



United Nations

# Report of the Human Rights Council

Forty-second session  
(9–27 September 2019)

**General Assembly**  
Official Records  
Seventy-fourth Session  
Supplement No. 53 A ([A/74/53/Add.1](#))





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**United Nations • New York, 2019**

*Note*

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## **I. Introduction**

1. The Human Rights Council held its forty-second session from 9 to 27 September 2019.
2. The report of the Human Rights Council on its forty-second session is being issued in document [A/HRC/42/2](#).

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

### 42/2. Human rights situation 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 and 2451 (2018) of 21 December 2018,

*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 and 39/16 of 28 September 2018,

*Welcoming* 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,

*Welcoming also* the Stockholm Agreement of 13 December 2018, emphasizing the need for its implementation and encouraging all parties to maintain their commitment to the United Nations-led process and to engage with the Special Envoy of the Secretary-General for Yemen in an inclusive and political process in order to end the conflict,

*Reiterating* its strong support for the ongoing efforts of the Secretary-General and his Special Envoy, and welcoming in this regard the positive engagement of the Government of Yemen in the peace talks,

*Taking note* of the statements made by the President of the Security Council on 15 March 2018 and 29 August 2019 on Yemen,<sup>1</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 and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

*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,

*Gravely concerned* by ongoing reports by the Office for the Coordination of Humanitarian Affairs on the existing humanitarian emergency, sharing the concerns expressed by the Secretary-General that the situation in Yemen is a crisis of devastating proportions, and calling upon all parties to the armed conflict to ensure rapid, unhindered, unimpeded, sustained and safe humanitarian access as part their obligations under international humanitarian law,

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<sup>1</sup> S/PRST/2018/5 and S/PRST/2019/9.

*Concerned* by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children and persons with disabilities, sexual and gender-based violence, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the use of starvation of civilians as a method of warfare, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

*Underlining* the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen,

*Recalling* the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of the sixth and seventh reports by the National Commission of Inquiry, in March and September 2019,

*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 as submitted to the United Nations High Commissioner for Human Rights,<sup>2</sup>

1. *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, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, 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, and 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. *Also calls upon* all parties to the armed conflict 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 strongly 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;

4. *Further calls upon* all parties to the armed conflict 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, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent related resolutions, with all conflict resolution efforts and with commitments made as part of the outcome of the National Dialogue Conference;

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<sup>2</sup> [A/HRC/42/17](#).

5. *Demands* that all parties to the armed conflict in Yemen end the recruitment and use of children and release those who have already been recruited, and calls upon all parties 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>3</sup>

6. *Calls upon* all parties to the armed conflict 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;

7. *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;

8. *Calls upon* all parties to the armed conflict to immediately release all Baha'i detained in Yemen due to their religious belief, to cease their arbitrary arrest and detention and to cease the harassment and judicial persecution to which they are subjected;

9. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and calls upon donor States and organizations to work on improving that situation by providing both political and diplomatic support, and financial support for the Yemen humanitarian response plan for 2019, including by fulfilling their pledges, 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;

10. *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 according to Presidential Decree No. 30 of 22 August 2019, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *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 ending impunity;

12. *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 and, where possible, to identify those responsible;

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<sup>3</sup> A/73/907–S/2019/509.

(b) To make recommendations on improving respect for and protection and fulfilment of international human rights law and international humanitarian law, and to provide 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 violations and abuses of human rights and violations of international humanitarian law in Yemen;

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

14. *Decides* to transmit that comprehensive written 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;

15. *Encourages* 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;

16. *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;

17. *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 to the armed conflict in Yemen, and in line with international standards, and encourages all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

18. *Also requests* the High Commissioner to present to the Human Rights Council, at its forty-third session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution.

*38th meeting  
26 September 2019*

[Adopted by a recorded vote of 22 to 12, with 11 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Bahrain, Burkina Faso, China, Cuba, Egypt, Eritrea, India, Pakistan, Philippines, Saudi Arabia, Senegal, Somalia

*Abstaining:*

Angola, Bangladesh, Cameroon, Democratic Republic of the Congo, Iraq, Japan, Nepal, Nigeria, Rwanda, Togo, Tunisia]

### **42/3. Situation of human rights of Rohingya Muslims and other minorities in Myanmar**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Right of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international human rights law,

*Recalling* relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolution 73/264 of 22 December 2018 and Council resolutions 40/29 of 22 March 2019, 39/2 of 27 September 2018, 37/32 of 23 March 2018, 34/22 of 24 March 2017, 29/21 of 3 July 2015 and S-27/1 of 5 December 2017, and Council decision 36/115 of 29 September 2017,

*Welcoming* the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur and to deny her access to the country since January 2018,

*Welcoming also* the work of the Special Envoy on Myanmar, and encouraging her further engagement and dialogue with the Government of Myanmar,

*Welcoming further* the work of the independent international fact-finding mission on Myanmar, including its final report,<sup>4</sup> the detailed findings of the independent international fact-finding mission on Myanmar,<sup>5</sup> its paper on the economic interests of the Myanmar military<sup>6</sup> and its paper on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts,<sup>7</sup> and appreciating its important work to ensure that the large and continually increasing amount of evidence of human rights violations and abuses it has collected is fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by the ongoing independent mechanism established by the Human Rights Council in its resolution 39/2, referred to as the Independent Investigative Mechanism for Myanmar by the Secretary-General in his terms of reference for the Mechanism,<sup>8</sup> and deeply regretting that the Government of Myanmar did not cooperate with the fact-finding mission,

*Welcoming* the first report of the Mechanism,<sup>9</sup>

*Recognizing* the ongoing remarkable humanitarian efforts and commitments that the Government of Bangladesh has extended to those fleeing human rights violations and abuses in Myanmar, in cooperation with United Nations agencies and the international community,

*Condemning* all violations and abuses of human rights in Myanmar, including against Rohingya Muslims and other minorities, and expressing deep concern at the reports of ongoing human rights violations, as also noted by the United Nations High Commissioner for Human Rights in her oral update on 10 July 2019, as well as at the ongoing non-cooperation of the Government of Myanmar and the denial of access to United Nations mechanisms, including for the Special Rapporteur on the situation of human rights in Myanmar and the independent international fact-finding mission on Myanmar,

*Noting* the steps taken by the Government of Myanmar towards establishing a national strategy for the sustainable closure of camps for internally displaced persons in Myanmar, and emphasizing the need for the Government to consult with United Nations agencies, humanitarian and development actors and displaced persons to ensure its durable

<sup>4</sup> [A/HRC/42/50](#).

<sup>5</sup> [A/HRC/42/CRP.5](#), available at [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx).

<sup>6</sup> [A/HRC/42/CRP.3](#), available at [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx).

<sup>7</sup> [A/HRC/42/CRP.4](#), available at [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx).

<sup>8</sup> See [A/73/716](#), annex.

<sup>9</sup> [A/HRC/42/66](#).



implementation, in accordance with international standards on safe, voluntary, dignified and sustainable return, by guaranteeing citizenship, the reassertion of those persons' control over their original land and safety and security, freedom of movement, unimpeded access to livelihoods and essential services, including health services, education and shelter, and compensation for all losses,

*Recalling* the establishment of the Independent Commission of Enquiry on 30 July 2018 by the Government of Myanmar, stressing the importance of the need to demonstrate its independence, transparency, objectivity and credibility while ensuring witness protection and confidentiality, and encouraging the Commission to cooperate with all relevant United Nations mandate holders, as appropriate,

*Recalling also* that States have the primary responsibility to respect, protect and fulfil human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice,

*Noting* the important role of regional organizations, and recognizing the efforts of the Association of Southeast Asian Nations to provide humanitarian assistance in Myanmar, supporting Myanmar in creating an environment that is conducive to the safe, voluntary and dignified return of displaced persons, and reiterating the need to work in close coordination and in full consultation with the Rohingya, as well as with all relevant United Nations agencies and international partners and to address the root causes of the conflict, so that affected communities can rebuild their lives there,

*Acknowledging* the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aiming to bring peace and stability to Rakhine State, including through the appointment by the Organization of a special envoy to Myanmar,

1. *Expresses grave concern* at continuing reports of serious human rights violations and abuses in Myanmar, including against Rohingya Muslims and other minorities, including of arbitrary arrests, torture and other cruel, inhuman or degrading treatment or punishment, forced labour, the use of school buildings for military purposes, socioeconomic exploitation, the forced displacement of more than a million Rohingya Muslims to Bangladesh, and sexual and gender-based violence against women and children, as well as restrictions on exercising the rights to freedom of religion or belief, expression and assembly, in particular in Rakhine, Chin, Kachin and Shan States;

2. *Expresses serious concern* at the recent escalation of violence in Rakhine State causing the loss of lives, displacement and further human suffering, and calls upon all parties to show restraint, to respect their relevant obligations under international human rights law and international humanitarian law, to ensure the safety and protection of civilians and to show readiness to re-engage in dialogue;

3. *Reiterates* the urgent need to ensure that all those responsible for crimes relating to violations and abuses of international law, including international human rights law, international humanitarian law and international criminal law, are held to account through credible and independent national, regional or international criminal justice mechanisms, and therefore stresses the need for an urgent criminal investigation into alleged crimes against humanity and war crimes in all affected territories in Myanmar, recalls the authority of the Security Council, and welcomes ongoing efforts at the international level;

4. *Calls upon* Myanmar to end immediately all violence and all violations of international law in Myanmar, to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya Muslims and persons belonging to other minorities, and to take all measures necessary to provide justice to victims, to ensure full accountability and to end impunity for all violations of human rights by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;

5. *Emphasizes* the importance of conducting international, independent, fair and transparent investigations into the gross human rights violations in Myanmar, including sexual and gender-based violence against women and children, and of holding accountable all those responsible for brutal acts and crimes against all persons, including the Rohingya, in order to deliver justice to victims using all legal instruments and international judicial mechanisms;

6. *Calls for* the immediate cessation of fighting and hostilities, of the targeting of civilians and of all violations and abuses of international human rights law and international humanitarian law, and the implementation of an inclusive and comprehensive national political dialogue and nationwide reconciliation process while ensuring the full, effective and meaningful participation of all ethnic groups, including Rohingya Muslims and other minorities, women and young people, and persons with disabilities, as well as civil society, with the objective of achieving lasting peace, and calls upon political and religious leaders in Myanmar to work for a peaceful resolution through dialogue towards national unity;

7. *Reiterates* its urgent call upon the Government of Myanmar to take the measures necessary to promote the inclusion, human rights and dignity of all people living in Myanmar, to address the spread of discrimination and prejudice and to combat incitement to hatred against Rohingya Muslims and other minorities by publicly condemning such acts and enacting necessary anti-hate speech laws, in accordance with international human rights standards, and by promoting interfaith dialogue in cooperation with the international community, and encourages political and religious leaders in the country to work towards national unity through dialogue;

8. *Also reiterates* its urgent call upon the Government of Myanmar to sustain the democratic transition of Myanmar, in particular in view of the general elections in 2020 called by the Government, by bringing all national institutions, including the military, under the democratically elected civilian Government;

9. *Welcomes* the restoration of Internet and data services in five townships in Rakhine and Chin States, but calls upon the Government of Myanmar to lift the shutdown in the remaining four townships in Rakhine State and to repeal article 77 of the Telecommunications Act in order to avoid any further cutting of Internet access and the stifling of the rights to freedom of opinion and expression and information, in accordance with international human rights law;

10. *Also welcomes* the adoption by the Government of Myanmar of a new law on children's rights allowing, inter alia, the registration at birth of all children, and the agreement by Parliament to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, but emphasizes the need for the Government to further protect the right of all children, including Rohingya children, to acquire citizenship in order to eliminate statelessness, in accordance with the obligations of Myanmar under the Convention on the Rights of the Child, and to ensure the protection of all children in armed conflict;

11. *Urges* the Government of Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar, the ongoing independent mechanism established by the Human Rights Council in its resolution 39/2, referred to by the Secretary-General as the Independent Investigative Mechanism for Myanmar in his terms of reference for the Mechanism, relevant United Nations agencies and international and regional human rights bodies to independently monitor the situation of human rights, and to ensure that individuals can cooperate without hindrance with these mechanisms without fear of reprisal, intimidation or attack, and expresses deep concern that international access to affected areas of Northern Rakhine State remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

12. *Welcomes* the entry into operation on 30 August 2019 of the Mechanism, with its mandate to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011,

and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law, and urges the Mechanism to swiftly advance its work and to ensure the effective use of evidence of the most serious international crimes and violations of international law collected by the independent international fact-finding mission;

13. *Calls for* close cooperation between the Mechanism and any ongoing or future investigations pertaining to serious international crimes and violations of international law in Myanmar by national, regional or international courts or tribunals;

14. *Calls upon* the United Nations to ensure that the Mechanism is afforded the necessary support and resources it needs in terms of staffing, location and operational freedom so it can deliver as effectively as possible on its mandate, and urges Member States in the region to cooperate with the Mechanism, to grant it access and to provide it with every assistance in the execution of its mandate;

15. *Welcomes* the final report of the independent international fact-finding mission, and urges the Government of Myanmar and the international community to give due consideration to the recommendations contained in the reports of the fact-finding mission;

16. *Reiterates* the importance of the full implementation of all recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis, including those on the right to a nationality and equal access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with all ethnic and religious minorities and persons in vulnerable situations, as well as civil society;

17. *Calls upon* the Government of Myanmar to make efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to Rohingya Muslims, by, inter alia, reviewing the 1982 Citizenship Law, which has led to the deprivation of human rights; by ensuring everyone's right to a nationality and equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights by allowing for self-identification; by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control; and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

18. *Urges* the Government of Myanmar to take all measures necessary to reverse and abandon policies, directives and practices that marginalize Rohingya Muslims and other minorities, to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or residential buildings belonging to all peoples, to ensure that all displaced persons, including Rohingya Muslims and persons belonging to other minorities, in Rakhine State and throughout Myanmar, including the 128,000 Rohingya and Kaman Muslims who have been confined in camps in central Rakhine since 2012, can return to their homes and properties with freedom of movement and unimpeded access to livelihoods and essential services, to review relevant laws, and to address the root causes of their vulnerability and forced displacement;

19. *Welcomes* the recent extension for one year of the memorandum of understanding between the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees to associate them to the implementation of bilateral arrangements with Bangladesh on the return of displaced persons from Rakhine State, and emphasizes the need for the Government of Myanmar to continue to cooperate fully with the Government of Bangladesh and with the United Nations, in particular the Office of the United Nations High Commissioner for Refugees, and in consultation with the populations concerned to enable the safe, voluntary, dignified sustainable and well-informed return of all refugees

and forcibly displaced persons, including internally displaced persons, to their places of origin in Myanmar, and to give returnees freedom of movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

20. *Calls upon* the Government of Myanmar, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, to take concrete steps towards the creation of a conducive environment for the voluntary safe, dignified and sustainable return of the forcibly displaced Rohingya residing in Bangladesh, and to disseminate authentic information, in partnership with the United Nations and other relevant actors, on the conditions in Rakhine State in order to reasonably address the core concerns of the Rohingya, thereby encouraging them to return to their places of origin;

21. *Expresses grave concern* at the continuing restrictions on humanitarian access, in particular in Rakhine, Chin, Kachin and Shan States, calls upon the Government of Myanmar to ensure full respect for international humanitarian law and to allow the full, safe and unhindered access of humanitarian personnel to all government-controlled and non-government-controlled areas, and to provide humanitarian assistance, including age- and gender-responsive assistance, as well as the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their tasks of assisting the affected civilian populations, including internally displaced persons, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisals;

22. *Encourages* the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to forcibly displaced Rohingya Muslims and other minorities until their return to their places of origin in Myanmar, and to assist Myanmar in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, including in Rakhine State, taking into account the vulnerable situation of women, children, older persons and persons with disabilities;

23. *Calls upon* the United Nations and encourages other international agencies to provide all support necessary for the Governments of Bangladesh and Myanmar to expedite the safe, voluntary, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities from Myanmar, including internally displaced persons, including through the early implementation of the memorandum of understanding signed by the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees;

24. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, and calls upon the home States of business enterprises operating in Myanmar to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations;

25. *Requests* the United Nations High Commissioner for Human Rights to follow up on the implementation of the recommendations made by the independent international fact-finding mission, including those on accountability, and to continue to track progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, and to present a written report thereon to the Human Rights Council at its forty-fifth session, to be followed by an enhanced interactive dialogue, and to the General Assembly at its seventy-fifth session;

26. *Decides* to transmit the reports of the independent international fact-finding mission on Myanmar to the General Assembly, and recommends that the Assembly transmit the reports to all relevant United Nations bodies, and requests the Chair of the independent international fact-finding mission to present the reports to the Assembly at its seventy-fourth session;

27. *Welcomes* the commitment of the Secretary-General to fully implement the recommendations contained in the report entitled "A brief and independent inquiry into the

involvement of the United Nations in Myanmar from 2010 to 2018” dated 29 May 2019, and invites the Secretary-General to ensure a system-wide approach in implementing those recommendations, to ensure that all involvement with Myanmar takes into account and addresses human rights concerns, and also invites him to include an update on the implementation of the recommendations in his presentation to the Human Rights Council at its forty-third session, in accordance with Council resolution 40/29.

