for the 2022 annual day of discussion on the rights of the child, and requests the Office of the High Commissioner to make the discussion fully accessible to persons with disabilities.

*38th meeting  
7 October 2020*

[Adopted without a vote.]

### **45/31. The contribution of the Human Rights Council to the prevention of human rights violations**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other human rights instruments,

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

*Recognizing* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

*Emphasizing* the fact that development, peace and security and human rights are interlinked and mutually reinforcing,

*Reaffirming* General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the work of the Human Rights Council would be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

*Reaffirming also* General Assembly resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights,

*Reaffirming further* the contribution that the Human Rights Council makes to prevention, as set out in General Assembly resolution 60/251, including paragraph 5 (f), recognizing that all the elements of its mandate are interlinked and mutually reinforcing, and recalling Council resolutions 5/1 and 5/2 of 18 June 2007,

*Reaffirming* that the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251 comprises the two mutually reinforcing elements of contributing, through dialogue and cooperation, towards the prevention of human rights violations, and responding promptly to human rights emergencies,

*Reaffirming also* that the existing mechanisms of the Human Rights Council, particularly the universal periodic review, the special procedures, the complaints procedure, the Advisory Committee and the open-ended intergovernmental working groups, contribute to the prevention of human rights violations and to the promotion and protection of human rights,

*Recognizing* that the bulk of preventive work, including when technical assistance is provided by the international community, takes place at the national level, on the initiative and under the direction of national authorities, through the implementation of the State's international human rights obligations and commitments, inter alia through the work of national mechanisms for implementation, reporting and follow-up,

*Recognizing also* that prevention, to be effective, requires long-term engagement and a forward-looking approach in identifying and addressing the risk factors and root causes of crises, which, if not tackled, may lead to human rights emergencies or conflicts,

*Acknowledging* the important role played by national human rights institutions, civil society organizations and human rights defenders in preventing human rights violations, including by providing information on early warning signs and on patterns of human rights violations, and underscoring their contribution to the work of the Human Rights Council and the need to protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and its mechanisms in the field of human rights, including with the Council's mechanisms, from acts of intimidation and reprisal,

*Recalling* Human Rights Council resolution 38/18 of 6 July 2018,

*Recalling also* Human Rights Council resolution 42/6 of 26 September 2019 on the role of prevention in the promotion and protection of human rights, and other relevant Council resolutions,

*Underscoring* the importance of enhancing the contribution of the Human Rights Council to prevention, including through more systematic links with efforts to sustain peace and to implement the Sustainable Development Goals,

*Recalling* General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, as well as Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

*Acknowledging* that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing, and that both serve to build national resilience,

*Taking note* of the reports of the Secretary-General on peacebuilding and sustaining peace submitted to the General Assembly at its seventy-third and seventy-fourth sessions,<sup>75</sup>

*Taking note also* of the Secretary-General's "Call to action for human rights", launched on 24 February 2020 during the forty-third session of the Human Rights Council, and noting with appreciation its focus on prevention,

1. *Welcomes* the work of the rapporteurs and takes note of their report on an overview of consultations on the contribution of the Human Rights Council to the prevention of human rights violations<sup>76</sup> and the recommendations therein, submitted in accordance with Council resolution 38/18;

2. *Encourages* States and all other relevant stakeholders to consider the recommendations made in the report of the rapporteurs;

3. *Urges* all mechanisms of the Human Rights Council to integrate prevention into their work and, where appropriate, into their reporting, in accordance with their respective mandates;

4. *Requests* the Secretary-General to prepare a report analysing the current system-wide delivery and financing of, and existing gaps in, technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments, and provided upon the request, in consultation with and with the consent of the State concerned, and to make recommendations in order to improve and scale-up the system-wide delivery and financing of technical assistance and capacity-building in the field of human rights with a view to building national resilience, and to submit that report to the Human Rights Council for its consideration at its forty-ninth session;

5. *Requests* the United Nations High Commissioner for Human Rights to continue to strengthen the capability of the Office of the High Commissioner to identify, verify, manage and analyse data and early warning signs emanating from all sources,

<sup>75</sup> A/73/890-S/2019/448 and A/74/976-S/2020/773.

<sup>76</sup> A/HRC/43/37.

including from States, human rights mechanisms, national human rights institutions, civil society organizations, human rights defenders, United Nations country teams and the Office's field presences, and to address them in accordance with her mandate;

6. *Calls upon* the High Commissioner, where the Office of the High Commissioner identifies patterns of human rights violations that point to a heightened risk of a human rights emergency, to continue to bring that information to the attention of the members and observers of the Human Rights Council in a manner that reflects the urgency of the situation and that maintains space for dialogue and cooperation with the State and region concerned, including through briefings;

7. *Recognizes* that the Human Rights Council may resort, on a case-by-case basis and where appropriate, to work formats that enhance dialogue and cooperation with the State and region concerned, with the aim of addressing the root causes of and preventing further human rights violations and responding promptly to human rights emergencies;

8. *Requests* the Secretary-General to bring regularly to the attention of the relevant bodies of the United Nations the reports of the Human Rights Council relevant to prevention;

9. *Decides* to invite the Chair of the Peacebuilding Commission, commencing in 2021, to brief, on an annual basis, the Human Rights Council, during one of its regular sessions, under agenda item 3, on the work of the Commission, including in relation to country situations that are on the Council's agenda.

*38th meeting  
7 October 2020*

[Adopted by a recorded vote of 32 to 3, with 11 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Brazil, Bulgaria, Burkina Faso, Chile, Czechia, Democratic Republic of the Congo, Denmark, Fiji, Germany, Italy, Japan, Marshall Islands, Mexico, Nepal, Netherlands, Peru, Poland, Qatar, Republic of Korea, Senegal, Slovakia, Spain, Togo, Ukraine and Uruguay

*Against:*

Bahrain, Cameroon and Venezuela (Bolivarian Republic of)

*Abstaining:*

Bangladesh, Eritrea, India, Indonesia, Mauritania, Namibia, Nigeria, Pakistan, Philippines, Somalia and Sudan]

**45/32. Enhancement of technical cooperation and capacity-building in the field of human rights**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* all relevant international human rights treaties that uphold the human right of everyone to education, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, and recalling also the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization,

*Recognizing* that, in the context of technical cooperation and capacity-building, the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to promote and protect human rights, to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

*Bearing in mind* the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

*Recalling* all relevant Human Rights Council resolutions on the enhancement of technical cooperation and capacity-building in the field of human rights, on the right to education and on the realization of the equal enjoyment of the right to education by every girl,

*Reaffirming* General Assembly resolution 70/1 of 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and recalling the Sustainable Development Goals, in particular, inter alia, Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, and its specific and interlinked targets, and other education-related Goals and targets,

*Reaffirming also* the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all,

*Stressing* 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,

*Recognizing* the impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of the right to education and the educational disruption experienced by learners, especially girls and those in the most vulnerable and disadvantaged situations, which may exacerbate exclusion and inequalities in education,