*38th meeting  
26 September 2019*

[Adopted by a recorded vote of 37 to 2, with 7 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Croatia, Czechia, Denmark, Egypt, Eritrea, Fiji, Hungary, Iceland, Iraq, Italy, Mexico, Nigeria, Pakistan, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Slovakia, Somalia, South Africa, Spain, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay

*Against:*

China, Philippines

*Abstaining:*

Angola, Cameroon, Democratic Republic of the Congo, India, Japan, Nepal, Ukraine]

## **42/26. 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 and 39/14 of 28 September 2018,*

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

*Reaffirming that States have the primary responsibility 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 law, including the rule of law, international human rights law and international humanitarian law, as applicable,*

*Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and national unity of Burundi,*

*Recalling the Arusha Peace and Reconciliation Agreement for Burundi, which provides the foundation for peacebuilding and national reconciliation, and the strengthening of democracy, good governance, pluralism and the rule of law,*

*Considering that the international community, including the Human Rights Council, can play a relevant role in preventing human rights violations and abuses and in mitigating the risk of escalation of conflict and deterioration in humanitarian situations,*

*Underlining* the importance of holding elections in compliance with international law and standards, in particular credible, peaceful, transparent and inclusive elections, due to be held from 20 May 2020, as announced by the Independent National Electoral Commission,

*Recalling* the announcement of the decision made by the President of Burundi not to run in the 2020 presidential election, and welcoming the accreditation of opposition parties as an encouraging sign contributing to attaining a rule-based change of power and opening up public and democratic space,

*Noting* the efforts made by the international community, including the African Union and the East African Community, and the decision made by the Heads of State at the twentieth Ordinary Summit of the East African Community on 1 February 2019 to consult further on the inter-Burundian dialogue process, while underlining the importance of determining the next steps in resolving the Burundian crisis ahead of the 2020 elections,

*Taking note* of the report of the Secretary-General on the situation in Burundi,<sup>10</sup> and taking into consideration the observations and recommendations contained therein, including those on the importance of the inter-Burundian dialogue as a means to create a conducive environment in which the country can fulfil its potential and the people of Burundi can enjoy their rights and freedoms, including participation in credible and inclusive elections, of stepping up efforts to improve the security, human rights and humanitarian situations in the country before the 2020 elections, and of re-establishing cooperation with United Nations human rights mechanisms,

*Welcoming* the work of the Commission of Inquiry on Burundi, including its recent report<sup>11</sup> and the analysis of the risk factors for atrocity crimes contained therein, and deploring the persistent refusal by the Government of Burundi to cooperate with the Commission, including the deeply regrettable decision to declare the three members of the Commission of Inquiry on Burundi *personae non gratae*,

*Deploring* the threats, intimidation and personal attacks being directed by representatives of the Government of Burundi against the members of the Commission of Inquiry, including during the interactive dialogues held during the sessions of the Human Rights Council and the Third Committee of the General Assembly,

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

*Encouraging* the Government of Burundi to follow up on the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in order to facilitate the return of the Independent National Human Rights Commission of Burundi to full compliance with the principles relating to the status of national institutions for the promotion and protection of human right (the Paris Principles),

*Deeply regretting* the decision made by the Government of Burundi on 5 December 2018 to close the United Nations Human Rights Office in Burundi, while noting the Government's commitment to work with United Nations human rights mechanisms after the closure of the Office and to engage constructively,

1. *Condemns in the strongest terms* all persistent human rights violations and abuses in Burundi, particularly those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, acts of torture and of other ill-treatment, all acts of violence, including sexual and gender-based violence, persecution directed against members of civil society, journalists and bloggers, members of the political opposition and demonstrators, and severe restrictions on the freedoms of expression, peaceful assembly and association and of movement, contributing to creating a climate of fear and intimidation among the population;

<sup>10</sup> S/2018/1028.

<sup>11</sup> A/HRC/42/49.

2. *Urges* the Government of Burundi to enable a safe and open environment that ensures the right to freedom of opinion and expression and is conducive to the holding of free, peaceful, credible, transparent and inclusive elections, in accordance with international law and standards, and to end the practice of non-voluntary and forced financial contributions to the organization of elections;

3. *Calls upon* all parties to the electoral process to refrain from acts of violence, harassment and intimidation in the run-up to the elections, and calls upon the authorities to invite international and national observers to monitor the entire electoral process, in support of a transparent process;

4. *Urges* the Government of Burundi to put an immediate end to all human rights violations and abuses, to respect, protect and fulfil all human rights and fundamental freedoms for all, including freedom of expression, movement, assembly and association, to promote the rule of law and good governance, to end impunity for sexual violence, to ensure the safety, physical integrity and protection of its population, while fully adhering to international human rights law and humanitarian law, and to ensure that those who commit unlawful acts of violence are held accountable and brought to justice;

5. *Expresses grave concern* at the findings of the Commission of Inquiry on Burundi, which documents persistent human rights violations and abuses committed by the Burundian national security forces, including the national intelligence service, the police and the Imbonerakure, the youth wing of the ruling party, in a persistent climate of widespread impunity, while providing reasonable grounds to believe that some human rights violations may constitute crimes against humanity, as first stated by the Commission of Inquiry in its report covering the events of 2015 and 2016,<sup>12</sup> and reiterated in subsequent reports;

6. *Expresses particular concern* at accounts of sexual violence, including rape and gang rape of women and girls for purposes such as intimidation or punishment, associated with perceived political affiliation, as well as sexual violence against men, including genital torture;

7. *Also expresses particular concern* at the increasing role and latitude granted to the Imbonerakure, which the Commission of Inquiry found was being used as an auxiliary or substitute for law enforcement, particularly in the interior of the country, and in this context notes the possible responsibility of the Government of Burundi for the wrongful acts committed by the Imbonerakure;

8. *Condemns* the practice of widespread impunity for all human rights violations and abuses and related crimes, while noting that the few investigations opened by the Government of Burundi have not yielded credible or tangible results, and reaffirms its call upon the Burundian authorities to conduct full, impartial, independent, effective and thorough investigations into all violations and abuses so that all perpetrators, regardless of their affiliation, are held to account before a court and all victims have access to effective remedy and adequate reparation;

9. *Strongly urges* the Government of Burundi to give due consideration to the recommendations made by the Commission of Inquiry in its reports, and to implement them, including with a view to substantially reducing the risks identified in the Commission's most recent report, particularly in the electoral context, and to reconsider and revoke its decision to declare the three members of the Commission *personae non gratae*;

10. *Strongly condemns* all statements that incite discrimination, hate, violence or segregation against Burundian citizens, including civil society actors;

11. *Expresses deep concern* at the continued acts of intimidation and harassment against civil society and the arbitrary arrest, detention and criminalization of human rights defenders and civil society activists, and urges the Government of Burundi not to impose measures that restrict the capacity of non-governmental organizations to operate in a safe and enabling environment;

<sup>12</sup> [A/HRC/36/54](#) and [Corr.1](#).

12. *Welcomes* the release of more than 3,000 prisoners benefiting from a presidential pardon, and calls upon the Government of Burundi to release all human rights defenders and other persons who have been arbitrarily arrested and are still being detained;

13. *Urges* the Government of Burundi to re-establish the conditions for all media outlets to resume their activities, free from harassment and intimidation and without undue interference, while expressing deep concern at the recent decisions of the Government to limit the activities of media houses, including the suspension measures against several local and international media outlets, threats and attacks against several media, and decisions that undermine the benefits of a free press and the creation of an environment conducive to free, transparent, credible and inclusive elections;

14. *Calls upon* the Government of Burundi to follow up on and implement the recommendations accepted by the State in the context of its universal periodic review on 18 January 2018 and at its two previous reviews and to, inter alia, take the measures necessary to ensure that the newly constituted Independent National Human Rights Commission complies fully with the principles relating to the status of national institutions for the promotion and protection of human right (the Paris Principles);

15. *Notes* the conduct of an investigation opened by the Prosecutor of the International Criminal Court in April 2016 and effective as of 25 October 2017 following the decision of the Pre-Trial Chamber, which considered that the supporting materials presented by the Prosecutor offered a reasonable basis to proceed with an investigation in relation to crimes against humanity allegedly committed since at least 26 April 2015 by State agents and other groups, such as the Imbonerakure, implementing State policies, and stresses the relevance of the findings and the evidence collected by the Commission of Inquiry to international accountability mechanisms;

16. *Calls upon* the Government of Burundi to cooperate fully with the International Criminal Court in relation to the investigation that was authorized and initiated before the withdrawal of Burundi from the Rome Statute came into force;

17. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to allow special procedure mandate holders to enter and visit the country, to engage constructively with the regional office of the Office of the United Nations High Commissioner for Human Rights, and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council;

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

19. *Encourages* the Government of Burundi to cooperate, without preconditions, with the regionally-led mediation efforts to create conditions for an inclusive and genuine inter-Burundian dialogue that ensures the active participation of women and involves all relevant stakeholders, including civil society representatives, from both inside and outside the country;

20. *Expresses its deep concern* at the difficult situation of Burundians who have fled the country, including of the nearly 350,000 Burundians who are currently settled in five neighbouring countries, underlines the importance of upholding the voluntary nature of return for refugees and of ensuring that conditions in Burundi are conducive for sustainable refugee returns, calls upon Governments in the region to ensure that those returns are voluntary, in accordance with existing international agreements signed with the Office of the United Nations High Commissioner for Refugees, based on informed decisions and in safety and dignity, and welcomes the efforts of neighbouring countries and the international community to provide humanitarian support and international protection to those persons;

21. *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;



22. *Decides* to extend the mandate of the Commission of Inquiry on Burundi in order for it to deepen its investigations, including into respect for and observance of political, civil, economic and social rights in the electoral context, with particular reference to the economic underpinnings of the State, until it presents a final report to the Human Rights Council during an interactive dialogue at its forty-fifth session and to the General Assembly at its seventy-fifth session, and requests the Commission to present an oral briefing to the Council at its forty-third and forty-fourth sessions during an interactive dialogue;

23. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry, to authorize it to conduct country visits and to provide it with all the information necessary to properly fulfil its mandate;

24. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all the resources necessary to the Commission of Inquiry to allow it to properly fulfil its mandate;

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

*41st meeting  
27 September 2019*

[Adopted by a recorded vote of 23 to 11, with 13 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Cameroon, China, Cuba, Democratic Republic of the Congo, Egypt, Eritrea, Pakistan, Philippines, Saudi Arabia, Somalia, Togo

*Abstaining:*

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, India, Iraq, Nepal, Nigeria, Qatar, Senegal, South Africa, Tunisia]

## **42/28. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights**

*The Human Rights Council,*

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

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

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

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

*Taking note with appreciation* of all reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in particular noting with concern the trends presented in his most recent report,<sup>13</sup> including, inter alia, that acts of intimidation or reprisal can be more than isolated incidents,

<sup>13</sup> [A/HRC/42/30](#).

and can signal patterns; the growing self-censorship of victims and civil society actors who decide not to engage with the United Nations, both in the field and at Headquarters, out of fear for their safety or in contexts where human rights work is criminalized or publicly vilified; the use of national security arguments and counter-terrorism strategies by States as justification for blocking access to the United Nations; and that individuals in vulnerable situations or belonging to marginalized groups continue to be exposed to specific barriers, threats and violence in their engagement with the United Nations,

*Welcoming* the positive developments and good practices identified by the Secretary-General in his most recent report,<sup>13</sup> in particular in relation to the development of legislative frameworks that ensure the right to access, communicate and cooperate with regional and international bodies or guaranteeing recourse to international forums, and the development of guidelines against acts of intimidation and reprisal by various international bodies, and welcoming also the pledges by States to reject acts of intimidation or reprisal,

*Welcoming also* the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

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

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

*Noting with appreciation* the role that regional mechanisms can play, where appropriate, in preventing and addressing acts of intimidation or reprisal,

*Recognizing* the important role that national human rights institutions can play in preventing and addressing 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,

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

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

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

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the

United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms, and bearing in mind that this is indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

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

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

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

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

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

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

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

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

6. *Also urges* States to ensure accountability for any act of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments, and to prevent any recurrence;

7. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and pursuing accountability for all acts of intimidation or reprisal by State and non-State actors against any individual or group who seeks to cooperate, cooperates or has cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and by condemning publicly all such acts, underlining that these can never be justified;

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

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

10. *Invites* the Secretary-General to continue to provide the Office of the United Nations High Commissioner for Human Rights with adequate resources to prevent and

address allegations of acts of intimidation or reprisal in the most effective and gender-responsive manner, including by ensuring a safe and enabling environment for all those who seek to cooperate with the United Nations on human rights, including the Human Rights Council, its special procedures, the treaty bodies and other human rights mechanisms or United Nations forums;

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

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

13. *Encourages* the United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively a reference to credible allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State's response in their reports;

14. *Invites* the General Assembly to remain seized of all work in this area, including the annual reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

*41st meeting  
27 September 2019*

[Adopted by a recorded vote of 36 to 0, with 11 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Australia, Austria, Bahamas, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Croatia, Czechia, Democratic Republic of the Congo, Denmark, Fiji, Hungary, Iceland, India, Iraq, Italy, Japan, Mexico, Nepal, Pakistan, Peru, Rwanda, Senegal, Slovakia, South Africa, Spain, Togo, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

*Abstaining:*

Bahrain, Cameroon, China, Cuba, Egypt, Eritrea, Nigeria, Philippines, Qatar, Saudi Arabia, Somalia]

**42/29. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

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

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

*Recalling also* all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of

Action, and the International Decade for People of African Descent as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

*Recalling further* the General Assembly resolutions in this regard, in particular Assembly resolution 73/262 of 22 December 2018, and the imperative need for their full and effective implementation,

*Emphasizing* the International Convention on the Elimination of All Forms of Racial Discrimination as an important international instrument to combat all the scourges of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and underlining the imperative need to elaborate complementary international standards as recommended in paragraph 199 of the Durban Declaration and Programme of Action,

*Concerned* that many years have lapsed since the adoption of the Durban Declaration and Programme of Action, and regretting in this regard that its objectives have not been met,

*Concerned also*, in the above context, at the increasing incidents of racially motivated hatred in all its forms and manifestations, some of which have taken violent forms with concomitant racial profiling, precipitated by the resurgence of extremist nationalism and populism,

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

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

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

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

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

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

5. *Reaffirms* the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms

of Racial Discrimination, which, at its tenth session, commenced discussions on the elaboration of a draft additional protocol to the Convention;<sup>14</sup>

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, before the eleventh session of the Ad Hoc Committee, a two-day expert seminar, with two legal experts from each region in the relevant areas of law, a member of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in order to consider the elements of a draft additional protocol to the Convention prepared by the Ad Hoc Committee at its tenth session pursuant to General Assembly resolution 73/262 and Human Rights Council resolution 34/36, and to prepare a report on the deliberations and recommendations thereon and submit it to the Ad Hoc Committee at its eleventh session;

7. *Requests* the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action to convene its seventh session for five working days during 2020, and to submit a report to the General Assembly at its seventy-fifth session, and in this regard invites the Chair of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to engage in an interactive dialogue with the Assembly under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” at its seventy-fifth session;

8. *Deplores* the ongoing use of social media platforms to incite hatred and violence against migrants, refugees and asylum seekers, and calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated by information and communications technology;

9. *Reaffirms* the rights to freedom of expression, association and peaceful assembly, and that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law;

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

11. *Welcomes* the convening of regional meetings organized by the Office of the High Commissioner to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions at the meetings;

12. *Also welcomes* the constructive discussions held in Geneva on the modalities of the Forum on People of African Descent, and encourages the General Assembly to define them at its seventy-fourth session;

13. *Requests* the Office of the High Commissioner to commence preparations for the midterm review, in 2020, of the International Decade for People of African Descent;

14. *Requests* the High Commissioner, in her capacity as coordinator of the Decade, to submit a midterm report on her activities in follow-up to the implementation of the programme of activities within the framework of the Decade to the Human Rights Council at its forty-fifth session;

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<sup>14</sup> See [A/HRC/42/58](#).

15. *Requests* the Office of the High Commissioner to convene in 2020, from within existing resources and in cooperation with other relevant entities of the United Nations system, a midterm review of the Decade;

16. *Requests* the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to commence preparations for the commemoration, in 2021, of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, from within existing resources, and to submit a comprehensive report on its implementation to the Human Rights Council at its forty-fifth session and the General Assembly at its seventy-fifth session;

17. *Welcomes* the intention of the African Union to convene a consultative group for the project to establish at the United Nations Office at Geneva a memorial to the victims of slavery and the transatlantic slave trade, and invites Member States and all other actors to lend their support to the initiative;

18. *Acknowledges* the work done by the Office of the High Commissioner, and invites the High Commissioner to continue to attribute a high priority to the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

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

*41st meeting  
27 September 2019*

[Adopted without a vote.]

### III. Resolutions

#### 42/1. Composition of staff of the Office of the United Nations High Commissioner for Human Rights

*The Human Rights Council,*

*Recalling* paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

*Taking note* of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

*Reaffirming* the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, including in senior management positions,

*Underlining* that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, taking into account Article 101, paragraph 3 of the Charter of the United Nations, and expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

*Recognizing* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Requests* the United Nations High Commissioner for Human Rights, within her administrative responsibilities, to continue her efforts with a view to redress the current imbalance in the geographical composition of the staff of the Office of the High Commissioner, paying particularly attention to the senior management level and the posts not subject to geographical distribution;

2. *Emphasizes* the importance of continuing to pay special attention to the achievement of a gender balance in the composition of the staff, and recognizes the High Commissioner's commitment in that regard;

3. *Requests* the High Commissioner to submit a report on the geographical composition of the staff of the Office of the High Commissioner to the Human Rights Council at its forty-fifth session;

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

*38th meeting  
26 September 2019*

[Adopted by a recorded vote of 30 to 13, with 4 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Brazil, Chile, Japan, Somalia]



#### **42/4. 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* that it is the primary responsibility of the State to respect, protect and ensure the full enjoyment of all human rights and fundamental freedoms of its people,

*Reaffirming* the respect for the universal principles of sovereignty, territorial integrity, the free determination of peoples, the sovereign equality of States, non-intervention and non-interference in the internal affairs of States enshrined in the Charter and numerous international legal instruments,

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

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

*Recognizing* that unilateral coercive measures are exacerbating further the effects of the economic crisis, and thus the humanitarian situation,

*Welcoming* the technical mission conducted by the Office of the High Commissioner to the Bolivarian Republic of Venezuela from 11 to 22 March 2019,

*Welcoming also* 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 of the Bolivarian Republic of Venezuela to improve the situation of human rights in the country,

*Noting with satisfaction* the presence of officers from the Office of the High Commissioner in the Bolivarian Republic of Venezuela,

*Welcoming* the memorandum of understanding signed on 20 September 2019 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 through the 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,

*Taking fully into account* the recommendations contained in the report of the High Commissioner submitted to the Human Rights Council at its forty-first session,<sup>15</sup>

*Affirming* its strong conviction that to reach a peaceful, democratic and constitutional solution to the current situation in the Bolivarian Republic of Venezuela, it is necessary that the people of the Bolivarian Republic of Venezuela themselves find it without any military, security or foreign intelligence interference, and in this regard encouraging all relevant diplomatic efforts, inter alia, the facilitation by Norway and the work of the International Contact Group and the Montevideo Mechanism, aimed at promoting negotiations and political dialogue between the Government and the opposition to find a peaceful, democratic and constitutional solution in the Bolivarian Republic of Venezuela,

<sup>15</sup> [A/HRC/41/18](#).

*Recognizing* the political willingness shown by the Government of the Bolivarian Republic of Venezuela to cooperate with the High Commissioner and the Office of the High Commissioner,

*Taking into consideration* the fact that the High Commissioner reiterated her willingness to continue to provide the necessary technical cooperation and support to the Bolivarian Republic of Venezuela, including to institutions and victims, and to report on the situation,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela,<sup>15</sup> and calls upon the Government of the Bolivarian Republic of Venezuela to fully implement the recommendations contained therein;

2. *Also welcomes* the commitments made at the end of the visit of the United Nations High Commissioner for Human Rights to the Bolivarian Republic of Venezuela to address concerns with regard to the situation of human rights in the country, and calls upon the Government of the Bolivarian Republic of Venezuela to implement them fully and to continue to cooperate with the Office of the High Commissioner;

3. *Further welcomes* the permanent presence of the Office of the High Commissioner in the Bolivarian Republic of Venezuela under the terms established in the memorandum of understanding signed on 20 September 2019, including unlimited access to all regions and detention centres, and the strengthening of the judicial system and of institutional mechanisms for the protection of human rights existing in the Bolivarian Republic of Venezuela;

4. *Calls upon* the Venezuelan authorities to cooperate with the special procedures of the Human Rights Council in the fulfilment of their respective mandates, and to extend an invitation to mandate holders, as agreed upon with the Office of the High Commissioner;

5. *Welcomes* 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;

6. *Also welcomes* the decision of the Government of the Bolivarian Republic of Venezuela to gradually authorize humanitarian assistance from the United Nations and other relevant international organizations;

7. *Further welcomes* the United Nations humanitarian response plan for the Bolivarian Republic of Venezuela launched in August 2019, requests Governments to facilitate its implementation, and calls upon the international community, States and United Nations agencies to support this important initiative;

8. *Expresses its concern* at the imposition of extraterritorial unilateral coercive measures on the Bolivarian Republic of Venezuela, which have exacerbated further the effects of the economic crisis, and thus the humanitarian situation of the Venezuelan people, as stated by the High Commissioner when presenting her report to the Human Rights Council at its forty-first session;

9. *Urges* the Venezuelan authorities to take all measures necessary to guarantee the full enjoyment of the rights to food, water and the highest attainable standard of physical and mental health, including access to essential medicines and health services, without discrimination;

10. *Encourages* both the Government of the Bolivarian Republic of Venezuela and the opposition to continue to advance down the path of genuine political dialogue to reach a peaceful, democratic and constitutional solution that will allow the full respect, protection and promotion of human rights in the Bolivarian Republic of Venezuela;

11. *Requests* the High Commissioner to present to the Council, at its forty-third and forty-fifth sessions, as well as before the end of 2019, an oral update on the situation of human rights in the Bolivarian Republic of Venezuela, and a comprehensive written report on the situation of human rights at its forty-fourth session, including the outcomes of the

investigation on the ground into allegations of possible human rights violations of the human rights to life, liberty and physical and moral integrity in the country, to ensure the accountability of perpetrators and redress for victims.

*38th meeting  
26 September 2019*

[Adopted by a recorded vote of 18 to 6, with 23 abstentions. The voting was as follows:

*In favour:*

Angola, Burkina Faso, Cameroon, China, Cuba, Egypt, Eritrea, Fiji, Iraq, Mexico, Nepal, Pakistan, Philippines, Qatar, Rwanda, South Africa, Tunisia, Uruguay

*Against:*

Argentina, Australia, Brazil, Chile, Peru, Ukraine

*Abstaining:*

Afghanistan, Austria, Bahamas, Bahrain, Bangladesh, Bulgaria, Croatia, Czechia, Democratic Republic of the Congo, Denmark, Hungary, Iceland, India, Italy, Japan, Nigeria, Saudi Arabia, Senegal, Slovakia, Somalia, Spain, Togo, United Kingdom of Great Britain and Northern Ireland]

## **42/5. The human rights to safe drinking water and sanitation**

*The Human Rights Council,*

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

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

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

*Reaffirming* all previous Human Rights Council resolutions on the human rights to safe drinking water and sanitation,

*Recalling* all previous General Assembly resolutions on the human rights to safe drinking water and sanitation, including resolution 64/292 of 28 July 2010,

1. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation;<sup>16</sup>
2. *Decides* to extend the mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation for a period of three years;
3. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;
4. *Also requests* the Special Rapporteur, in view of the tenth anniversary of General Assembly resolution 64/292 and Human Rights Council resolution 15/9 of 30 September 2010 recognizing the human rights to safe drinking water and sanitation, to initiate and participate in awareness-raising activities, including through social media and with the use of accessible materials, and in collaboration with States, to compile good practices at the local, national, regional and international levels in order to promote the

<sup>16</sup> A/HRC/42/47 and Add.1–6.

progressive realization of the human rights to safe drinking water and sanitation, and to report thereon to the Human Rights Council at its forty-fifth session;

5. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the implementation of the human rights to safe drinking water and sanitation;

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

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

8. *Decides* to continue its consideration of this matter.

39th meeting  
26 September 2019

[Adopted without a vote.]

## **42/6. The role of prevention in the promotion and protection of human rights**

*The Human Rights Council,*

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

*Reaffirming also* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, and the outcomes of major United Nations conferences and relevant resolutions adopted by the General Assembly and the Human Rights Council,

*Recalling* the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006,

*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,

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

*Expressing concern* at continued human rights violations around the world,

*Recalling* its resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011,

*Reaffirming* its resolutions 14/5 of 17 June 2010, 18/13 of 29 September 2011, 24/16 of 27 September 2013 and 33/6 of 29 September 2016,

*Acknowledging* its resolution 38/18 of 6 July 2018, in which the Human Rights Council mandated the convening of two intersessional seminars on the contribution that the Council can make to the prevention of human rights violations,

1. *Affirms* the importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights;

2. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations and abuses;

3. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations, including by, inter alia:

- (a) Considering ratifying international human rights conventions and covenants;
- (b) Fully implementing international human rights conventions and covenants to which they are party;
- (c) Enhancing and developing good governance, democratic systems, the rule of law and accountability;
- (d) Adopting policies to ensure the enjoyment of all human rights, including civil, political, economic, social and cultural rights;
- (e) Addressing all forms of discrimination, including racial discrimination;
- (f) Addressing factors, inter alia inequality and poverty, that may lead to situations in which human rights violations are committed;
- (g) Promoting a free and active civil society;
- (h) Promoting freedom of opinion and expression;
- (i) Ensuring, where they exist, strong and independent national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
- (j) Promoting human rights education and training;
- (k) Ensuring an independent and functioning judiciary;
- (l) Fighting corruption;

4. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations, and encourages States to strengthen the mandate and capacity of such institutions, where they exist, to enable them to fulfil this role effectively in accordance with the Paris Principles;

5. *Continues* to invite national human rights institutions to consider addressing the issue of the role of prevention in the promotion and protection of human rights in the framework of relevant international and regional forums;

6. *Welcomes* the role of civil society in contributing to the promotion of human rights and the prevention of human rights violations;

7. *Acknowledges* that, in its resolution 60/251, the General Assembly decided that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

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

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

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

11. *Invites* the special procedures, in accordance with their mandates, to continue to identify and incorporate practical approaches to the prevention of human rights violations and abuses in their assessments and recommendations, and to explore further

ways to contribute to enhancing cooperation of United Nations actors towards better achieving the preventive mandate of the United Nations system;

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

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

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

15. *Welcomes* the summary of the Office of the High Commissioner of the expert workshop on the role and contribution of civil society organizations, academia, national human rights institutions and other relevant stakeholders in the prevention of human rights abuses,<sup>17</sup> and the conclusions and recommendations contained therein, submitted to the Council at its thirty-ninth session;

16. *Affirms* the primary responsibility of States to strengthen rule of law institutions and to provide effective frameworks for all prevention efforts, including those of civil society actors, academics and national human rights institutions in fulfilling their monitoring, reporting and advocacy functions;

17. *Requests* the Office of the High Commissioner to prepare a study, to be presented to the Human Rights Council at its forty-fifth session, on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses;

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

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/7. World Programme for Human Rights Education: adoption of the plan of action for the fourth phase**

*The Human Rights Council,*

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

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

*Recalling* General Assembly resolution 59/113 A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education, and

<sup>17</sup> [A/HRC/39/24](#).

resolution 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should promote human rights education and learning,

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

*Recalling* its resolutions on the World Programme for Human Rights Education,

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

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

*Recalling* Human Rights Council resolution 39/3 of 27 September 2018, in which the Council decided to make youth the focus group of the fourth phase of the World Programme and to align the fourth phase with the 2030 Agenda for Sustainable Development and specifically with target 4.7 of the Sustainable Development Goals, and requested the Office of the United Nations High Commissioner for Human Rights to prepare a plan of action for the fourth phase,

*Noting* the United Nations Youth Strategy launched by the Secretary-General in September 2018, which commits the United Nations to step up efforts to protect and promote the rights of young people and to support their civic and political engagement, including through human rights education,

1. *Takes note with appreciation* of the draft plan of action for the fourth phase (2020–2024) of the World Programme for Human Rights Education, and welcomes the efforts of the Office of the United Nations High Commissioner for Human Rights in preparing the said draft plan of action in consultation with States, relevant intergovernmental organizations, national human rights institutions, civil society and youth;

2. *Adopts* the plan of action for the fourth phase (2020–2024) of the World Programme for Human Rights Education;

3. *Calls upon* all States and other relevant stakeholders to develop initiatives in accordance with the World Programme and, in particular, to implement, within their capabilities, the plan of action for the fourth phase, and encourages States to submit their midterm progress reports and final national evaluation reports on the implementation of the fourth phase to the Office of the High Commissioner, as specified in the plan of action;

4. *Encourages* States and relevant stakeholders, during the fourth phase of the World Programme, to strengthen efforts to advance also the implementation of the three previous phases, including by undertaking their own activities in support of all four phases;

5. *Requests* the Office of the High Commissioner, in close cooperation with relevant United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, the Office of the Secretary-General's Envoy on Youth, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund, to promote the national implementation of the plan of action, to provide technical assistance when requested and to coordinate related international efforts;

6. *Appeals* to relevant organs, bodies and agencies of the United Nations system, and to all other international and regional intergovernmental and non-governmental organizations, within their respective mandates, to promote and provide technical assistance when requested for the national implementation of the plan of action;

7. *Encourages* all national human rights institutions to assist in the implementation of human rights education programmes, in accordance with the plan of action;

8. *Requests* the Office of the High Commissioner, the United Nations Educational, Scientific and Cultural Organization, the Office of the Secretary-General's Envoy on Youth and the United Nations Entity for Gender Equality and the Empowerment of Women to disseminate the plan of action widely among States, intergovernmental and non-governmental organizations, national human rights institutions and civil society;

9. *Reminds* States of the need to prepare and submit their national evaluation reports on the third phase of the World Programme to the Office of the High Commissioner by April 2020;

10. *Requests* the Office of the High Commissioner to submit a final report on the implementation of the third phase of the World Programme, based on national evaluation reports, to the Human Rights Council at its forty-fifth session;

11. *Decides* to follow up on the implementation of the World Programme in 2022, and requests the Office of the High Commissioner to prepare, from within existing resources, a midterm progress report on the implementation of the fourth phase of the World Programme and to submit it to the Council at its fifty-first session;

12. *Also decides* to convene at its forty-eighth session a high-level panel discussion to mark the tenth anniversary of the United Nations Declaration on Human Rights Education and Training on the theme "The tenth anniversary of the United Nations Declaration on Human Rights Education and Training: good practices, challenges and the way forward", decides further that the discussion will be fully accessible to persons with disabilities, and requests the Office of the High Commissioner to prepare a summary report of the discussion and to submit it to the Human Rights Council by its forty-ninth session.

*39th meeting*  
*26 September 2019*

[Adopted without a vote.]