*Recognizing also* the need to assess, monitor and mitigate the impact caused by the closure of schools and other educational institutions during the pandemic with a view to facilitating the continuity of inclusive and equitable quality education for all, and encouraging national initiatives such as data collection, inclusive decision-making in public policies for education, and national monitoring and follow-up mechanisms, for and with the participation of children and adolescents, where feasible,

*Recognizing further* that technical cooperation and capacity-building play an important role in supporting States’ efforts to alleviate the adverse impact of the pandemic on the enjoyment of the right to education and to ensure inclusive learning opportunities by, inter alia, facilitating distance learning solutions, bridging the digital divide that hinders access to technology and educational opportunities for disadvantaged learners, and enhancing the capacities of educational institutions and teachers, and in this regard welcoming relevant multi-stakeholder partnerships, such as the Global Education Coalition, launched by the United Nations Educational, Scientific and Cultural Organization as part of its COVID-19 education response,

*Reiterating* that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

*Appreciating* the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the

Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, including those pertaining to the right to education,

*Noting with appreciation* the contributions of the Boards of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

*Welcoming and encouraging* new and existing initiatives aimed at providing human rights technical cooperation and capacity-building support, in consultation with and with the consent of the Member States concerned, through bilateral and multilateral cooperation, including bilateral human rights dialogues and North-South, South-South and triangular cooperation, such as, inter alia, the pilot capacity-building support forum co-hosted by Norway and Singapore in February 2020,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views with regard to promoting more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and with the consent of the States concerned, and should take into account their requests, needs and priorities, and the fact that all human rights are universal, indivisible, interdependent and interrelated, and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights, including those relating to ensuring the right to education;

4. *Stresses* the need to enhance technical cooperation and capacity-building to support the efforts of States to promote and protect human rights, including the right to education, in the context of their response to and recovery from the COVID-19 pandemic;

5. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

6. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, and encourages States to continue to make contributions to these funds;

7. *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;

8. *Encourages* States in need of assistance to consider requesting technical assistance from the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization and other United Nations agencies in the implementation of their human rights obligations and voluntary pledges and commitments relating to the right to education, including recommendations accepted in the context of the universal periodic review, and strongly encourages the Office of the High Commissioner and respective United Nations agencies to respond favourably to such requests

and to provide information, in a transparent manner, on the technical support available for and provided to States;

9. *Stresses* the importance of enhancing coordination between the Office of the High Commissioner and other United Nations agencies in their technical cooperation and capacity-building efforts, and encourages the sharing of information on a regular basis among the Office, other relevant United Nations agencies and the States concerned on technical assistance and capacity-building efforts undertaken at the national level;

10. *Encourages* the special procedures of the Human Rights Council, in their interaction with States, to share information and knowledge relating to best practices and the possibility of extending technical assistance and capacity-building in the promotion and protection of human rights, including, where applicable and within their respective mandates, those pertaining to the right to education, Sustainable Development Goal 4 and education-related Goals, as well as approaches showing how education can contribute to the achievement of other Goals;

11. *Welcomes* the panel discussion held by the Human Rights Council at its forty-fourth session, pursuant to its resolution 42/32, on the theme “Upholding the human rights of prisoners, including women prisoners and offenders: enhancing technical cooperation and capacity-building in the implementation of the Nelson Mandela Rules and the Bangkok Rules”, at which participants discussed relevant issues, including the importance of advancing technical cooperation to further implement 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), the importance of addressing prison overcrowding, the use of non-custodial measures and alternatives to detention, and the need to protect the rights of prisoners in the context of the COVID-19 pandemic;<sup>77</sup>

12. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme of the annual thematic panel discussion under agenda item 10, to be held during its forty-seventh session, will be “Technical cooperation to advance the right to education and ensure inclusive and equitable quality education and lifelong learning for all”;

13. *Requests* the Office of the High Commissioner to prepare a report, to be submitted to the Human Rights Council at its forty-seventh session, to serve as a basis for the panel discussion, on the activities and plans of the Office and relevant United Nations country teams and agencies and regional organizations to support States’ efforts to promote and protect the right to education, including those aimed at alleviating the impact of the COVID-19 pandemic on the enjoyment of the right to education, ensuring the continuity of education for all, and addressing educational inequalities, with particular attention given to girls and to children in the most vulnerable and disadvantaged situations;

14. *Calls upon* States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions and civil society to share best practices and make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts and build multi-stakeholder partnerships in the promotion and protection of the right to education.

*38th meeting  
7 October 2020*

[Adopted without a vote.]

### **45/33. Technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines**

*The Human Rights Council,*

<sup>77</sup> See also [A/HRC/44/37](#).

*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 and the mandate of the United Nations High Commissioner for Human Rights as provided in General Assembly resolution 48/141 of 20 December 1993,

*Recalling also* Human Rights Council resolution 41/2 of 11 July 2019 on the promotion and protection of human rights in the Philippines, and the expressions of concern about the situation of human rights in the Philippines, including by the United Nations High Commissioner for Human Rights and human rights mechanisms, and noting the response of the Government of the Philippines in this regard,

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

*Recognizing* the cooperation between the Government of the Philippines and the United Nations country team, and taking note of the Government's efforts to further broaden positive engagement with the United Nations system through the United Nations Resident Coordinator in the Philippines, in particular through discussion of a multi-year United Nations joint programme on human rights, and noting the discussions on strengthening the role and in-country capacity of the Office of the United Nations High Commissioner for Human Rights in providing technical cooperation and capacity-building assistance,

*Welcoming* in this regard the partnerships of the Government of the Philippines with international, regional and bilateral partners in the areas of human rights, accountability and the rule of law,

*Recognizing* the joint initiative of the Department of Justice and the Commission on Human Rights of a data-sharing agreement aimed at strengthening the capacity to investigate and prosecute cases of human rights violations, the launch in January 2020 of the National Justice Information System aimed at improving the efficiency and transparency of criminal justice within the justice system, and the expediting of the resolution of cases of those in pretrial detention pursuant to applicable laws, the strengthening of the Justice Sector Coordinating Council and the roll-out of local mechanisms aimed at facilitating coordination among local justice sector agencies, including the police, prosecutors, judges, public attorneys and managers of detention facilities, among others,

*Recognizing also* the participation of the Government of the Philippines in the interactive dialogue of the Human Rights Council on the situation of human rights in the Philippines at its forty-fourth session, in particular the Government's announcement of the creation of a review panel that would re-evaluate cases where deaths occurred during operations under the anti-illegal drugs campaign,

*Taking note* of the *Philippine Human Rights Situationer*, which contains the Government's account of the situation of human rights in the Philippines, including policy measures and responses to key allegations of human rights violations,

1. *Takes note* of the comprehensive report presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its forty-fourth session,<sup>78</sup> and encourages the Government of the Philippines to address the issues raised in the report and other remaining challenges in relation to the situation of human rights throughout the country;