## **42/8. Promotion of a democratic and equitable international order**

*The Human Rights Council,*

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

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

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



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

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

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

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

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

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

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

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. *Calls upon* Member States and the United Nations system to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation, increased equality of opportunities for trade, economic growth, sustainable development, global communications, increased intercultural exchange and the preservation and promotion of cultural diversity;

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

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

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

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

(d) The right of all peoples to peace;

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

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

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

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

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

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

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

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

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

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

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

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

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

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

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

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

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

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

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

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

16. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;<sup>18</sup>

17. *Invites* the Independent Expert to examine the impact of financial and economic policies pursued by international financial institutions on a democratic and equitable international order, in particular those of the World Bank and the International Monetary Fund;

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

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

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

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

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

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

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

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

39th meeting  
26 September 2019

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

<sup>18</sup> A/HRC/42/48.

*In favour:*

Angola, Bahamas, Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Egypt, Eritrea, Fiji, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, Uruguay

*Against:*

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

*Abstaining:*

Afghanistan, Argentina, Brazil, Chile, Democratic Republic of the Congo, Mexico, Peru, Togo]

## **42/9. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

### *The Human Rights Council,*

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

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

*Recalling further* Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

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

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

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

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

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

*Convinced* that, regardless of the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

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

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

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

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

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

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

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

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

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

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

11. *Recognizes* that mercenary activity is a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the

mercenary or mercenaries, and upon those who have planned and ordered their criminal activity;

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

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

14. *Acknowledges with appreciation* the work and contributions of the Working Group, including its research activities, and takes note of its most recent report;<sup>19</sup>

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

16. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term “mercenary” drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,<sup>20</sup> and also the evolving phenomenon of mercenaries and its related forms;

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

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

19. *Renews* for a period of three years the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination for it to continue to undertake the tasks described by the Human Rights Council in its resolution 7/21 of 28 March 2008 and in all other relevant resolutions on the subject;

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

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

22. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of

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

<sup>20</sup> E/CN.4/2004/15.

the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the Human Rights Council at its forty-fifth session and to the General Assembly at its seventy-fifth session;

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

*39th meeting  
26 September 2019*

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

*In favour:*

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

*Against:*

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

*Abstaining:*

Afghanistan, Brazil, Democratic Republic of the Congo, Mexico]

#### **42/10. Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

*The Human Rights Council,*

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

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

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

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

*Recalling* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,<sup>21</sup>

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

*Deeply concerned* that the global estimate of the number of people subjected to contemporary forms of slavery is 40.3 million, of which 28.7 million are women and girls and one in four are children,<sup>22</sup>

<sup>21</sup> [General Assembly resolution 70/1.](#)

<sup>22</sup> [A/HRC/42/44.](#)



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

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

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

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

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

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

*Bearing in mind* the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur, in particular the need for rehabilitation and assistance for victims of contemporary forms of slavery,

1. *Welcomes* the work and the thematic reports of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including those on the impact of slavery and servitude on marginalized migrant women workers in the global domestic economy and on current and emerging forms of slavery;<sup>23</sup>

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

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

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

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

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

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

<sup>23</sup> [A/HRC/36/43](#), [A/HRC/39/52](#) and [A/HRC/42/44](#).

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

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

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

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

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

(c) To participate in relevant international dialogues and policy forums related to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goal 8, and to advise States, intergovernmental organizations, civil society and other stakeholders on the effective respect, protection and fulfilment of human rights of those affected by contemporary forms of slavery in the implementation of the 2030 Agenda, and to undertake thematic research on the effective implementation of Goal 8, with a particular focus on target 8.7;<sup>24</sup>

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

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

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

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

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

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

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[Adopted without a vote.]

<sup>24</sup> Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

## 42/11. Human rights in the administration of justice, including juvenile justice

*The Human Rights Council,*

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

*Recalling* the Universal Declaration of Human Rights and all relevant international treaties, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, as well as the International Convention for the Protection of All Persons from Enforced Disappearance, and encouraging all States that have not ratified or acceded to the aforementioned treaties to consider doing so expeditiously,

*Bearing in mind* the numerous other international standards and norms in the field of administration of justice, in particular of juvenile justice, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

*Recalling* all resolutions of the Commission on Human Rights, the Human Rights Council, the General Assembly and the Economic and Social Council relevant to the subject, in particular Human Rights Council resolution 36/16 of 29 September 2017, General Assembly resolution 73/177 of 17 December 2018 and Economic and Social Council resolution 2017/19 of 6 July 2017,

*Noting with appreciation* the work of all special procedures of the Human Rights Council that address human rights in the administration of justice in the discharge of their mandates,

*Noting with interest* the work of all human rights treaty body mechanisms on human rights in the administration of justice, in particular the adoption by the Human Rights Committee of its general comments No. 21 (1992) on humane treatment of prisoners deprived of their liberty, No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, No. 35 (2014) on liberty and security of person and No. 36 (2018) on the right to life, noting with interest also the adoption by the Committee on the Rights of the Child of its general comments No. 24 (2019) on children's rights in the child justice system replacing general comment No. 10 (2007) on children's rights in juvenile justice, and No. 13 (2011) on the right of the child to freedom from all forms of violence, and noting with interest further the adoption by the Committee on the Elimination of Racial Discrimination of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and by the Committee on the Elimination of Discrimination against Women of its general recommendation No. 33 (2015) on women's access to justice,

*Noting with appreciation* the important work in the field of the administration of justice of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the United Nations Development Programme, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

*Convinced* that the independence and impartiality of the judiciary, and the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, and for

ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

*Recognizing* the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by incarceration, persons deprived of their liberty retain their non-derogable human rights and all other human rights and fundamental freedoms,

*Recognizing also* that States have a duty of care to take any measures necessary to protect the lives and bodily integrity of individuals deprived of their liberty by the State, and noting that failure to conduct independent, impartial and effective investigations into the death or serious injury of a person while in the custody of the State can give rise to a rebuttable presumption of responsibility of the State, in accordance with the State's international and regional human rights obligations and commitments,

*Aware* of the need for special vigilance and safeguards with regard to the specific situation of suspects and offenders who are children, women, persons with disabilities, persons belonging to national or ethnic, religious and linguistic minorities and other persons with increased vulnerability in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to violence, abuse, injustice and humiliation,

*Recognizing* that women in detention or imprisonment have certain different needs, including different health-care needs, and in this context noting the importance of gender-sensitive justice systems, including for the prevention of sexual and gender-based violence,

*Reaffirming* that the best interests of the child must be a primary consideration in all decisions concerning the deprivation of liberty and, in particular, that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children should be separated from adults to the greatest extent feasible, unless it is considered in the child's best interest not to be,

*Concerned* about reports that mortality rates of persons deprived of liberty are often much higher than among the general population and that violence is prevalent in situations of deprivation of liberty,

*Recognizing* that inadequate conditions of detention, overcrowding, understaffing, lack of adequate access to health care, and lack of adequate investigations and accountability as well as of complaint mechanisms can be important contributing factors to violence, death and serious injuries, including through self-harm, in situations of deprivation of liberty,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on violence, death and serious injury in situations of deprivation of liberty;<sup>25</sup>

2. *Calls upon* States to spare no effort to provide for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of all United Nations standards on human rights in the administration of justice, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and invites them to assess their national legislation and practice in accordance with those standards;

3. *Invites* States to take into consideration the issue of human rights in the administration of justice in the context of the universal periodic review;

4. *Also invites* States to include in their efforts to implement the 2030 Agenda for Sustainable Development and their national development plans the administration of justice as an integral part of the development process;

5. *Stresses* that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person, and permitting prompt and regular medical care and legal counsel throughout all stages of detention, as well as visits by family members and independent monitoring mechanisms, are effective

<sup>25</sup> A/HRC/42/20.

measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment as well as other forms of violence leading to death and serious injuries in situations of deprivation of liberty;

6. *Urges* all States to consider establishing, maintaining or enhancing independent mechanisms with the mandate to monitor all places of detention, including by making unannounced visits, and to hold private interviews without witnesses with all persons deprived of their liberty;

7. *Calls upon* States to maintain or establish independent, effective, accessible, safe, and, if so requested, confidential request and complaint mechanisms for detainees and prisoners that promptly deal with and reply to these and have the capacity to provide remedial action;

8. *Also calls upon* States to ensure a proper file and data management system on prisoners that allows the tracking of the number of persons deprived of their liberty, their detention period, offences or grounds for detention, and developments regarding the prison population, and encourages States to collect, compile and analyse other up-to-date, comprehensive and disaggregated data about the circumstances and causes of violence, death and serious injury in situations of deprivation of liberty;

9. *Recalls* the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law, and calls upon States to address and prevent detention conditions of persons deprived of their liberty that amount to torture or other cruel, inhuman or degrading treatment or punishment;

10. *Calls upon* States to investigate promptly, effectively and impartially all alleged human rights violations and abuses suffered by persons deprived of their liberty, in particular cases involving violence, death, serious injury, torture and cruel, inhuman or degrading treatment or punishment, to provide effective remedies to victims and to ensure that any custodial death, disappearance or serious injury is reported without delay to a judicial or other competent authority that is independent of the detention administration and that detention administrations cooperate fully with the investigating authority and preserve all evidence;

11. *Also calls upon* States to address and prevent violence in situations of deprivation of liberty, including inter-prisoner violence, by taking effective measures, such as reasserting responsible control over prisons and prison populations where prisons are de facto managed by prisoners, keeping the different categories of prisoners separated, taking account of their sex, age, criminal records, the legal reason for their detention and the necessities of their treatment, ensuring good and safe working conditions for staff and avoiding understaffing;

12. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including by enhancing the availability and use of alternatives to pretrial detention and custodial sentences, access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency and capacity of the criminal justice system and its facilities, and to make use in this regard of, inter alia, the United Nations Office on Drugs and Crime *Handbook on Strategies to Reduce Overcrowding in Prisons*;

13. *Calls upon* States to review penal policies, including sentencing policies, practices and guidelines, that can contribute to overincarceration and overcrowding, and to apply the principle of proportionality, in particular regarding so-called “zero-tolerance policies”, such as the application of mandatory pretrial detention and mandatory minimum sentences, including life imprisonment sentences, especially for minor and/or non-violent crimes;

14. *Underscores* the particular importance of providing appropriate training in the administration of justice, including for prosecutorial, judicial and prison authorities, with a view to preventing all forms of violence and human rights violations and abuses, raising awareness of and eliminating prejudice and discrimination, ensuring proportionate sentencing and enhancing the implementation of non-custodial measures at the pretrial and post-conviction stages;

15. *Calls upon* States to develop and implement clear policies and regulations on the conduct of and use of force and restraint by staff in accordance with international norms and standards, including those aimed at providing maximum protection for women deprived of their liberty from any gender-based physical or verbal violence, abuse and sexual harassment;

16. *Urges* States to take all necessary and effective measures to prevent and respond to all forms of violence against children within the justice system, and to consider applying the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,<sup>26</sup> as appropriate, in the design, implementation, monitoring and evaluation of laws, policies, programmes, budgets and mechanisms aimed at eliminating violence against children in the field of crime prevention and criminal justice, and encourages them to support and to benefit from the programme proposed by the United Nations Office on Drugs and Crime and the United Nations Children's Fund in this regard;

17. *Encourages* States not to set the minimum age of criminal responsibility at too low an age, bearing in mind the emotional, mental and intellectual maturity of the child, and in this regard refers to the recommendation of the Committee on the Rights of the Child to increase the minimum age of criminal responsibility to at least 14 years of age;

18. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment is imposed for offences committed by persons under 18 years of age;

19. *Calls upon* States to consider establishing or strengthening existing independent, child-friendly and gender-sensitive national monitoring and complaints mechanisms so as to contribute to safeguarding the rights of children deprived of their liberty;

20. *Welcomes* the work on the in-depth global study on children deprived of liberty,<sup>27</sup> and the submission of the report on the global study<sup>28</sup> to the General Assembly;

21. *Invites* States, upon their request, to benefit from the technical advice and assistance provided by the relevant United Nations agencies and programmes in order to strengthen their national capacities and infrastructures in the field of the administration of justice, including in addressing overcrowding, overincarceration and violence against children in the field of crime prevention and criminal justice, and calls upon the High Commissioner to strengthen advisory services and technical assistance in this regard;

22. *Calls upon* relevant special procedures of the Human Rights Council to pay special attention to questions relating to the effective protection of human rights in the administration of justice, including issues relating to violence, death and serious injury in situations of deprivation of liberty;

23. *Invites* States to take into account aspects relating to human rights in the administration of justice at the upcoming Fourteenth United Nations Congress on Crime Prevention and Criminal Justice to be held in Kyoto, Japan, from 20 to 27 April 2020;

24. *Requests* the High Commissioner to submit to the Human Rights Council, at its forty-seventh session, an analytical report on human rights in the administration of justice, in particular on current and emerging challenges in the protection of persons deprived of their liberty, including judicial oversight, drawing on the experience of United Nations and regional human rights mechanisms and seeking the views of States, including on their policies and best practices, civil society, and other relevant stakeholders;

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

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26 September 2019*

[Adopted without a vote.]

<sup>26</sup> General Assembly resolution 69/194, annex.

<sup>27</sup> See General Assembly resolution 69/157, para. 52 (d).

<sup>28</sup> See A/74/136.

## 42/12. The human rights of older persons

*The Human Rights Council,*

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

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

*Reaffirming the Vienna Declaration and Programme of Action,*

*Bearing in mind the Political Declaration and the Madrid International Plan of Action on Ageing of 2002, and all other relevant General Assembly resolutions,*

*Recalling General Assembly resolution 70/164 of 17 December 2015 on measures to enhance the promotion and protection of the human rights and dignity of older persons, and Human Rights Council resolutions 21/23 of 28 September 2012, 24/20 of 27 September 2013 and 33/5 of 29 September 2016 on the human rights of older persons,*

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

*Recognizing the importance of the mandate of the Independent Expert on the enjoyment of all human rights by older persons in raising awareness of the rights of older persons, and taking note with appreciation of the reports of the Independent Expert<sup>29</sup> and of the Open-ended Working Group on Ageing,<sup>30</sup> which is open to all States Members of the United Nations, for the purpose of strengthening the protection of the human rights of older persons,*

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

1. *Welcomes* the work of the Independent Expert on the enjoyment of all human rights by older persons;
2. *Decides* to extend the mandate of the Independent Expert on the enjoyment of all human rights by older persons for a period of three years according to the terms set out by the Human Rights Council in its resolution 33/5;
3. *Requests* all Governments to cooperate with the Independent Expert, and invites them to provide the mandate holder with all necessary information relating to the mandate;
4. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;
5. *Also requests* the Independent Expert to work in close coordination, while avoiding unnecessary duplication, with the Open-ended Working Group on Ageing, including by participating in its annual session;
6. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions and civil society, and invites the private sector, donors and development agencies, to cooperate fully with the Independent Expert to enable the mandate holder to fulfil the mandate;

<sup>29</sup> [A/HRC/42/43](#) and [Add.1-2](#).

<sup>30</sup> [A/AC.278/2019/2](#).

7. *Requests* the Secretary-General to ensure that the reports of the Independent Expert are brought to the attention of the Open-ended Working Group on Ageing, in accordance with paragraphs 1 and 3 of General Assembly resolution 67/139 of 20 December 2012, and to the Assembly;

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

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/13. The right to social security**

*The Human Rights Council,*

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

*Recognizing* the responsibility of States to respect and protect all human rights, including the right to social security,

*Recalling* the Universal Declaration of Human Rights, in particular articles 22 and 25 thereof, the International Covenants on Human Rights and other relevant international human rights instruments,

*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights, and particularly article 9 thereof, which explicitly recognizes the right of everyone to social security, including social insurance,

*Recalling further* 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* International Labour Organization Convention No. 102 concerning Minimum Standards of Social Security (1952) and Recommendation No. 202 concerning National Floors of Social Protection (2012),

*Recalling also* General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and reiterating specifically Sustainable Development Goal 1 on ending poverty in all its forms everywhere and on implementing nationally appropriate social protection systems and measures for all, including floors, and achieving substantial coverage of the poor and the vulnerable by 2030,

*Recalling further* the International Labour Organization Centenary Declaration for the Future of Work, adopted by the International Labour Conference on 21 June 2019 at its 108th session, and in this regard welcoming the Organization’s contribution to the 2019 high-level political forum on sustainable development,

*Emphasizing* that States should undertake to guarantee that the right to social security is to be exercised without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Underscoring* the equal right of men and women to the enjoyment of all human rights, including the right to social security, and recognizing that women during their life cycle are subject to discrimination in the context of realizing their rights on an equal basis with men owing to structural impediments, including their disproportionate share of unpaid care and domestic work, as well as gender biases and gaps in the design and implementation of social security systems, and welcoming in this regard the agreed conclusions of the Commission on the Status of Women at its sixty-third session on social



protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls,

*Underscoring also* that efforts to realize the right to social security should be inclusive and accessible to all, and noting in particular that persons with disabilities are disproportionately affected by the abridgment of their right to social security,

*Recognizing* that progress has been made in achieving accessible, available, eligible and adequate social security, yet deeply concerned that many persons in all regions continue to face significant obstacles and multiple and intersecting forms of discrimination in exercising their right to social security and to receive benefits and services on an equal basis with others, particularly in developing countries, while recognizing that the fulfilment of the right to social security contributes to the full enjoyment of all human rights and fundamental freedoms,

*Acknowledging* the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote full and productive employment and decent work for all and the full realization of the right to social security using a human rights-based approach,

*Acknowledging also* the efforts of the International Social Security Association, which aims to promote excellence in social security administration by means of professional guidelines, expert knowledge, services and support to enable its members to develop dynamic social security systems and policies throughout the world, and of the Global Partnership for Universal Social Protection, which aims to make pensions and maternity, disability and child benefits, among others, available to all persons, closing the gap for hundreds of millions currently unprotected worldwide,

1. *Decides* to convene, before its forty-fifth session, an intersessional full-day panel discussion on the right to social security in the changing world of work with a view of identifying challenges and best practices, and also decides that the discussion will be fully accessible to persons with disabilities;

2. *Requests* the United Nations High Commissioner for Human Rights to organize the panel discussion in consultation with States, relevant United Nations agencies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, including organizations representing social security right-holders, academia or academics, national human rights institutions and specialized national equality bodies and financial institutions as appropriate with a view to ensuring their participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its forty-sixth session;

4. *Invites* the relevant mechanisms of the Human Rights Council and the treaty bodies to continue to pay particular attention to the realization of the right to social security;

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/14. Marking the twenty-fifth anniversary of the Beijing Declaration and Platform for Action**

*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 Covenants on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international human rights instruments,

*Reaffirming also* the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995, and taking note of the outcome documents of its review conferences, and reaffirming also the General Assembly resolution 70/1 of 25 September 2015, in which the Assembly adopted the 2030 Agenda for Sustainable Development, and the obligation of all States to promote and protect the full and equal enjoyment of all human rights by all women and girls,

*Noting that 2020 marks the twenty-fifth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action, which have contributed greatly to the progress made towards achieving gender equality and the empowerment of women and girls,*

*Welcoming the progress made towards achieving gender equality and the empowerment of all women and girls while stressing that challenges and obstacles remain in the implementation of the Beijing Declaration and Platform for Action,*

1. *Decides to convene, during the high-level segment at its forty-third session, a high-level panel discussion to commemorate the twenty-fifth anniversary of the Fourth World Conference on Women, with a particular focus on the implementation of the Beijing Declaration and Platform for Action and the outcome documents of its review conferences, as well as on achievements, best practices and challenges in this regard;*

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

3. *Also requests the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its forty-fifth session and to the General Assembly at its seventy-fifth session.*

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/15. The right to privacy in the digital age**

*The Human Rights Council,*

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

*Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and other relevant international human rights instrument,*

*Reaffirming also the Vienna Declaration and Programme of Action,*

*Reiterating the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,*

*Recalling all previous General Assembly and the Human Rights Council resolutions on the right to privacy in the digital age, as well as other relevant resolutions,*

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

*Welcoming* the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,<sup>31</sup> noting with interest its reports thereon, and recalling the expert workshop on the right to privacy in the digital age held by the Office on 19 and 20 February 2018,

*Welcoming also* the work of the Special Rapporteur on the right to privacy, and taking note of his reports, as well as of the contributions to the promotion and protection of the right to privacy made by other special procedures of the Human Rights Council,

*Taking note* of the Secretary-General's strategy on new technologies, including the work of the High-level Panel on Digital Cooperation and its report *The Age of Digital Interdependence* submitted to the Secretary-General on 10 June 2019,

*Noting* the adoption of the principles on personal data protection and privacy by the High-level Committee on Management on 11 October 2018,

*Noting with appreciation* general comment No. 16 (1988) of the Human Rights Committee on the right to privacy, and its recommendation that States take effective measures to prevent the unlawful retention, processing and use of personal data stored by public authorities and business enterprises, while also noting the vast technological leaps that have taken place since its adoption and the need to address the right to privacy in view of the challenges of the digital age,

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

*Recognizing* that the right to privacy can enable the enjoyment of other rights and the free development of an individual's personality and identity, and an individual's ability to participate in political, economic, social and cultural life, and noting with concern that violations or abuses of the right to privacy might affect the enjoyment of other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

*Recalling* that the General Assembly in its resolution 73/179 of 17 December 2018, encouraged the Human Rights Council to remain actively seized of the debate, and invited all relevant stakeholders to further discuss how profiling, automated decision-making and machine-learning technologies, sometimes referred to as artificial intelligence, without proper safeguards, impact the enjoyment of the right to privacy, for the purpose of clarifying existing principles and standards and identifying best practices regarding the promotion and protection of the right to privacy,

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

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

*Noting* that the rapid pace of technological development enables individuals all over the world to use information and communications technology, and at the same time enhances the capacity of Governments, business enterprises and individuals to undertake

<sup>31</sup> [A/HRC/39/29](#).

surveillance, interception, hacking and data collection, which may violate or abuse human rights, in particular the right to privacy, and is therefore an issue of increasing concern,

*Noting also* that violations and abuses of the right to privacy in the digital age may affect all individuals, with particular effects on women, as well as children, persons with disabilities and those who are vulnerable and marginalized,

*Recognizing* the need for Governments, the private sector, international organizations, civil society, the technical and academic communities and all relevant stakeholders to be cognizant of the impact, opportunities and challenges of rapid technological change on the promotion and protection of human rights, as well as of its potential to facilitate efforts, to accelerate human progress and to promote and protect human rights and fundamental freedoms,

*Noting* that the use of artificial intelligence can contribute to the promotion and protection of human rights, and can also have far-reaching and global implications, including with regard to the right to privacy, that are transforming Governments and societies, economic sectors and the world of work,

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

*Noting* that the use of artificial intelligence may, without adequate safeguards, pose the risk of reinforcing discrimination, including structural inequalities,

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

*Noting with concern* that automatic processing of personal data for individual profiling, automated decision-making and machine learning technologies may, without adequate safeguards, lead to discrimination or decisions that otherwise have the potential to affect the enjoyment of human rights, including economic, social and cultural rights, and recognizing the need to apply international human rights law in the design, development, deployment, evaluation and regulation of these technologies, and to ensure they are subject to adequate safeguards and oversight,

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

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

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

*Noting* the increase in the collection of sensitive biometric information from individuals, and stressing that States must respect their human rights obligations and that business enterprises should respect the right to privacy and other human rights when

collecting, processing, sharing and storing biometric information by, inter alia, adopting of data protection policies and safeguards,

*Noting also* that, while the prevention and suppression of terrorism and violent extremism conducive to terrorism is a public interest of great importance, and while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

*Emphasizing* that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association, and recognizing that States should refrain from employing unlawful or arbitrary surveillance techniques,

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

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

3. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technology as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

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

5. *Acknowledges* that the use, deployment and further development of new and emerging technologies, such as artificial intelligence, can impact the enjoyment of the right to privacy and other human rights, and that the risks to the right to privacy can and should be minimized by adopting adequate regulation or other appropriate mechanisms, including by taking into account international human rights law in the design, development and deployment of new and emerging technologies, such as artificial intelligence, by ensuring a safe, secure and high-quality data infrastructure and by developing human-centred auditing mechanisms, as well as redress mechanisms;

6. *Calls upon* all States:

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

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

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

(d) To ensure that any measures taken to counter terrorism and violent extremism conducive to terrorism that interfere with the right to privacy are consistent with the principles of legality, necessity and proportionality, and comply with their obligations under international law;

(e) To establish or maintain existing independent, effective, adequately resourced and impartial judicial, administrative and/or parliamentary domestic oversight

mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data;

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

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

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

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

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

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

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

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

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

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

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

(b) To inform users about the collection, use, sharing and retention of their data that may affect their right to privacy and to establish transparency and policies that allow for the informed consent of users, as appropriate;

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

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

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

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

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

10. *Requests* the United Nations High Commissioner for Human Rights to organize, before the forty-fourth session of the Human Rights Council, a one-day expert seminar to discuss how artificial intelligence, including profiling, automated decision-making and machine-learning technologies may, without proper safeguards, affect the enjoyment of the right to privacy, to prepare a thematic report on the issue and to submit it to the Council at its forty-fifth session;

11. *Encourages* States, relevant United Nations agencies, funds and programmes, intergovernmental organizations, treaty bodies, the special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions, business enterprises, the technical community and other relevant stakeholders to participate actively in the expert seminar;

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/16. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Human Rights Council,*

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

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

*Reaffirming also* the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

*Recalling* that mental health is an integral part of the right of everyone to the enjoyment of the highest attainable standard of health,

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", and welcoming the Sustainable Development Goals, particularly, inter alia, Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, and other health-related Goals and targets,

*Recalling* Human Rights Council resolutions 6/29 of 14 December 2007, 15/22 of 27 September 2010, 24/6 of 8 October 2013 and 33/9 of 29 September 2016, and all previous resolutions of the Commission on Human Rights and the Council on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recognizing* the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health, and to address the underlying and social determinants of health,

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

1. *Welcomes* the work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Takes note* of the reports of the Special Rapporteur submitted to the Human Rights Council at its thirty-fifth, thirty-eighth and forty-first sessions;<sup>32</sup>

3. *Decides* to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as established by the Human Rights Council in paragraph 1 of its resolution 6/29, for a further period of three years;

4. *Encourages* the Special Rapporteur, in fulfilling the mandate, to continue to take into account and support the implementation of the health-related Sustainable Development Goals and targets;

5. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, and to give due consideration to the recommendations made by the mandate holder;

6. *Encourages* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable the mandate holder to fulfil the mandate effectively;

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

8. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate, with a view to maximizing the benefits of the reporting process;

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/17. Human rights and transitional justice**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August

<sup>32</sup> [A/HRC/35/21](#) and [Add.1–2](#), [A/HRC/38/36](#) and [Add.1–2](#), and [A/HRC/41/34](#) and [Add.1–2](#).



1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

*Recalling* Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009, 21/15 of 27 September 2012 and 33/19 of 30 September 2016, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, General Assembly resolution 68/165 of 18 December 2013, on the right to the truth, as well as Council resolutions 18/7 of 29 September 2011, 27/3 of 25 September 2014 and 36/7 of 28 September 2017, on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

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

*Recalling further* the set of principles for the protection and promotion of human rights through action to combat impunity,<sup>33</sup> and the updated version of those principles,<sup>34</sup>

*Recalling* the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies<sup>35</sup> and his follow-up report on the same topic,<sup>36</sup> including the relevant recommendations contained therein, and his reports issued in 2006,<sup>37</sup> 2012,<sup>38</sup> 2013<sup>39</sup> and 2014<sup>40</sup> outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

*Recalling also* the guidance note of the Secretary-General on the United Nations approach to transitional justice of 19 April 2010, and noting that it is currently being revised to address the contemporary challenges of transitional justice,

*Acknowledging* General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, including its goals and targets, inter alia Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and recognizing that transitional justice can contribute to this Goal, inter alia through its objectives of combating impunity, granting access to justice and transforming conflict,

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

<sup>33</sup> E/CN.4/Sub.2/1997/20/Rev.1, annex II.

<sup>34</sup> E/CN.4/2005/102/Add.1.

<sup>35</sup> S/2004/616.

<sup>36</sup> S/2011/634.

<sup>37</sup> A/61/636-S/2006/980 and Corr.1.

<sup>38</sup> A/66/749.

<sup>39</sup> S/2013/341.

<sup>40</sup> A/68/213/Add.1 and A/69/181.

*Welcoming* the report of the Secretary-General on peacebuilding and sustaining peace<sup>41</sup> describing the restructuring of the peace and security pillar of the United Nations, management reform and the reinvigorated resident coordinators system,

*Taking note* of the United Nations-World Bank group study *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* of 13 April 2018 and of such initiatives as the Pathfinders for Peaceful, Just and Inclusive Societies,

*Affirming* that impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, and also to the furtherance of cooperation among peoples and the promotion of international peace and security,

*Acknowledging* that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of past atrocities or similar violations and contribute to sustainable peace and development,

*Underlining* the fact that, when designing and implementing strategies, policies and measures to address gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, the specific context of each situation must be taken into account with a view to preventing the recurrence of future violations and to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels with a view to promoting reconciliation, sustainable peace and development,

*Emphasizing* the importance of a comprehensive transitional justice approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, memorialization initiatives, and processes to achieve shared 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 and international humanitarian law,

*Recognizing* the importance of assisting States that have undergone past atrocities, upon their request and in cooperation with them, in devising national comprehensive transitional justice strategies with a view to addressing the needs of victims and their right to an effective remedy, to preventing the recurrence of past atrocities or similar violations, to avoiding relapsing into conflict or other forms of violence and to ensuring sustainable peace and reconciliation, acknowledging that the implementation of such a strategy can contribute to both peacebuilding and development efforts, and encouraging the international community to support such processes in a more sustainable manner,

*Welcoming* the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and to promote the rule of law, and encouraging further efforts to ensure that a gender perspective and an approach that is victim-centred and addresses the root causes are fully integrated into all of these activities,

*Welcoming also* the role of the Office of the United Nations High Commissioner for Human Rights in relation to transitional justice and human rights, including its conceptual and analytical work, and the increased efforts of the United Nations system for joint planning and implementation across the pillars of the United Nations,

*Welcoming further* the role of the Peacebuilding Commission and its consistent efforts, in cooperation with national and transitional Governments and in consultation with relevant United Nations entities, to incorporate human rights when advising on and supporting country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

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<sup>41</sup> A/72/707-S/2018/43.