2. *Underlines* the importance for the Government of the Philippines to ensure accountability for human rights violations and abuses, and in this regard to conduct independent, full and transparent investigations and to prosecute all those who have perpetrated serious crimes, including violations and abuses of human rights, in accordance

<sup>78</sup> A/HRC/44/22.



with due process under national courts of law and in full compliance with its international human rights obligations;

3. *Requests* the High Commissioner and the Office of the United Nations High Commissioner for Human Rights, with a view to improving further the situation of human rights in the Philippines, to provide support for the country in its continued fulfilment of its international human rights obligations and commitments, taking into account the proposed United Nations joint programme on human rights to provide technical assistance and capacity-building for, inter alia, domestic investigative and accountability measures, data gathering on alleged police violations, civic space and engagement with civil society and the Commission on Human Rights, national mechanism for reporting and follow-up, counter-terrorism legislation, and human rights-based approaches to drug control;

4. *Urges* Member States, relevant United Nations agencies and other stakeholders to encourage and support technical cooperation between the Government of the Philippines and the Office of the High Commissioner with a view to improving the situation of human rights in the country in response to the Government's requests for technical assistance and capacity-building;

5. *Welcomes* in this regard the commitment of the United Nations Resident Coordinator in the Philippines and the United Nations system working in the Philippines and others, as well as international, regional and bilateral partners, to intensify the work of the United Nations on the ground and to assist the Government of the Philippines through effective human rights technical assistance and capacity-building measures;

6. *Underlines* the importance of, and the commitment of the Government of the Philippines to, continued monitoring, assessment and evaluation of the technical assistance and capacity-building programme, and requests the High Commissioner to present an oral update to the Human Rights Council at its forty-eighth session and to submit a report to the Council at its fifty-first session, to be discussed in an enhanced interactive dialogue, with the participation of the United Nations Resident Coordinator, on the implementation of the present resolution and on the progress and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines.

*38th meeting  
7 October 2020*

[Adopted without a vote.]

#### **45/34. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo**

*The Human Rights Council,*

*Reaffirming* that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

*Recalling further* its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017, 36/30 of 29 September 2017, 39/20 of 28 September 2018 and 42/34 of 27 September 2019, in which it called upon the international community to support the efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and responding to its requests for technical assistance,

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,<sup>79</sup> submitted to the Human Rights Council in accordance with its resolution 42/34, and of the report of the team of international experts on the situation in Kasai,<sup>80</sup> submitted to the Council in accordance with its resolution 41/26 of 12 July 2019,

*Deeply concerned* about the continuing serious violations committed against children and women, including sexual violence,

*Concerned* by the deteriorating security and human rights conditions in some sectors in the eastern part of the Democratic Republic of the Congo, notably in Ituri, North Kivu, South Kivu, Sankuru, Haut-Uélé, Bas-Uélé, Mongala, Kasai and Kasai Central Provinces,

*Noting* the progress made by the Armed Forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children,

*Concerned* about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need of humanitarian assistance,

*Welcoming* the organization of the presidential, national and provincial legislative elections, which led to the first peaceful transfer of power between heads of State in the history of the Democratic Republic of the Congo,

*Commending* the progress made in 2019, such as the release of several hundred persons considered to be political prisoners and prisoners of conscience, as well as the measures taken by the President to put an end to the violations of fundamental freedoms and human rights in the Democratic Republic of the Congo,

*Concerned* by the resurgence of violations of fundamental freedoms linked to restrictions on liberties and by the worsening situation in detention centres,

*Calling* upon the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect, protect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

*Concerned* about the arbitrary arrests, carried out by the security services, targeting court officers, including lawyers, and other civil society actors, such as human rights activists,

*Concerned also* about the cases of arbitrary arrest by the judiciary and recalling that detention should under all circumstances remain an exception to the principle of respect for the fundamental freedoms of Congolese citizens,

*Recalling* the need to guarantee not only the right of opposition, but also the full exercise by Parliament of its mandate in a democratic system,

*Welcoming* the report of the team of international experts on the situation in Kasai and taking note of its conclusions and recommendations, and commending the continued cooperation of the Government of the Democratic Republic of the Congo with the team of international experts, including the steps taken to facilitate access to the country, sites and persons,

*Keeping in mind* that the recommendations of the team of international experts on the situation in Kasai should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with technical support from the international experts,

*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

<sup>79</sup> A/HRC/45/49.

<sup>80</sup> A/HRC/45/50.

Office in the Democratic Republic of the Congo in documenting human rights violations and abuses and in improving the situation of human rights in the country,

*Noting* the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

*Noting also*, firstly, the progress made in combating impunity for perpetrators of sexual violence and in ensuring that victims have access to justice for the reparation of harm suffered, including through the establishment, by the Office of the Personal Representative of the Head of State tasked with fighting against sexual violence and the recruitment of children, of a helpline for victims of sexual violence, which contributes to the fight against impunity, and, secondly, the adoption by the Government of a plan of action for the national police to fight against sexual violence and to ensure the protection of children,

*Noting further* the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Strongly condemns* all violations of human rights, especially in areas affected by armed or intercommunal conflict in the eastern part of the Democratic Republic of the Congo, and in particular in areas such as Beni, in North Kivu, Djugu, Mahagi and Bunia, in Ituri, Manono, in Tanganyika, and Minembwe, in South Kivu, where the situation continues to lead to significant population displacement;

2. *Notes* the efforts made by the authorities of the Democratic Republic of the Congo to bring the alleged perpetrators of those acts to justice, encourages them to implement all necessary measures to ensure that all alleged perpetrators are brought to justice, and welcomes the convictions already pronounced;

3. *Encourages* the Government of the Democratic Republic of the Congo to pursue vigorously the awaited legislative changes aimed at enhancing respect for human rights and fundamental freedoms, as the President has pledged, to continue efforts to strengthen the rule of law and democratic institutions, to advance political openness, to provide adequate protection for human rights defenders, and not to allow retrogression or new violations of the political rights of Congolese citizens;

4. *Underlines* the responsibility incumbent on all stakeholders to act in strict respect of the rule of law and human rights and urges them to reject all forms of violence;

5. *Encourages* the Government of the Democratic Republic of the Congo to respect the rule of law and to continue with its efforts to respect, protect and uphold all human rights and fundamental freedoms for all, in accordance with the international obligations of States;

6. *Welcomes* the strong commitment of the President to improving the human rights situation and the positive steps taken since his inauguration to launch his reform agenda and open up the political environment, which have resulted in the release of political prisoners, the closure of detention centres where they were held, the return of political actors and progress in ensuring respect for fundamental freedoms, including the freedom of expression;

7. *Regrets* the fresh upsurge in violations of political rights and civil liberties, which has been marked by an increase in the number of arbitrary arrests and violations of the freedom of expression and of the press, as well as instances of threats against human rights defenders;