*Welcoming* the investment of the Peacebuilding Fund in projects addressing critical gaps in sustaining peace,

*Recognizing* the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

*Recognizing also* the importance of documenting gross human rights violations and abuses and serious violations of international humanitarian law for the purpose of accountability, the fight against impunity and as a contribution to transitional justice processes, and welcoming the efforts of the Human Rights Council and its mechanisms in this regard,

*Taking note with appreciation* of the work and reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,<sup>42</sup>

*Reaffirming* the important role of women in peacebuilding, and noting the substantial link between women's full and meaningful involvement in efforts to prevent, resolve and rebuild from conflict and the effectiveness and long-term sustainability of those efforts, and stressing in this regard the importance of women's equal participation in all these efforts and the need to increase women's role in decision-making with regard to conflict prevention and resolution and peacebuilding,

*Recognizing* the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in preventing gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity from being committed, or in addressing their legacy by promoting the right to the truth, justice, reparation and guarantees of non-recurrence,

1. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

2. *Also recognizes* that national efforts to sustain peace, with the support of the international community as applicable, are necessary not only during conflict and in post-conflict situations but also long before conflict breaks out, through the prevention of conflict and addressing its root causes and by ensuring that the respect of human rights and efforts for sustainable development can contribute to lasting peace;

3. *Encourages* States to include best practices and lessons learned from transitional justice processes in their efforts to realize Sustainable Development Goal 16 and, where appropriate, to fund transitional justice measures as part of their development efforts;

4. *Condemns* impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, emphasizes the responsibility of States to comply with their obligations under international law to end impunity, and urges States to seek sustainable peace, justice, truth and reconciliation through comprehensive transitional justice strategies, in particular to thoroughly investigate and prosecute those responsible for such violations and crimes, in order to avoid their recurrence, and to promote reconciliation at the national level;

5. *Calls upon* States, where relevant, to develop and implement comprehensive transitional justice strategies and to establish judicial and non-judicial mechanisms in order to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent their recurrence;

6. *Encourages* States and regional and international organizations to acknowledge and support the important role of civil society in addressing gross violations and abuses of human rights and serious violations of international humanitarian law,

<sup>42</sup> [A/HRC/39/53](#), [A/HRC/42/45](#), [A/72/523](#) and [A/73/336](#).

including genocide, war crimes, ethnic cleansing and crimes against humanity, and, where relevant, in the promotion, implementation and monitoring of comprehensive transitional justice approaches and efforts;

7. *Reaffirms* the important role of women in the prevention, in mediation and the resolution of conflicts, in peacebuilding and in development efforts, and stresses the importance of their equal participation and full involvement in the design, establishment and implementation of comprehensive transitional justice strategies;

8. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls, in order to ensure gender sensitivity in the restoration of the rule of law and transitional justice processes;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to examine in a report how addressing a legacy of gross violations and abuses of human rights and serious violations of international humanitarian law through transitional justice measures can contribute to sustaining peace and the realization of Sustainable Development Goal 16, and to present the report to the Human Rights Council at its forty-sixth session;

10. *Also requests* the Office of the High Commissioner, in preparing the above-mentioned report, to consult with States, relevant United Nations mandate holders, other relevant entities of the United Nations Secretariat, relevant United Nations agencies, funds and programmes, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners;

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/18. 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 of which being Assembly resolutions 73/305 of 28 June 2019, 73/174 of 17 December 2018, 72/246 of 24 December 2017, 72/180 of 19 December 2017, 72/165 of 19 December 2017 and 72/129 of 8 December 2017, and reaffirming Human Rights Council resolutions 34/8 of 23 March 2017, 35/34 of 24 June 2017, 37/27 of 23 March 2018 and 40/16 of 22 March 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 its sixth review, in General Assembly resolution 72/284 of 26 June 2018,

*Reaffirming further* 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 and, while stressing the need to promote and protect the rights of victims of terrorism, thereby advancing an approach that fully respects the human rights of victims of terrorism, in particular women and children, 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 and 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, and 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, as well as the work done by civil society organizations for victims of terrorism, and 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 respective 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 line 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 effects 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.

39th meeting  
26 September 2019

[Adopted without a vote.]

## **42/19. 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 to achieve 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 it applies to indigenous peoples,

*Appreciating* the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference 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,

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

*Taking note* of the report of the Expert Mechanism on recognition, reparation and reconciliation,<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 borders, migration and displacement,<sup>44</sup> and encouraging States to advance the advice therein regarding the causes and consequences of migration and displacement of indigenous peoples within the context of their human rights obligations,

*Taking note further* of the report of the Special Rapporteur on the rights of indigenous peoples on access to justice in the ordinary and indigenous justice systems,<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 special 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,

*Recognizing* the thirtieth anniversary of the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and welcoming the participation of the Special Rapporteur and the Expert Mechanism in the

<sup>43</sup> [A/HRC/EMRIP/2019/3](#).

<sup>44</sup> See [A/HRC/42/56](#).

<sup>45</sup> [A/HRC/42/37](#).

recent Global Dialogue on the Indigenous and Tribal Peoples Convention, 1989 (No. 169) convened by the Organization,

*Recognizing also* that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, 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 further* 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>46</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, and 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 World Conference on Indigenous Peoples outcome document adopted by consensus by the General Assembly in 2014,<sup>47</sup>

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

*Bearing in mind* the importance of the empowerment and capacity-building of indigenous women and young persons, including 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 health, 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,

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, including the official visits made and her reports,<sup>49</sup> and encourages all Governments to respond favourably to the requests of the mandate holder for visits;

3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report<sup>50</sup> and 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 these reports for 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;

<sup>46</sup> FCCC/CP/2015/10/Add.1.

<sup>47</sup> General Assembly resolution 69/2.

<sup>48</sup> A/HRC/42/19.

<sup>49</sup> A/HRC/42/37 and Add.1–2.

<sup>50</sup> A/HRC/42/55.

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 encourages 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, and encourages all parties to consider the Expert Mechanism's initiation of country engagements upon the request of States and indigenous peoples;

7. *Notes* that the next study of the Expert Mechanism, to be finalized by its thirteenth session, will focus on the theme of the rights of indigenous peoples to lands, territories and resources, 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, and in that regard supports the proclamation of an international decade of indigenous languages;

9. *Recalls* that the Human Rights Council decided in its resolution 39/13 that the theme of the annual half-day panel discussion on the rights of indigenous peoples, to be held during the forty-fifth session of the Council, would be the protection of indigenous human rights defenders, and requests the Office of the High Commissioner to encourage and facilitate the participation of indigenous women and to make the discussion fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;

10. *Welcomes* the half-day intersessional interactive dialogue, held on 15 July 2019, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them, and looks forward to the summary report to be prepared thereon by the Office of the High Commissioner for submission to the Council prior its forty-fourth session;

11. *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 during the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples;

12. *Also decides* to hold an intersessional round table on possible steps to be taken to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them, to allow for the broadest participation of Member States and indigenous peoples, with the full and effective participation of indigenous peoples' representatives and institutions from the seven indigenous sociocultural regions represented at the thirteenth session of the Expert Mechanism;

13. *Requests* the President of the Human Rights Council or a representative thereof to participate as co-chair of the intersessional round table, calls upon the indigenous peoples participating to nominate a co-chair for the round table, and requests the co-chairs and the Office of the High Commissioner to prepare a summary report on the round table and to present it to the Council at its forty-fifth session;

14. *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;

15. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

16. *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 in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

17. *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, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

18. *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;

19. *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;

20. *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;

21. *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;

22. *Calls upon* States in all regions that 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;

23. *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;

24. *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 and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

25. *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;

26. *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;

27. *Notes with great concern* the increase in cases of reprisals 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 respective United Nations mandate holders;

28. *Urges* States to ensure that all human rights violations and abuses against indigenous peoples and indigenous human rights defenders, including indigenous women, are investigated and the perpetrators are held accountable, and to take measures to prevent such events;

29. *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;

30. *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;

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/20. Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples**

*The Human Rights Council,*

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

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

*Recalling also* Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues, and Human Rights Council resolutions 6/12 of 28 September 2007, 15/14 of 30 September 2010, 24/9 of 26

September 2013 and 33/12 of 29 September 2016 on the mandate of Special Rapporteur on the rights of indigenous peoples,

1. *Decides* to renew the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years:

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

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

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

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

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

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

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

(h) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of the mandate;

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

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

2. *Requests* the Special Rapporteur to participate, upon invitation, in relevant international dialogues and policy forums on the consequences that climate change has on indigenous peoples, to undertake thematic research and to develop cooperation dialogue with States, intergovernmental organizations, civil society and other stakeholders on effective and sustainable practices;

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

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

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

6. *Urges* all Governments to address all allegations and to condemn reprisals against United Nations mandate holders working on the rights of indigenous peoples;

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

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/21. Protection of the rights of workers exposed to 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, the Declaration on the Right to Development and the conventions of the International Labour Organization,

*Recalling* General Assembly resolution 70/1 of 25 September 2015, in which the Assembly adopted the 2030 Agenda for Sustainable Development, including target 4 of Sustainable Development Goal 12 thereof on achieving 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 Sustainable Development Goals,

*Recognizing* the need to reduce the adverse health impact of environmental and occupational exposure to hazardous substances, while emphasizing preventive strategies,

*Recalling* the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to the enjoyment of just and favourable conditions of work, which ensure safe and healthy working conditions,

*Recognizing* that the enjoyment of the right of each worker to the highest attainable standard of physical and mental health can be undermined by unsafe exposure to hazardous substances at work,

*Recognizing also* the right of women to protection of health and safety in the workplace, including the safeguarding of the function of reproduction,

*Recognizing further* the duty of States to prevent unsafe occupational exposure to hazardous substances and the corresponding responsibility of businesses, as recognized, inter alia, in the Guiding Principles on Business and Human Rights, to the enjoyment of the highest attainable standard of physical and mental health,

*Recalling* the Constitution of the International Labour Organization and the Declaration concerning the aims and purposes of the Organization (Declaration of Philadelphia) adopted by the General Conference of the International Labour Organization at its twenty-sixth session in May 1944, which affirmed the need for protection for the life and health of workers in all occupations,

*Recognizing* the solemn obligation of the International Labour Organization to further among the nations of the world programmes that will achieve, inter alia, adequate protection for the life and health of workers in all occupations,

*Recalling* the outcome report of the Global Commission on the Future of Work in January 2019 and the ILO Centenary Declaration for the Future of Work adopted by the International Labour Conference at its 108th session,

*Recalling also* the declaration in the Constitution of the World Health Organization of the right to enjoyment of the highest attainable standard of health, and the Declaration on Occupational Health for All approved at the second meeting of the WHO Collaborating Centres in Occupational Health, in October 1994, recognizing the urgent need to develop occupational health at a time when rapid changes in working life are affecting both the health of workers and the health of the environment in all countries of the world,

*Taking note* of resolution 49.12 of the World Health Assembly, of 1996, and the Declaration on Workers Health approved at the seventh meeting of the WHO Collaborating Centres for Occupational Health, in June 2006, acknowledging the potential to prevent and solve many problems by incorporating workers' health into policies on employment, social and economic development, trade and environmental protection,

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

1. *Condemns* the violations and abuses of the rights of workers in all parts of the world through unsafe exposure to toxic and hazardous substances, as reported each year and addressed in reports and discussions at the national, regional and global levels;

2. *Acknowledges* the need to bridge relevant discussions on the rights of workers within the labour, human rights and environmental health forums as part of efforts to inform States, United Nations agencies and other relevant stakeholders of the human rights impacts of exposure to toxic substances, including in the implementation of Sustainable Development Goals 8 and 12 on decent work and sustainable consumption and production respectively;

3. *Notes with concern* that millions of workers globally die each year from unsafe or unhealthy conditions of work despite clear human rights obligations relating to the protection of their health;

4. *Notes with concern also* that although it has been recognized globally for more than 50 years, and despite specific efforts in certain countries and contexts, the right of everyone to the enjoyment of just and favourable conditions of work, as well as other interrelated and interdependent human rights of workers, continues to remain insufficiently implemented and realized, particularly with regard to unsafe occupational exposure to hazardous substances;

5. *Takes note with appreciation* of the reports of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes highlighting the global crisis confronting workers exposed to toxic substances, based on the work of several successive mandate holders, including the most recent report<sup>51</sup> in which the Special Rapporteur outlined key challenges and proposed 15 principles to help States, businesses and other key actors to protect workers from unsafe toxic exposures and to provide remedies for violations and abuses of workers' rights;

6. *Encourages* States, business enterprises and other actors to implement the above-mentioned principles through their respective legal and policy frameworks and through initiatives and programmes to strengthen the coherence between human rights and occupational health and safety standards with regard to the exposure of workers to toxic substances;

7. *Urges* States to safeguard reproductive health from unsafe exposure to hazardous substances at work as an obligation of States in the elimination of discrimination against women in employment;

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<sup>51</sup> [A/HRC/42/41](#).



8. *Encourages* the International Labour Organization and the World Health Organization to continue their efforts directed at reinforcing occupational health and safety standards;

9. *Urges* the strengthening of the global regime for chemicals management to prevent and minimize unsafe exposure to hazardous substances and to promote the right of everyone, including workers, to the enjoyment of the highest attainable standard of physical and mental health and to just and favourable conditions of work;

10. *Decides* to continue its consideration of this matter.

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/22. Arbitrary detention**

*The Human Rights Council,*

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

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

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

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

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

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

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

2. *Takes note with interest* of the latest reports of the Working Group,<sup>52</sup> including the issues and recommendations contained therein;

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

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

5. *Encourages* all States:

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

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

<sup>52</sup> [A/HRC/42/39](#) and [Add.1](#), [A/HRC/39/45](#) and [Add.1–2](#), [A/HRC/36/37](#) and [Add.1–3](#) and [A/HRC/36/38](#).

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

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

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

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

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

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

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

6. *Recognizes* that persons who are unlawfully or arbitrarily deprived of their liberty are vulnerable to extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, and to other human rights violations;

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

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

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

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

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

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

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

14. *Requests* the Working Group to prepare, as suggested by the Working Group in its report submitted to the Human Rights Council at its thirtieth session,<sup>53</sup> in close consultation with Member States, civil society, relevant international and regional organizations, United Nations agencies, funds and programmes, particularly the United Nations Office on Drugs and Crime, in full respect of the mandates of the United Nations Office on Drugs and Crime and of the Working Group, and with the support of the Office of the United Nations High Commissioner for Human Rights, a study on arbitrary detention relating to drug policies to ensure that upholding the prohibition thereon is included as part of an effective criminal justice response to drug-related crimes, in accordance with international law, and that such a response also encompasses legal guarantees and due process safeguards, in accordance with the recommendation on this issue contained in the outcome document adopted by the General Assembly on 19 April 2016 at its special session,<sup>54</sup> and to submit a report thereon to the Council at its forty-seventh session, and to bring the report to the attention of the Commission on Narcotic Drugs as the policymaking body of the United Nations with prime responsibility for drug-control matters;

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

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

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

*39th meeting  
26 September 2019*

[Adopted without a vote.]

## **42/23. The right to development**

*The Human Rights Council,*

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

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

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

*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 39/9 of 27 September 2018 and Assembly resolution 73/166 of 17 December 2018,

*Recalling* the outcome document of the United Nations Conference on Sustainable Development, held from 20 to 22 June 2012, entitled “The future we want”,<sup>55</sup> which

<sup>53</sup> [A/HRC/30/36](#).

<sup>54</sup> [Resolution S-30/1](#).

<sup>55</sup> [General Assembly resolution 66/288](#).

reaffirmed the commitment of the international community to sustainable development and to ensuring the promotion of an economically, socially and environmentally sustainable future for the planet and for present and future generations,

*Recalling also* 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>56</sup>

*Welcoming* the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a 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, 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,

*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 nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development<sup>57</sup> 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 provides a vital enabling environment for the full realization of the Sustainable Development Goals,

*Recognizing* that achieving the internationally agreed development goals, including the unmet Millennium Development Goals, 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 inequality is a major obstacle to the realization of the right to development within and across countries,

*Recognizing* 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

<sup>56</sup> General Assembly resolution 73/291.

<sup>57</sup> General Assembly resolution 70/1.

reiterating the need to achieve sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

*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 the 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,

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

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

*Underlining* that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order, and the promotion and protection of all human rights and fundamental freedoms,

*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 the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

*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 the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, 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,

*Reaffirming* that the celebration of the anniversary of the Declaration on the Right to Development presents a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

*Stressing* that, in General Assembly resolution 48/141 of 20 December 1993, the 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,

*Recognizing* the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development 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,

*Welcoming* the discussions held by the Working Group on the Right to Development 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,

*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 mechanism in a systematic and transparent manner;

2. *Welcomes* the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;<sup>58</sup>

3. *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;

4. *Urges* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, 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 on the Right to Development;

5. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention 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 Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard;

6. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group on the Right to Development to fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4;

7. *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;

8. *Welcomes* all celebrations held to commemorate the anniversary of the Declaration on the Right to Development, particularly the celebrations held to commemorate its thirtieth anniversary in 2016, which included the annual high-level panel discussion on human rights mainstreaming, with the theme “The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development”, convened at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development, convened at the thirty-second session of the Council, and the high-level segment of the General Assembly to commemorate the thirtieth anniversary of the Declaration, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, accord the right to development the great attention it deserves, and to redouble their efforts towards the realization of the right to development;

<sup>58</sup> [A/HRC/42/29](#).

9. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on its twentieth session;<sup>59</sup>

10. *Stresses* the importance of the core principles contained in the conclusions of the Working Group on the Right to Development at its third session<sup>60</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;

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

12. *Welcomes* the re-election of the Chair-Rapporteur of the Working Group on the Right to Development and the skill with which he led the discussions at the twentieth session, and looks forward to the presentation of a draft legally binding instrument on the right to development, as mandated by the Human Rights Council in its resolution 39/9;

13. *Notes* the presentation to the Working Group on the Right to Development at its nineteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,<sup>61</sup> which is a useful basis for further deliberations on the implementation and realization of the right to development;

14. *Acknowledges* the preparation by the secretariat of a paper containing comments and views submitted by Governments, groups of Governments, regional groups and stakeholders on the criteria and operational subcriteria of the right to development;<sup>62</sup>

15. *Acknowledges with appreciation* the proposal by the Movement of Non-Aligned Countries on a set of standards regarding the implementation and realization of the right to development<sup>63</sup> and its further contributions aimed at finalizing the criteria and subcriteria of the right to development;<sup>64</sup>

16. *Requests* the High Commissioner to engage experts and to facilitate their participation in the twenty-first session of the Working Group on the Right to Development, to provide advice with a view to contributing to discussions on the elaboration of a draft legally binding instrument on the right to development as part of the implementation and realization of the right to development, including the implications of the 2030 Agenda, and looks forward to the possible engagement of the Working Group with the high-level political forum on sustainable development;

17. *Welcomes* the report of the Special Rapporteur on the right to development,<sup>65</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;

18. *Stresses* that South-South cooperation is not a substitute for but rather 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;

<sup>59</sup> [A/HRC/42/35](#) and [Corr.1](#).

<sup>60</sup> See [E/CN.4/2002/28/Rev.1](#).

<sup>61</sup> [A/HRC/WG.2/17/2](#).

<sup>62</sup> [A/HRC/WG.2/18/CRP.1](#).

<sup>63</sup> [A/HRC/WG.2/18/G/1](#).

<sup>64</sup> See [A/HRC/WG.2/18/CRP.1](#).

<sup>65</sup> [A/HRC/42/38](#).

19. *Welcomes* the work of the Special Rapporteur on the right to development, in particular the consultations with States and the regional consultations already held by the Special Rapporteur on the implementation of the right to development;

20. *Decides*:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and the Sustainable Development Goals, and in this regard lead 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;

(b) To endorse the recommendations of the Working Group on the Right to Development adopted at its twentieth session;<sup>66</sup>

(c) That the Working Group will take into account all resolutions on the right to development, in particular Human Rights Council resolutions 9/3, 36/9 of 28 September 2017 and 39/9;

(d) That the Working Group will invite the Special Rapporteur on the right to development, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, to its twenty-first session;

(e) That the Chair-Rapporteur of the Working Group, at its twenty-first session, will present a draft legally binding instrument on the basis of the discussions held during the twentieth session of the Working Group and the resource material from its previous sessions, for substantive negotiations on the draft legally binding instrument prepared;

(f) That the Chair-Rapporteur of the Working Group will conduct further consultations with all Member States, international organizations, the Special Rapporteur on the right to development, the Office of the High Commissioner, United Nations agencies, regional economic commissions and other relevant organizations on the elaboration of a draft legally binding instrument, taking into account the discussions held at the twentieth session of the Working Group, and the presentations made by the experts invited thereto;

(g) That the Working Group, at its twenty-first session, will commence the elaboration of a draft legally binding instrument on the right to development on the basis of the draft prepared by the Chair-Rapporteur, through a collaborative process of engagement;

21. *Welcomes* the work of the Human Rights Council Advisory Committee in the preparation of a research-based report on the importance of a legally binding instrument on right to development, and looks forward to the presentation of that report to the Council at its forty-fifth session;

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

23. *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 Special Rapporteur in his various activities, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his mandate;

24. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in his tasks, to supply all necessary information requested by the mandate holder, where available, and to consider responding favourably to his requests to visit their countries to enable him to fulfil his mandate effectively;

25. *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,

<sup>66</sup> See [A/HRC/42/35](#) and [Corr.1](#).



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;

26. *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;

27. *Decides* to organize a biennial panel discussion on the right to development, starting at its forty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, requests the conference services to make the biennial panel discussion fully accessible to persons with disabilities, including sign language interpretation, and requests the Office of High Commissioner to prepare a report on the panel discussion and to submit it to the Human Rights Council at its forty-sixth session;

28. *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 mandate;

29. *Decides*, in order to assist the Human Rights Council in the implementation of the right to development, to establish a subsidiary expert mechanism to provide the Council with thematic expertise on the right to development in searching for, identifying and sharing best practices with Member States and to promote the implementation of the right to development worldwide;

30. *Also decides* that the expert mechanism shall consist of five independent experts, the selection of which shall be carried out in accordance with the procedure established in paragraphs 39 to 53 of the annex to Human Rights Council resolution 5/1;

31. *Further decides* that the members of the expert mechanism shall serve for a three-year period, and may be re-elected for one additional period;

32. *Decides* that the expert mechanism shall report annually to the Human Rights Council on its work, to be followed by an interactive dialogue with the Council;

33. *Also decides* that the expert mechanism shall meet once annually for three days in Geneva and once annually for three days in New York, and that the sessions may be a combination of open and private meetings;

34. *Further decides* that the annual meeting of the expert mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on development issues, and non-governmental organizations in consultative status with the Economic and Social Council;

35. *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 for Sustainable Development, to contribute further to the work of the Working Group on the Right to Development, and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development;

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

*40th meeting  
27 September 2019*

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

*In favour:*

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

*Against:*

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

*Abstaining:*

Argentina, Brazil, Chile, Iceland, Mexico, Peru, Uruguay]

## **42/24. The question of the death penalty**

*The Human Rights Council,*

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

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and all other relevant international human rights instruments, and reaffirming that all States must implement their obligations under international human rights law,

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

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

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

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

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

*Taking note* of the reports of the Secretary-General on the question of the death penalty, in the latest of which the Secretary-General examined the impact of the resumption of the use of the death penalty on human rights, paying specific attention to the incompatibility of the use of the death penalty with international human rights obligations, the restriction of the use of the death penalty to “the most serious crimes”, the disproportionality of applying it for any other crimes not resulting directly and intentionally in death, and the due process guarantees affected by its resumption,<sup>67</sup>

<sup>67</sup> A/HRC/42/28.

*Acknowledging* the report of the Office of the United Nations High Commissioner for Human Rights on the high-level panel discussion on the question of the death penalty,<sup>68</sup> according to which the panel had concluded by noting that it was nearly impossible to apply the death penalty without discrimination and so, to avoid irreversible miscarriages of justice and arbitrary killing, it should not be applied,

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

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

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

*Welcoming* the fact that the international trend towards the abolition of the death penalty is continuing,

*Welcoming also* the fact that many States are applying a moratorium on the use of the death penalty,

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

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

*Noting* that, according to the Human Rights Committee, States parties to the International Covenant on Civil and Political Rights that have abolished the death penalty are barred from reintroducing it, and the abolition of the death penalty is legally irrevocable,

*Noting also* that the reinstatement of the death penalty by a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights is a violation of international law,

*Recalling* article 6 (6) of the International Covenant on Civil and Political Rights, which states that nothing in that article shall be invoked to delay or to prevent the abolition of capital punishment by any State party to the Covenant, and bearing in mind that, according to the Human Rights Committee, States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future,

*Noting* that, according to the Human Rights Committee, the term “the most serious crimes” must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing, and that crimes not resulting directly and intentionally in death, such as attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, and drug and sexual offences, although serious in nature, can never serve as the basis for the imposition of the death penalty,

*Expressing concern* that several States have widened their application of the death penalty to include terrorist offences not resulting directly and intentionally in death, which may not reach the high bar of “the most serious crimes”,

*Stressing* that under no circumstances can the death penalty ever be applied as a sanction against specific forms of conduct, such as adultery, blasphemy, homosexuality, apostasy, establishing political opposition groups or offending a head of State, and that

<sup>68</sup> [A/HRC/42/25](#).

States parties that retain the death penalty for such offences commit a violation of their international obligations,

*Stressing also* that the Secretary-General, in his report on the question of the death penalty,<sup>69</sup> states that there is no evidence that the death penalty deters drug-related or other crime more than other methods of punishment,

*Condemning* the resumption of the death penalty, in particular for any crimes that do not qualify as “the most serious crimes”,

*Recalling* that, particularly in capital punishment cases, States are required to ensure that all persons benefit from a fair trial and a guarantee of due process and to provide adequate assistance of legal counsel at every stage of the proceedings, including during detention and arrest, without discrimination of any kind,

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

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

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

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

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

3. *Calls upon* States that have abolished the death penalty or apply a moratorium on its use not to resume the use of the death penalty, and reminds States that are States parties to the International Covenant on Civil and Political Rights and have abolished the death penalty that they are barred from reintroducing it;

4. *Calls upon* States that still apply the death penalty to limit its use to “the most serious crimes” and to remove from national laws any application of the death penalty to crimes not involving intentional killing, such as drug-related offences or terrorism-related crimes not involving intentional killing;

5. *Calls upon* States to comply with their obligations under article 36 of the Vienna Convention on Consular Relations, and to inform foreign nationals of their right to contact the relevant consular post;

6. *Calls upon* States that have not yet abolished the death penalty to make available relevant information, disaggregated by gender, age, nationality and other applicable criteria, with regard to their use of the death penalty, inter alia, the charges, number of persons sentenced to death, the number of persons on death row, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States with regard to the use of the death penalty;

7. *Requests* the Secretary-General to dedicate the 2021 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of persons facing the death penalty and other affected persons, paying specific attention to the consequences of the lack of transparency in the application and imposition of the death

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<sup>69</sup> [A/HRC/42/28](#).

penalty on the enjoyment of human rights, and to present it to the Human Rights Council at its forty-eighth session;

8. *Decides* that the upcoming biennial high-level panel discussion to be held at the forty-sixth session of the Human Rights Council will address the human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the high-level panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions with a view to ensuring their participation in the panel discussion;

10. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its forty-eighth session;

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

*40th meeting*  
*27 September 2019*

[Adopted by a recorded vote of 26 to 14, with 6 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Australia, Austria, Brazil, Bulgaria, Burkina Faso, Chile, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Mexico, Nepal, Peru, Rwanda, Slovakia, South Africa, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

*Against:*

Afghanistan, Bahamas, Bahrain, Bangladesh, Cameroon, China, Egypt, India, Iraq, Japan, Pakistan, Qatar, Saudi Arabia, Somalia

*Abstaining:*

Democratic Republic of the Congo, Eritrea, Nigeria, Philippines, Senegal, Tunisia]

## **42/25. 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 and protect 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 resolution 39/1 of 27 September 2018 on the promotion and protection of human rights in the Bolivarian Republic of Venezuela,

*Recalling also* that regional arrangements can play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

*Underlining* that the Bolivarian Republic of Venezuela, as a party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial

Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, 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 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and to several other multilateral and regional human rights instruments, is under international obligations to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction,

*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 and of other international organizations,

*Expressing alarm* at the erosion of the rule of law in the Bolivarian Republic of Venezuela,

*Expressing deep concern* at the range of interrelated violations of economic and social rights in the Bolivarian Republic of Venezuela, particularly the rights to adequate food and to the highest attainable standard of physical and mental health, including severe food, medicines and vaccines shortages,

*Expressing particular concern* at the disproportionate impact of the crisis on the rights of women and children, and in particular on girls, indigenous peoples and other vulnerable groups,

*Expressing deep concern* for the more than 4 million people compelled to leave the Bolivarian Republic of Venezuela and also that the 2019 Venezuela Humanitarian Response Plan identifies a population of 7 million in need because of, inter alia, violations of the rights to food and health, violence and insecurity, the collapse of basic services, the deterioration of the education system, lack of access to pre- and post-natal care, and insufficient mechanisms for protection from violence and persecution on political grounds,

*Welcoming* the efforts of neighbouring and other countries of the region to host Venezuelan migrants, refugees and asylum seekers, and acknowledging the socioeconomic consequences of the large-scale flow of Venezuelans into those countries,

*Welcoming also* the humanitarian assistance provided by the United Nations and other humanitarian agencies, and the publishing of the first Venezuela Humanitarian Response Plan,

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

*Welcoming* the mission of the Office of the United Nations High Commissioner for Human Rights from 11 to 22 March 2019 to prepare the visit of the High Commissioner to the Bolivarian Republic of Venezuela from 19 to 21 June 2019, and the resulting commitments, including with regard to the establishment of a permanent presence of the Office of the High Commissioner in the country, and welcoming also the presence of officers from the Office in the Bolivarian Republic of Venezuela between June and July 2019, and since 1 September 2019,

*Welcoming also* the ongoing dialogue between the High Commissioner and the Venezuelan authorities, and urging the Venezuelan authorities to fulfil the commitments made with the High Commissioner, including the continued presence of the Office of the High Commissioner in the country, allowing monitoring and cooperation throughout the country, and granting it access to places of detention,

*Noting with appreciation* the work of the Organization of American States, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights for the promotion and protection of human rights in the Bolivarian Republic of Venezuela,

*Mindful* that the Prosecutor of the International Criminal Court has decided to open a preliminary examination of the situation in the Bolivarian Republic of Venezuela to analyse crimes allegedly committed in this State Party since at least April 2017, in the context of demonstrations and related political unrest, and recalling that the Bolivarian Republic of Venezuela is a State party to the Rome Statute of the International Criminal Court,

*Aware* of the recommendation made by the High Commissioner to the Human Rights Council in the report on the situation of human rights in the Bolivarian Republic of Venezuela that the Council focus on ensuring prevention, investigation, the fight against impunity, accountability, reparations and guarantees of non-repetition of human rights violations and abuses in the Bolivarian Republic of Venezuela,

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

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela,<sup>70</sup> and requests the High Commissioner to present it at the General Assembly at its seventy-fourth session;

2. *Strongly condemns* all violations and abuses of international human rights law in the Bolivarian Republic of Venezuela, and urges the Venezuelan authorities to implement fully and immediately the recommendations contained in the report of the High Commissioner and the commitments reached during the High Commissioner's visit;

3. *Also strongly condemns* the widespread targeted repression and persecution on political grounds in the Bolivarian Republic of Venezuela, including the excessive use of force against peaceful protests, the excessive use of force during security operations, arbitrary detention, torture, ill-treatment, extrajudicial executions and enforced disappearances by security forces, such as the Fuerzas de Acciones Especiales and pro-government civilian armed groups;

4. *Expresses grave concern* at the fact that there have been at least 6,000 killings resulting from security operations in the Bolivarian Republic of Venezuela since January 2018 and that, according to information analysed by the High Commissioner, many of these killings may constitute extrajudicial executions;

5. *Deplores* the systematic abuse of State institutions in the Bolivarian Republic of Venezuela, accelerating the erosion of the rule of law and of democratic institutions, such as the National Assembly, including through violations of its independence and by stripping members of the National Assembly of their parliamentary immunity and arbitrarily arresting them, as well as through arbitrary arrests, torture, ill-treatment, death threats, surveillance, intimidation and harassment against their relatives;

6. *Urges* the Venezuelan authorities to immediately release all political prisoners and all other persons arbitrarily deprived of their liberty, and with urgency the 27 persons detained and identified as priority cases by the High Commissioner in her oral update to the Human Rights Council at its present session; to conduct prompt, effective, thorough, independent, impartial and transparent investigations into all human rights violations; to halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds; to cease and prevent the excessive use of force during demonstrations; and to adopt effective measures to protect human rights defenders and media workers;

<sup>70</sup> A/HRC/41/18.