8. *Welcomes* the efforts made by the Armed Forces of the Democratic Republic of the Congo, supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to eradicate the armed groups that are sowing terror in some conflict areas in the eastern part of the country;

9. *Also welcomes* the judicial appointments made at the beginning of February 2020, by the authorities of the Democratic Republic of the Congo, while hoping that they

will help to strengthen the rule of law and the independence of the judiciary, facilitate the pursuit of the judicial proceedings initiated against the alleged perpetrators of serious violations of human rights and international humanitarian law, and lead to convictions;

10. *Notes with satisfaction* the continuation of the trial of the alleged perpetrators of the murder of two United Nations experts and the persons accompanying them, as well as the pursuit of the case linked to the Kamuina Nsapu militia in the Kasai region, regarding the conviction of those responsible and compensation for the victims;

11. *Encourages* the Government of the Democratic Republic of the Congo to pursue its initiatives for the adoption of legislative measures aimed at promoting and protecting human rights and fundamental freedoms and fostering their full enjoyment by all citizens;

12. *Commends* the efforts made by all the parties, including the Government of the Democratic Republic of the Congo, the republican opposition and civil society, to open up a political environment free of hindrances;

13. *Welcomes* the reinvigoration of the Interministerial Committee on Human Rights, tasked with preparing and drafting all reports required under the international and regional human rights treaties and the universal periodic review process and with following up on all recommendations arising therefrom, and at the same time recommends that the authorities of the Democratic Republic of the Congo make every effort to increase the Committee's budgetary resources in order to optimize its operations;

14. *Commends* the establishment in the Democratic Republic of the Congo of the National Committee for the Prevention of Torture to combat violations of the fundamental rights guaranteed and recognized to all persons subjected to any form of detention or imprisonment;

15. *Encourages* the authorities of the Democratic Republic of the Congo to make every effort to ensure the functional independence of the National Committee for the Prevention of Torture, in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

16. *Welcomes* the process to establish the transitional justice mechanism, under way in the Democratic Republic of the Congo, through the setting up of a national commission on transitional justice and reconciliation, along with the creation of a fund for victims of serious crimes and their family members and communities, a mechanism intended to balance efforts to combat impunity and promote reconciliation with the possibility of guaranteeing the non-repetition of those crimes, in accordance with Human Rights Council resolution 38/20 of 6 July 2018;

17. *Also welcomes* the establishment, by the President, of the Agency to Prevent and Combat Trafficking in Persons and the appointment of its leaders, as part of efforts to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, while recalling the need for coordinated action to indict and prosecute perpetrators of that practice and to facilitate judicial assistance with a view to their extradition;

18. *Further welcomes* the signing of a peace agreement between the Government of the Democratic Republic of the Congo and the Force de résistance patriotique de l'Ituri, and urges the Government to make every effort to ensure the success of that process in accordance with international law by making the related transitional justice mechanism operational and to give itself the means to implement the same process in all parts of the country where there are hotbeds of tension owing to the presence of local armed groups;

19. *Commends* the establishment of a ministry of State with responsibility for persons with disabilities and other vulnerable persons, and the adoption, in progress in Parliament, of the law on the protection of the rights of persons with disabilities in the Democratic Republic of the Congo;

20. *Welcomes* the process of adherence by the Democratic Republic of the Congo to the Voluntary Principles on Security and Human Rights initiative in the extractive industries, invites all its partners to assist it in implementing those principles nationally and recommends that the Government bring together, in a clear and coherent way, the coordination of all initiatives in this area, irrespective of their origin, with a view to guaranteeing transparency at both the national and multilateral levels;

21. *Encourages* the Government of the Democratic Republic of the Congo to continue and strengthen the incentives to enhance and increase the presence and participation of women in the political and administrative fields;

22. *Notes* the willingness shown by the President of the Democratic Republic of the Congo to combat impunity, reiterates its encouragement to the Government to continue actively its efforts together with civil society organizations and the international community to end impunity for the perpetrators of serious human rights violations and abuses, including sexual and gender-based violence, and violations of international humanitarian law, particularly in the eastern part of the Democratic Republic of the Congo and in Kasai Province, and to ensure that victims of such violations, abuses and related crimes receive adequate reparations, and declares that it will follow with interest the regulatory initiatives that are being prepared in this regard;

23. *Encourages* the Government of the Democratic Republic of the Congo to implement all decisions of the treaty bodies and those of the African Commission on Human and Peoples' Rights in order to protect and improve the human rights situation in the country;

24. *Also encourages* the Government of the Democratic Republic of the Congo to ensure the dignity of detained and convicted persons by providing them with an environment conducive to their rehabilitation, with a view to their proper reintegration into society;

25. *Welcomes* the cooperation between the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the United Nations Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the team of international experts on the situation in Kasai;

26. *Encourages* the Government of the Democratic Republic of the Congo to improve its cooperation with the special procedure mandate holders by replying to their visit requests;

27. *Also encourages* the Government of the Democratic Republic of the Congo to maintain and step up its efforts to continue the reform of the security sector, notably with regard to capacity-building for its members in the areas of human rights and international humanitarian law, and to reform and strengthen its penitentiary system;

28. *Further encourages* the Government of the Democratic Republic of the Congo to take appropriate measures to ensure the smooth functioning of all agencies responsible for monitoring respect for human rights, including the Human Rights Liaison Unit, the National Human Rights Commission, the Interministerial Committee on Human Rights, the National Commission for the Universal Periodic Review and the unit for the protection of human rights defenders;

29. *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 on the situation in Kasai in its report,<sup>81</sup> 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;

30. *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

<sup>81</sup> [A/HRC/45/50](#).

and gender-based violence, reconciliation between communities and the disarmament and demobilization of militias;

31. *Welcomes* the work of the team of international experts on the situation in Kasai and the technical assistance provided by the Office of the High Commissioner to the judicial authorities of the Democratic Republic of the Congo, particularly in the field of forensic expertise;

32. *Also welcomes* the establishment of an interministerial working group responsible for monitoring the implementation of the recommendations of the team of international experts on the situation in Kasai, and encourages the Government of the Democratic Republic of the Congo to ensure that the working group meets as many times as necessary in order to assess regularly the progress made in implementing the recommendations, improve the coordination between the administrative authorities and stakeholders, and recommend appropriate measures to the Government;

33. *Decides* to renew the mandate of the team of international experts on the situation in Kasai and requests the team to present a final report to the Human Rights Council at its forty-eighth session, during an interactive dialogue, and to provide an oral update at its forty-sixth session;

34. *Requests* the Office of the High Commissioner to provide 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, with a view to bringing those responsible to justice;

35. *Requests* the High Commissioner to present to the Council an oral update on the situation of human rights in the Democratic Republic of the Congo, within the framework of an enhanced interactive dialogue, at its forty-sixth session;

36. *Also requests* the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo and to submit it to the Council, within the framework of an enhanced interactive dialogue, at its forty-eighth session;

37. *Decides* to remain seized of the situation until its forty-eighth session.

*39th meeting  
7 October 2020*

[Adopted without a vote.]

#### **45/35. Technical assistance and capacity-building in the field of human rights in the Central African Republic**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights,

*Recalling* the African Charter on Human and Peoples' Rights and other relevant international and African instruments on the protection of human rights,

*Recalling also* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015, 33/27 of 30 September 2016, 36/25 of 29 September 2017, 39/19 of 28 September 2018 and 42/36 of 27 September 2019,

*Recalling further* Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016, 2339 (2017) of 27 January 2017, 2387 (2017) of 15

November 2017, 2399 (2018) of 30 January 2018, 2454 (2019) of 31 January 2019 and 2507 (2020) of 31 January 2020,

*Recalling* the joint communiqué signed between the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Government of the Central African Republic on 1 June 2019, in accordance with Security Council resolution 2106 (2013) of 24 June 2013,

*Reaffirming* that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

*Recalling* that the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

*Recalling also* the holding of popular consultations and the Bangui Forum for National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main parties to the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

*Welcoming* the commemoration of the first anniversary of the signing on 6 February 2019 of the Political Agreement for Peace and Reconciliation in the Central African Republic, and recalling the adoption of the road map of the African Initiative for Peace and Reconciliation in the Central African Republic on 17 July 2017 in Libreville, and the establishment of the new Government on 22 March 2019 following the consultations held in Addis Ababa under the auspices of the African Union, and emphasizing the need for continued inclusive dialogue, in accordance with the recommendations of the Bangui Forum on National Reconciliation,

*Reaffirming* its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

*Commending* the Government for its efforts in the fight against the coronavirus disease (COVID-19) pandemic, and welcoming the multifaceted support provided by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations country team and international partners to prevent, test for and curb the spread of and contamination by the disease and to isolate the sick, while remaining concerned about the health, social, economic and humanitarian consequences of the disease,

*Deeply concerned* about the security situation in the Central African Republic, which remains very unstable, and condemning in particular the numerous acts of violence that continue to be committed by armed groups, in violation of the Peace Agreement of 6 February 2019, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers, humanitarian personnel and health workers,

*Deeply concerned also* about the violations of human rights and international humanitarian law, including those involving summary or extrajudicial executions, arbitrary arrests and detention, enforced disappearance, the recruitment and use of children, the financing and training of mercenaries, sexual and gender-based violence, torture, looting and the illegal destruction of property, and all violations committed against populations in vulnerable situations, in particular women, children and internally displaced persons,

*Deeply concerned further* about the increasing use of messages of hatred and incitement to violence that would aggravate discrimination and social stigmatization, including on the basis of ethnicity, while recalling the adoption in June 2018 of the National Plan for the Prevention of Incitement to Discrimination, Hatred and Violence and advocating the full implementation of the Plan, in particular with a view to a peaceful progression towards the 2020 and 2021 elections,

*Deeply concerned* about the surge in attacks on humanitarian personnel and civilian and humanitarian facilities and infrastructure, about the unlawful taxation of humanitarian

aid by armed groups, in a context that has not been improved by the increased number of displaced persons and the continuing high numbers of refugees, and about the fact that half of the country's population, or some 2.9 million Central Africans, continues to need humanitarian assistance to survive,

*Recalling* the implementation of the humanitarian response plan for 2017–2019, and concerned about the growing humanitarian needs of the Central African Republic, in particular those of persons with disabilities, and the needs of victims for psychotherapeutic support,

*Recalling also* the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary and well-informed return of displaced persons and refugees, and to ensure that they can be returned and received in conditions allowing for safe, dignified and sustainable resettlement,

*Noting* the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis,

*Welcoming* the outcome of the various international and regional conferences held in support of the Central African Republic, and urging Member States to swiftly disburse the pledges announced,

*Deeply concerned* about the number of grave violations committed against children, including the escalation of killing and maiming of children and attacks on schools and hospitals perpetrated by armed groups, as well as abductions attributed to armed groups,

*Emphasizing* that those who engage in or provide support for acts that undermine the peace, stability and security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers and incite others to violence, particularly on ethnic or religious grounds, may face sanctions and must be held responsible for their acts,

*Welcoming* the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

*Recalling* that the international forces present in the Central African Republic must act, in carrying out their duties, with full respect for the applicable provisions of international law, particularly international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling also that an in-depth investigation should be launched into these allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

*Stressing* the urgent and imperative need to end impunity in the Central African Republic, to bring to justice the perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national judicial mechanisms to ensure the accountability of perpetrators,

*Stressing also* the primary responsibility of the national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently, and to protect victims and at-risk persons against reprisals of any form, and calling upon international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, within its mandate, to support the Central African authorities to this end,

*Noting* the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and recalling the decisions of the Prosecutor of the Court, made on 7 February 2014,



to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

*Welcoming* the steps taken by the Government of the Central African Republic to operationalize the Special Criminal Court, such as the adoption of the rules of procedure and evidence, the provision of temporary premises for staff of the Court and the appointment of national judges, as well as the ongoing investigations, and encouraging the international community to continue to support the Special Criminal Court in the long term,

*Recalling* that the international commission of inquiry tasked with investigating allegations of violations of international humanitarian law and international human rights law and of human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

*Stressing* the importance of pursuing investigations into allegations of violations of international humanitarian law and international human rights law and of human rights abuses to complement the work of the international commission of inquiry and the report on the mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

*Welcoming* the measures taken by the authorities of the Central African Republic, in particular the laws on decentralization, and the act on the establishment, organization and functioning of the Truth, Justice, Reparation and Reconciliation Commission, the law establishing the pension scheme for former Presidents of the Republic and the law on the Child Protection Code,

*Welcoming also* the progress made by the Central African Republic in advancing the electoral process, including the adoption of the new electoral code, the organic law on the composition, organization and functioning of the National Elections Authority, the decision appointing the members of the branches of the Authority, and the conduct of voter registration operations, with a view to the effective holding of the presidential and local elections scheduled for 2020 and 2021 within the constitutional deadlines, and encouraging the authorities and institutions concerned to redouble their efforts,

*Stressing* that the ongoing electoral process requires an effective framework for consultations among the political actors, civil society and other relevant stakeholders in the country, with the support of the guarantors and facilitators of the Peace Agreement and the international community, for an inclusive dialogue aimed at seeking consensus and restoring confidence among the various actors with a view to a peaceful progression towards the 2020 and 2021 elections,

1. *Strongly condemns* all human rights abuses and violations and violations of international humanitarian law, including killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, arbitrary arrests and the deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on them, the injured and the sick, medical personnel, health centres and medical vehicles, as well as the denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, humanitarian workers, health workers, humanitarian supplies and United Nations personnel;

3. *Urges* armed groups to observe an immediate ceasefire in accordance with their commitment under the Peace Agreement;

4. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict

respect for all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

5. *Expresses deep concern* at the humanitarian situation, stresses that insecurity and lack of funding constitute obstacles to the safe, unhindered delivery of humanitarian assistance, and calls upon the international community to offer greater support for humanitarian assistance and stabilization efforts in the country;

6. *Calls upon* the Government of the Central African Republic, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who incite violence could be sanctioned by the Security Council;

7. *Welcomes* the report of the Independent Expert on the situation of human rights in the Central African Republic<sup>82</sup> and the recommendations contained therein;

8. *Also welcomes* the 2019 joint communiqué signed between the United Nations and the Government of the Central African Republic with a view to addressing sexual violence committed in times of conflict, which establishes a number of important areas of cooperation: the fight against impunity through justice and accountability; a comprehensive survivor-centred approach to the provision of services; strengthening mechanisms for women's effective and meaningful participation in decision-making processes; the implementation of the Peace Agreement; and greater engagement of religious leaders in helping to prevent these crimes;

9. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

10. *Calls upon* the authorities of the Central African Republic to provide support to the National Observatory for Gender Parity, the National Commission on Human Rights and Fundamental Freedoms, the High Council for Communication and other State institutions working for the promotion, protection and implementation of human rights, the fight against corruption and the promotion of democracy and good governance;

11. *Urges* the authorities of the Central African Republic to formalize the status of the consultation framework designed to prevent electoral conflicts through the search for consensual solutions within the framework of the ongoing electoral process;

12. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and robust approach to the protection of civilians, as enshrined in its mandate, and to lend the necessary assistance to the authorities of the Central African Republic so that the Special Criminal Court can pursue its work;

13. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel in order to ensure justice for victims;

14. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations country team, to engage resolutely in the disarmament, demobilization, reintegration and repatriation, as appropriate, of national and foreign fighters, in line with a comprehensive strategy for security sector reform designed to quickly operationalize the cooperation structures that they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process and for the effective functioning of the

<sup>82</sup> [A/HRC/45/55](#).

Truth, Justice, Reparation and Reconciliation Commission, which are essential contributions to peace, security, reconciliation within the population and the stabilization of the country;

15. *Deplores* the fact that children continue to be used by armed groups as combatants, human shields, domestic workers and sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent the recruitment and use of children and early and forced marriages, and in this regard calls upon them to honour the commitments assumed by several of them on 6 February 2019;

16. *Welcomes* the ratification by the Central African Republic in 2017 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the adoption of Act No. 20016 of 15 June 2020 on the Child Protection Code, prohibiting, inter alia, the conscription and use of children in armed forces and armed groups, and encourages the Government to promptly adopt measures to implement the law and a national child protection plan, and to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

17. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate in a sustainable manner all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls, in particular those that have been victims of violence;

18. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population, and to take all steps necessary to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

19. *Welcomes* the opening of an investigation by the International Criminal Court in September 2014, at the request of the authorities of the Central African Republic, focusing principally on war crimes and crimes against humanity committed since 1 August 2012, the arrest on 17 November 2018 of Alfred Yekatom, who was surrendered to the Court by the authorities of the Central African Republic, and the arrest on 12 December 2018 by the authorities of France, pursuant to an arrest warrant issued by the Court on 7 December 2018 of Patrice-Edouard Ngaïssona, senior leader and national general coordinator of the anti-balaka;

20. *Urges* neighbouring States of the Central African Republic to cooperate in the fight against insecurity, and the impunity of those responsible from armed groups, including with the national and international jurisdictions and the Truth, Justice, Reparation and Reconciliation Commission;

21. *Welcomes* the efforts of the authorities of the Central African Republic that led to the operationalization of the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government, with support from the international community, to continue its cooperation with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

22. *Notes* the efforts of the authorities of the Central African Republic to re-establish the effective authority of the State over the entire country by redeploying the State administration, in particular the judiciary, in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance, and requests the authorities to support those efforts by ensuring that the redeployed authorities have sufficient resources;

23. *Also notes* the efforts made by the authorities of the Central African Republic while underscoring the urgent need to effectively redeploy judges throughout the country, to revitalize the judicial services, to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings, and to establish appropriate reparation programmes to provide victims of violations and their families with material and symbolic reparation, at both the individual and the collective level;

24. *Welcomes* the efforts made by the authorities of the Central African Republic to hold criminal hearings in the Bangui Court of Appeal in February 2020 and to strengthen the capacities of local peace and reconciliation committees, requests them to continue to strengthen the judiciary and to combat impunity in order to contribute to stabilization and reconciliation, and stresses the urgent need to restore the administration of justice and strengthen the criminal justice system and the prison system so as to ensure that judicial authorities are effectively present throughout the country and that everyone has access to fair and impartial justice;

25. *Also welcomes* the continued efforts of the authorities of the Central African Republic to establish the special joint security units, in accordance with the Peace Agreement of 6 February 2019, and encourages them to fully implement the reform of the security sector in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and stresses the need for these forces to respect the principles of accountability and the rule of law so as to win and nurture the trust of local communities, including the preliminary verification procedures relating to human rights conducted by the defence and security forces;

26. *Stresses* the need for effective access to health care, the need for the effective functioning of the school system and vocational training the infrastructure of which is occupied by armed groups or has been destroyed or damaged because of the conflict, the need for access to sanitation and drinking water where storage, treatment and distribution facilities have deteriorated as a result of the conflict, the need to carry out agropastoral activities disrupted by insecurity and the COVID-19 pandemic, the need to register births and civil status, and the need to ensure the provision of local justice services in the context of the inadequate restoration of State authority, and requests the partners of the Central African Republic to support it in the search for responses to these challenges;

27. *Welcomes* the good cooperation between the authorities of the Central African Republic and international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the European Union civilian advisory mission and the European Union military training mission, with a view to the gradual and sustainable redeployment of the Central African armed forces and the internal security forces trained by the European Union military training mission in the Central African Republic and other international partners, in the wider context of extending the authority of the State and consolidating security, and invites the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure oversight and accountability in relation to the conduct of the national security forces;

28. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the authorities of the Central African Republic in rolling out the above-mentioned reforms and re-establishing the authority of the State throughout the territory, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

29. *Requests* the international community to enhance its support for the fight against the COVID-19 pandemic in the Central African Republic in order to prevent the health crisis from turning into a social, economic and humanitarian crisis that could lastingly undermine the results achieved in several areas, in particular the progress made on priorities such as the mechanisms implementing the Peace Agreement, the normative framework, efforts to combat impunity, reconciliation mechanisms at the local level and preparations for the 2020 and 2021 elections;

30. *Urges* the authorities of the Central African Republic to appoint, as soon as possible, the members of the Truth, Justice, Reparation and Reconciliation Commission and to provide the mechanism with all appropriate means for the effective fulfilment of its mandate, including with respect to the fight against impunity and the promotion of reparation and guarantees of non-repetition, complementing the Special Criminal Court and the ordinary courts;

31. *Also urges* the authorities of the Central African Republic to define in an inclusive manner, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, a comprehensive road map for transitional justice, and encourages the authorities to identify pilot areas to develop local strategies for transitional justice;

32. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of victims, women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

33. *Remains deeply concerned* about the extent of conflict-related sexual violence, in particular against women, girls and boys recruited by armed groups, and encourages the national authorities and the Special Criminal Court to protect victims and advance their empowerment, and to bring all alleged perpetrators of such crimes to justice;

34. *Welcomes* the establishment of a dedicated force for the suppression of sexual violence against women and children, and calls upon the authorities of the Central African Republic to provide the Joint Rapid Response Unit to Combat Sexual Violence against Women and Children with the means necessary for its operation, and to ensure, through its relevant services, the provision of psychotherapeutic and socioeconomic care to victims;

35. *Remains concerned* about the surge in the number of children recruited by armed groups, calls for the establishment and implementation of socioeconomic reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, urges the Central African authorities and armed groups to put an end to and prevent such serious violations and abuses of their rights, and calls upon the Government to implement the Child Protection Code;

36. *Remains deeply concerned* about the conditions in which displaced persons and refugees are living, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

37. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

38. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgent needs and priorities identified by the Central African Republic, in particular financial and technical support and funding for the treatment of people traumatized by the crisis;

39. *Requests* all parties to authorize and facilitate rapid, safe and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

40. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and also donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors, including in the framework of the 2020 and 2021 elections;

41. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

42. *Decides* to renew, for one year, the mandate of the Independent Expert on the situation of human rights in the Central African Republic, which is to assess, monitor and report on the situation with a view to making recommendations relating to technical assistance and capacity-building in the field of human rights;

43. *Requests* all parties to cooperate fully with the Independent Expert in carrying out his mandate;

44. *Decides* to organize, at its forty-sixth session, a high-level interactive dialogue to assess developments in the situation of human rights on the ground, placing special emphasis on the status of the fight against impunity, including in the electoral context, with the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union, the Truth, Justice, Reparation and Reconciliation Commission and civil society;

45. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

46. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

47. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

48. *Requests* the Independent Expert to provide an oral update on his report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its forty-seventh session and to submit a written report to the Council at its forty-eighth session;

49. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable him to carry out fully his mandate;

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

*39th meeting  
7 October 2020*

[Adopted without a vote.]

## IV. Decisions

### 45/101. Outcome of the universal periodic review: Kyrgyzstan

*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 Kyrgyzstan on 20 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Kyrgyzstan, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>83</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>84</sup>

*22nd meeting  
28 September 2020*

[Adopted without a vote.]

### 45/102. Outcome of the universal periodic review: Guinea

*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 Guinea on 21 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Guinea, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>85</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>86</sup>

*22nd meeting  
28 September 2020*

[Adopted without a vote.]

### 45/103. Outcome of the universal periodic review: Lao People's Democratic 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,

<sup>83</sup> [A/HRC/44/4](#).

<sup>84</sup> [A/HRC/44/4/Add.1](#); see also [A/HRC/45/2](#), chap. VI.

<sup>85</sup> [A/HRC/44/5](#).

<sup>86</sup> [A/HRC/44/5/Add.1](#); see also [A/HRC/45/2](#), chap. VI.

*Having conducted* the review of the Lao People's Democratic Republic on 21 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of the Lao People's Democratic Republic, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>87</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>88</sup>

*23rd meeting  
28 September 2020*

[Adopted without a vote.]

#### **45/104. Outcome of the universal periodic review: Lesotho**

*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 Lesotho on 22 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Lesotho, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>89</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>90</sup>

*23rd meeting  
28 September 2020*

[Adopted without a vote.]

#### **45/105. Outcome of the universal periodic review: Kenya**

*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 Kenya on 23 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Kenya, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>91</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>92</sup>

<sup>87</sup> [A/HRC/44/6](#).

<sup>88</sup> [A/HRC/44/6/Add.1](#); see also [A/HRC/45/2](#), chap. VI.

<sup>89</sup> [A/HRC/44/8](#).

<sup>90</sup> See also [A/HRC/45/2](#), chap. VI.

<sup>91</sup> [A/HRC/44/9](#).

<sup>92</sup> [A/HRC/44/9/Add.1](#); see also [A/HRC/45/2](#), chap. VI.



23rd meeting  
28 September 2020

[Adopted without a vote.]

#### **45/106. Outcome of the universal periodic review: Armenia**

*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 Armenia on 23 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Armenia, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>93</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>94</sup>

24th meeting  
28 September 2020

[Adopted without a vote.]

#### **45/107. Outcome of the universal periodic review: Sweden**

*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 Sweden on 27 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Sweden, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>95</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>96</sup>

25th meeting  
29 September 2020

[Adopted without a vote.]

#### **45/108. Outcome of the universal periodic review: Grenada**

*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

<sup>93</sup> A/HRC/44/10.

<sup>94</sup> A/HRC/44/10/Add.1; see also A/HRC/45/2, chap. VI.

<sup>95</sup> A/HRC/44/12.

<sup>96</sup> A/HRC/44/12/Add.1; see also A/HRC/45/2, chap. VI.

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 Grenada on 27 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Grenada, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>97</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>98</sup>

*25th meeting  
29 September 2020*

[Adopted without a vote.]

#### **45/109. Outcome of the universal periodic review: Turkey**

*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 Turkey on 28 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Turkey, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>99</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>100</sup>

*25th meeting  
29 September 2020*

[Adopted without a vote.]

#### **45/110. Outcome of the universal periodic review: Kiribati**

*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 Kiribati on 28 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Kiribati, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>101</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

<sup>97</sup> A/HRC/44/13.

<sup>98</sup> A/HRC/44/13/Add.1; see also A/HRC/45/2, chap. VI.

<sup>99</sup> A/HRC/44/14.

<sup>100</sup> A/HRC/44/14/Add.1; see also A/HRC/45/2, chap. VI.

<sup>101</sup> A/HRC/44/15.

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>102</sup>

*25th meeting  
29 September 2020*

[Adopted without a vote.]

#### **45/111. Outcome of the universal periodic review: Guinea-Bissau**

*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 Guinea-Bissau on 24 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Guinea-Bissau, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>103</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>104</sup>

*34th meeting  
5 October 2020*

[Adopted without a vote.]

#### **45/112. Outcome of the universal periodic review: Guyana**

*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 Guyana on 29 January 2020 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Guyana, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>105</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>106</sup>

*34th meeting  
5 October 2020*

[Adopted without a vote.]

<sup>102</sup> [A/HRC/44/15/Add.1](#); see also [A/HRC/45/2](#), chap. VI.

<sup>103</sup> [A/HRC/44/11](#).

<sup>104</sup> [A/HRC/44/11/Add.1](#); see also [A/HRC/45/2](#), chap. VI.

<sup>105</sup> [A/HRC/44/16](#).

<sup>106</sup> [A/HRC/44/16/Add.1](#); see also [A/HRC/45/2](#), chap. VI.

**45/113. Postponement of the implementation of certain activities mandated by the Human Rights Council**

At its 36th meeting on 6 October 2020, the Human Rights Council decided to adopt the following text:

*“The Human Rights Council,*

*Taking note* of information provided by the Office of the United Nations High Commissioner for Human Rights according to which certain activities mandated by the Council cannot be implemented in 2020 owing to the current liquidity crisis affecting the United Nations Secretariat and the restrictions imposed due to the coronavirus disease (COVID-19) pandemic;

*Decides* to postpone the implementation of the mandated activities that cannot be implemented by the Office of the High Commissioner in 2020 and to reschedule them in accordance with the timelines specified in the annex to the present decision.”

[Adopted without a vote.]

## Annex

### New timelines for the implementation of certain activities mandated by the Human Rights Council\*

<i>Resolutions and mandated activities</i>	<i>New timeline for implementation</i>
<p>1. Human Rights Council resolution 37/17 on cultural rights and the protection of cultural heritage</p> <p>Mandated activities: two-day cultural heritage workshop to be held before the forty-fourth session (scheduled for May/June 2020); related report to be submitted at the forty-sixth session</p>	<p>Workshop to be held either virtually and/or in a hybrid format before the forty-seventh session (May/June 2021); report to be submitted at the forty-eighth session</p>
<p>2. Human Rights Council resolution 41/8 on the consequences of child, early and forced marriage</p> <p>Mandated activities: two regional workshops on child, early and forced marriage; related report to be submitted at the forty-seventh session</p>	<p>Two regional workshops to be held in 2021; report to be submitted at the fiftieth session</p>
<p>3. Human Rights Council resolution 41/10 on 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</p> <p>Mandated activities: full-day intersessional seminar on access to medicines and vaccines, to be held before the forty-sixth session; summary report on the seminar to be submitted at the forty-sixth session</p>	<p>Intersessional seminar to be held before the forty-seventh session (May 2021); summary report to be submitted to the Human Rights Council at its forty-eighth session</p>
<p>4. Human Rights Council resolution 41/13 on youth and human rights</p> <p>Mandated activities: 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, during the first semester of 2020; report to be submitted prior to the forty-sixth session</p>	<p>Full-day intersessional seminar to be held in the first semester of 2021; report to be submitted prior to the forty-ninth session</p>
<p>5. Human Rights Council resolution 41/19 on the contribution of development to the enjoyment of all human rights</p> <p>Mandated activities: one-day intersessional seminar (scheduled for October 2020) on the contribution of development to the enjoyment of all human rights, to be held before the forty-seventh session; summary report on the seminar to be submitted at the forty-seventh session</p>	<p>Intersessional seminar to be held before the forty-eighth session; summary report to be submitted at the forty-eighth session</p>

\* Human Rights Council sessions: forty-fourth session (June–July 2020); forty-fifth session (September–October 2020); forty-sixth session (February–March 2021); forty-seventh session (June–July 2021); forty-eighth session (September–October 2021); and forty-ninth session (March 2022); fiftieth session (June 2022).

<i>Resolutions and mandated activities</i>	<i>New timeline for implementation</i>
<p>6. Human Rights Council resolution 42/6 on the role of prevention in the promotion and protection of human rights</p> <p>Mandated activities: study on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses, to be presented at the forty-fifth session</p>	Study to be submitted at the forty-eighth session
<p>7. Human Rights Council resolution 42/13 on the right to social security</p> <p>Mandated activities: intersessional full-day panel discussion on the right to social security to be held before the forty-fifth session; summary report on the discussion to be submitted at the forty-sixth session</p>	Intersessional panel discussion to be held before the forty-eighth session; summary report to be submitted at the forty-ninth session
<p>8. Human Rights Council resolution 42/15 on the right to privacy in the digital age</p> <p>Mandated activities: one-day expert seminar to be held before the forty-fourth session; thematic report on the effects of artificial intelligence on the enjoyment of the right to privacy to be submitted at the forty-fifth session</p>	Seminar held in the mandated period; report to be submitted at the forty-seventh session
<p>9. Human Rights Council resolution 42/17 on human rights and transitional justice</p> <p>Mandated activities: report on transitional justice and the realization of Sustainable Development Goal 16 to be prepared upon consultation with States and stakeholders and submitted at the forty-sixth session (an expert group meeting on transitional justice is included in the programme budget implications)</p>	Expert group meeting on transitional justice to be held before the forty-eighth session; report to be submitted at the forty-eighth session
<p>10. Human Rights Council resolution 42/19 on human rights and indigenous peoples</p> <p>Mandated activities: intersessional round table on enhancing the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them, to be held at the thirteenth session of the Expert Mechanism on the Rights of Indigenous Peoples; summary report on the round table to be presented to the Council at its forty-fifth session</p>	Round table to be held during the session of the Expert Mechanism on the Rights of Indigenous Peoples to be held in 2021; summary report to be submitted at the forty-eighth session
<p>11. Human Rights Council resolution 42/23 on the right to development</p> <p>Mandated activities: biennial panel discussion on the right to development to be held at the forty-fifth session; summary report on the discussion to be submitted at the forty-sixth session</p>	Panel discussion held as mandated; summary report to be submitted at the forty-eighth session

<i>Resolutions and mandated activities</i>	<i>New timeline for implementation</i>
<p>12. Human Rights Council resolution 42/30 on promoting international cooperation to support national mechanisms for implementation, reporting and follow-up</p> <p>Mandated activities: five regional consultations to exchange good practices on national mechanisms for implementation, reporting and follow-up; related report to be submitted at the forty-seventh session</p>	<p>Five regional consultations to be held in 2021; report to be submitted at the fiftieth session</p>
<p>13. Human Rights Council resolution 43/39 on technical assistance and capacity-building to improve human rights in Libya</p> <p>Mandated activities: fact-finding mission to Libya to be dispatched for one year; report on the situation of human rights in Libya to be presented to the Council at its forty-sixth session</p>	<p>Report to be presented to the Council at its forty-eighth session; mandate to be extended to allow for presentation of the report</p>
<p>14. Human Rights Council decision 3/103 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action</p> <p>Mandated activities: eleventh annual session (2020) of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination; report to the Human Rights Council</p>	<p>Eleventh (2020) session of the Ad Hoc Committee to be held in the first half of 2021; report to be submitted to the Council at a subsequent session</p>

## V. President's statements

### PRST 45/1. Report of the Advisory Committee

At the 36th meeting, held on 6 October 2020, the President of the Human Rights Council made the following statement:

“The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the report of the Advisory Committee on its twenty-fourth session,<sup>107</sup> and notes that the Advisory Committee has made a research proposal.”<sup>108</sup>

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<sup>107</sup> [A/HRC/AC/24/2](#).

<sup>108</sup> *Ibid.*, para. 31 and annex III.