7. *Condemns* the closing of dozens of print media, the shutdown of radio stations, the banning of television channels and the regular blocking of social media platforms, as well as the detention of journalists and the arbitrary detention of people expressing opinions on social media;

8. *Deplores* the systematic denial of the rights of victims of human rights violations in the Bolivarian Republic of Venezuela to truth, justice and reparation, and that impunity has allowed the recurrence of violations, emboldened perpetrators and sidelined victims, and in this regard calls upon the Venezuelan authorities to take effective measures to restore the independence of the justice system and to ensure the impartiality of the Office of the Attorney-General and the Ombudsman;

9. *Expresses great concern* at the severe economic and social crisis in the Bolivarian Republic of Venezuela, which has a profound effect on the right to the enjoyment of the highest attainable standard of physical and mental health and the right to an adequate standard of living, including right to adequate food, related to the collapse of public services;

10. *Expresses deep concern* at the fact that the main food assistance programme does not meet basic nutritional needs of the population, and that at least 3.7 million people are malnourished in the Bolivarian Republic of Venezuela;

11. *Expresses further concern* at the widespread lack of availability of and access to vaccines, medicines and treatment, and at the deterioration of conditions in hospitals, clinics and maternity clinics, which results in, inter alia, the re-emergence of previously controlled and eliminated diseases, including vaccine-preventable diseases, and increased risks of contracting HIV and other sexually transmitted infections;

12. *Urges* the Venezuelan authorities to take all measures necessary to ensure the availability and accessibility of food, water, essential medicines and health-care services to all those in need, including comprehensive preventive health-care programmes, with particular attention to children's and maternal services, and urges the Venezuelan authorities to accept all necessary humanitarian assistance, delivered in accordance with international humanitarian principles;

13. *Strongly condemns* discrimination based on political grounds in access to food assistance and other social programmes against Venezuelans increasingly relying on them to have access to minimum levels of income and food, and urges that all social programmes be provided to all those in need in a transparent, non-politicized and non-discriminatory manner;

14. *Expresses grave concern* at the disproportionate and differentiated impact of the crisis in the Bolivarian Republic of Venezuela on the human rights of women and girls, the lack of comprehensive health-care services and the insufficient provision of underlying determinants of health, including water and adequate nutrition, the deterioration of immunization and preventative health programmes, and accounts of increased rates in maternal mortality, adolescent pregnancy, malnutrition and preventable diseases;

15. *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 and civil servants, women political prisoners and detainees in detention centres;

16. *Underlines with grave concern* that the crisis in the Bolivarian Republic of Venezuela also has a disproportionate and differentiated impact on the human rights of indigenous peoples, particularly on their rights to an adequate standard of living, including their rights to food and to health and on their collective rights as indigenous peoples, particularly their rights to their traditional lands, territories and resources;

17. *Strongly condemns* the violation of various individual and collective rights of indigenous peoples, in particular in the Arco Minero del Orinoco region, including the excessive use of force, extrajudicial killings, ill-treatment, forced displacement and



violations of their rights to maintain customs, traditional ways of life and a spiritual relationship with their land;

18. *Deplores* the obstacles that Venezuelans on the move face in the Bolivarian Republic of Venezuela to obtain or legalize documentation, and the fact that those leaving or re-entering the country are often victims of extortion and requisitions;

19. *Urges* the international community to continue to provide and to scale up support to enable host countries to respond to the growing needs of Venezuelans on the move, including the particular needs of women, children, older persons, persons with disabilities and indigenous peoples;

20. *Encourages* relevant thematic special procedure mandate holders to pay particular attention, within their respective mandates, to the situation of human rights in the Bolivarian Republic of Venezuela;

21. *Encourages* the Venezuelan authorities to cooperate with the above-mentioned mandate holders, particularly in the context of the commitments made with the High Commissioner to receive 10 special procedure mandate holders within the next two years, in particular the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention, the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the rights of indigenous peoples;

22. *Requests* the High Commissioner to continue to monitor and report on the situation of human rights in the Bolivarian Republic of Venezuela, including through the presentation of an oral update to the Human Rights Council at its forty-third and forty-fifth sessions, and to prepare a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela, with a special focus on the independence of the justice system and access to justice, including for violations of economic and social rights and the situation of human rights in the Arco Minero del Orinoco region, and to present the report to the Council at its forty-fourth session, to be followed by an interactive dialogue;

23. *Invites* the High Commissioner to present an oral update to States Members and observers of the Human Rights Council on the situation of human rights in the Bolivarian Republic of Venezuela through the modalities of the Council, in accordance with Council resolution 5/1 of 18 June 2007, before the end of 2019;

24. *Decides* to establish, for a period of one year, an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, and to dispatch that mission urgently to the Bolivarian Republic of Venezuela to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhumane or degrading treatment since 2014 with a view to ensuring full accountability for perpetrators and justice for victims, and requests the mission to present a report on its findings to the Council during an interactive dialogue at its forty-fifth session;

25. *Urges* the Venezuelan authorities to cooperate fully with the fact-finding mission, to grant it immediate, full and unfettered access to and throughout the country, including to victims and places of detention, and to provide it with all the information necessary to fulfil its mandate;

26. *Requests* the immediate operationalization of the fact-finding mission and also requests that the Office of the High Commissioner be provided with all the resources necessary to fulfil the mandate;

27. *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 and/or the Venezuelan authorities do not meaningfully cooperate with the Office of the High Commissioner;

28. *Urges* the Venezuelan authorities to engage with the United Nations human rights system, in particular by submitting overdue reports to the treaty bodies and by cooperating with the Office of the High Commissioner and the mechanisms of the Human

Rights Council, including by the full and timely implementation of all commitments made during the visit of the High Commissioner, in particular to allow the Office of the High Commissioner to maintain a presence in country, and to allow its staff, both in the field and headquarters-based, full, unrestricted and unmonitored access, 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;

29. *Encourages* the strengthening of cooperation between the Inter-American Commission on Human Rights and the Human Rights Council and its mechanisms in order to monitor the situation of human rights in the Bolivarian Republic of Venezuela;

30. *Calls upon* the Bolivarian Republic of Venezuela to cooperate fully with all relevant regional mechanisms for the promotion and protection of human rights and to grant free, full and unfettered access to the Inter-American Commission on Human Rights.

40th meeting  
27 September 2019

[Adopted by a recorded vote of 19 to 7, with 21 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Cameroon, China, Cuba, Egypt, Eritrea, Philippines, Saudi Arabia

*Abstaining:*

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Democratic Republic of the Congo, Fiji, India, Iraq, Mexico, Nepal, Nigeria, Pakistan, Qatar, Rwanda, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay]

## **42/27. The human rights situation in the Syrian Arab Republic**

*The Human Rights Council,*

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

*Reaffirming* its previous resolutions on the Syrian Arab Republic,

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

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

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

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

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

*Reiterating* that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful

participation of women in all efforts and decision-making as outlined by the Security Council in its resolution 1325 (2000) of 31 October 2000 and associated resolutions, and in accordance with the Geneva communiqué of 30 June 2012 and Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria in his efforts towards this end,

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

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

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

*Recalling also* Security Council resolution 2417 (2018) of 24 May 2018, in which the Council underlined that using starvation of civilians as a method of warfare may constitute a war crime,

*Recalling further* that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel and on humanitarian personnel, may also amount to war crimes,

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

*Reaffirming* that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any such use must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming that the Organisation has set up the Investigation and Identification Team pursuant to the decision made at the fourth Special Session of the Conference of State Parties to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

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

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

*Expressing its deepest concern* at the most recent findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,<sup>71</sup> and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

<sup>71</sup> See [A/HRC/42/51](#).

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

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

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

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

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

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian regime and its affiliated State and non-State actors, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Demands* that all parties to the conflict comply with their respective obligations under international human rights law and international humanitarian law, and that the Syrian authorities immediately end the use of prohibited weapons and munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs;

7. *Expresses deep concern* at the deliberate use of starvation of civilians as a method of warfare, and encourages the Commission of Inquiry to include in future investigations violations of international human rights law and international humanitarian law related to the use of starvation of civilians;

8. *Also expresses deep concern* about the grave humanitarian situation in the Syrian Arab Republic and at the plight of the 11.7 million people in need of full, timely, immediate, unhindered and safe humanitarian assistance, including the more than 5 million Syrians whose needs are particularly acute and the more than 1 million people who remain in hard-to-reach areas, where freedom of movement and access to humanitarian aid and services remain very restricted, including in camps for internally displaced persons;

9. *Strongly condemns* the Syrian authorities' continued and deliberate obstruction of life-saving humanitarian assistance to those most in need, including the removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of vital necessities;

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

11. *Strongly condemns* all attacks against the civilian population and civilian objects, such as schools, medical units, medical personnel, patients and transport and personnel involved in humanitarian assistance, in violation of international humanitarian law, recalls the primary responsibility of the Syrian authorities to protect the civilian population, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

12. *Expresses deep concern* at the number of civilians, including children, killed or maimed by landmines, explosive remnants of war and improvised explosive devices used by all parties to the conflict;

13. *Takes note* of the recent conclusions of the Working Group on Children and Armed Conflict in the Syrian Arab Republic,<sup>72</sup> notes with deep concern the negative effects of the ongoing conflict, including the rapidly increasing instances of child, early and forced marriage, child labour and forced recruitment, and the denial of humanitarian assistance on the rights and welfare of children, including their access to medical care and to education, including schools, and strongly condemns the use of schools for military purposes, such as training, ammunition storage, detention facilities and accommodation, or as military bases;

14. *Calls upon* all parties to respect and protect the full enjoyment by children of all their human rights, and to allow at all times humanitarian workers to reach children and families in need of life-saving assistance, and to prevent, and protect children from, all exploitation, violations and abuses, including sexual and gender-based violence and child, early and forced marriage, trafficking and torture by, among other actions, ending and preventing the recruitment and use of children in the armed conflict, immediately, safely and unconditionally releasing children and handing them over to civilian child-protection actors, and ensuring that such authorities have access to detained children associated with armed groups;

15. *Deplores* the escalation of violence in the north-west of the country, stresses the situation of particular concern in the province of Idlib, and strongly condemns the attacks by the Syrian authorities and their State and non-State allies on civilians and first responders and civilian infrastructure where ongoing violence, including airstrikes, continues to cause death and injury among civilians and first responders, as well as devastating damage to civilian infrastructure, including health-care and educational facilities, causing immense suffering to the civilian population, with more than 600,000 people displaced since May 2019, and 3 million people – half of whom children – reliant upon humanitarian support, and which has caused the death of more than 1,000 civilians and damage to educational and health facilities, as well as water stations and markets;

16. *Urges* all relevant parties, including the signatories to the memorandum on the stabilization of the situation in the Idlib de-escalation area of 17 September 2018, to respect and uphold the ceasefire in Idlib in order to prevent further death and injury among civilians, and welcomes the decision by the Secretary-General to establish a United Nations board of inquiry to investigate attacks on de-conflicted and United Nations-supported facilities in the north-west of the Syrian Arab Republic since the signing of the memorandum;

17. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015) and 1325 (2000) and to adhere to their obligations under international law, in particular to end arbitrary detention, torture and sexual and gender-based violence in the Syrian Arab Republic, notably in prisons and detention facilities, as

<sup>72</sup> S/AC.51/2019/1.

well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;

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

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

20. *Strongly condemns* the use of sexual violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports and those depicted in the evidence presented by “Caesar” in January 2014, and recalls that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

21. *Also strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities have retaken control, and notes that the Commission of Inquiry has comprehensively highlighted that the arbitrary detention of tens of thousands of individuals represents an urgent and large-scale crisis of human rights protection;

22. *Urges* all parties to take heed of the recommendations made by the Commission of Inquiry on the issue of detainees, in particular its calls for appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those whom they have detained to their families;

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

24. *Notes* the continued functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, positively notes the reports of the simultaneous release, facilitated by the Working Group, of detainees by the conflicting parties on 24 November 2018 and on 12 February, 22 April and 31 July 2019, and underlines the need for further sustained and large-scale concrete steps on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

25. *Welcomes* Security Council resolution 2474 (2019) of 11 June 2019, and calls upon parties to the armed conflict in the Syrian Arab Republic to take all appropriate measures to actively search for persons reported missing, to enable the return of their remains, and to account for persons reported missing without adverse distinction, and to put in place appropriate channels enabling response and communication with families on the search process, to take appropriate measures to prevent persons from going missing as a result of the armed conflict, while paying utmost attention to cases of children reported missing as a result of the armed conflict, and to take appropriate measures to search for and identify those children;

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

27. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by so-called Islamic State in Iraq and the Levant (Daesh), that they represent a widespread and systematic attack directed against the civilian population, amounting to crimes against humanity, and that such acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

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

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

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

31. *Expresses deep concern* at the displacement of approximately 13 million civilians, including 6.2 million internally displaced persons across the Syrian Arab Republic, and urges all parties to take note of the recommendations on this matter made by the Commission of Inquiry, and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

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

33. *Expresses grave concern* that, according to the Commission of Inquiry, more than 1.5 million civilians were forced to flee their homes in 2018, and that thousands more were forcibly displaced pursuant to "evacuation agreements" negotiated among warring parties;

34. *Expresses deep concern* for the more than 5.6 million registered refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women, girls and persons with disabilities, while emphasizing the principles of responsibility and burden-sharing;

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

36. *Notes with concern* that one of the main obstacles to refugees' safe, voluntary and dignified return to their country of origin derive from the Syrian authorities' own practices of violating the human rights of civilians in areas under their control, including the freedoms of assembly, movement and expression, as well as systematic property seizures, forced conscription, arbitrary arrests, enforced disappearances and political violence;

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

38. *Deplores* in this regard the existence and application of national legislation, in particular Law No. 42/2018 and other legislation and practices concerning housing, land and property rights, which have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property, as evidenced by recent reports of widespread property demolitions throughout the Syrian Arab Republic, calls for the immediate repeal of that legislation, and stresses the right of displaced Syrians to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it;

39. *Expresses concern* that the hostilities have restricted access to or resulted in the loss of civil documentation, including through confiscation, thereby limiting freedom of movement, access to essential services, and housing, land and property rights, particularly for children, persons with disabilities, women and female-headed households, and notes that the lack of official death certificates can seriously affect inheritance and custody rights and severely restricts freedom of movement;

40. *Urges* all parties to implement the recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are safe, voluntary and dignified and subject to informed consent to the places of origin and protect all property and tenancy rights, in cooperation with competent organizations, such as the Office of the United Nations High Commissioner for Refugees;

41. *Condemns in the strongest possible terms* the repeated use of chemical weapons by the Syrian authorities, in violation of its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

42. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons, which state that it continues to be unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain;

43. *Welcomes* the fact that the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons has completed its arrangements for the deployment of the Investigation and Identification Team established to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons, and calls upon the Syrian authorities to provide all necessary access and authorizations to the members of the Team;



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

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

46. *Recalls with grave concern* the finding by the Commission of Inquiry of a vast body of evidence suggesting that chlorine was dropped by helicopter on a residential building in Duma on 7 April 2018, that the Commission had received information on the deaths of at least 49 individuals and the wounding of up to 650 others, and at the findings of the Commission in the same report that, in a series of ground attacks in Duma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using chemical weapons, following a pattern previously documented by the Commission;

47. *Recalls* the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons in its report of 1 March 2019 that, on the basis of its evaluation and analysis of all the information gathered, there were reasonable grounds that a toxic chemical was used as a weapon in Duma on 7 April 2018, and that the toxic chemical was likely molecular chlorine;

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

49. *Strongly condemns* the terrorist acts and violence committed against civilians by so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council, and their gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

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

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

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

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

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

55. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning, pending a decision on the necessary funding of the Mechanism by the regular budget, in accordance with relevant General Assembly resolutions, highlights the importance of sustainable funding, and notes the steps taken by the Secretary-General in this respect;

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

57. *Also welcomes* the relevant international campaigns and initiatives to support the Syrian people, notably the third conference entitled “Supporting the future of Syria and the region” hosted by the European Union and co-chaired by the United Nations in Brussels in March 2019, where more than \$7 billion was pledged, and renews its call for the international community to deliver in full all such pledges;

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

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

*41st meeting  
27 September 2019*

[Adopted by a recorded vote of 27 to 6, with 13 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

China, Cuba, Egypt, Eritrea, Iraq, Philippines

*Abstaining:*

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Democratic Republic of the Congo, India, Nepal, Nigeria, Pakistan, Senegal, South Africa, Tunisia]

## **42/30. Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up**

*The Human Rights Council,*

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

*Recalling* General Assembly resolutions 48/141 of 20 December 1993, 60/251 of 15 March 2006 and 65/281 of 17 June 2011 and Human Rights Council resolutions 5/1 of 18 June 2007, 16/21 of 25 March 2011, 30/25 of 2 October 2015 and 36/29 of 29 September 2017,

*Reaffirming* its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993,

*Recalling* that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing,

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

*Affirming* that technical cooperation, provided in consultation with and with the consent of the State concerned, including cooperation for the purpose of strengthening the follow-up to and effective implementation of their international human rights obligations and commitments, should promote an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society, at all stages,

*Recognizing* the need to continue cooperation, based on the diverse experiences and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights, in particular the strengthening of national mechanisms for implementation, reporting and follow-up,

*Recognizing also* the important, valuable and mutually reinforcing role and contribution of all human rights mechanisms of international and regional human rights systems for the promotion and protection of human rights and fundamental freedoms,

*Recognizing further* the constructive role and contribution of all branches of State, as well as of national human rights institutions, civil society, academia and other relevant stakeholders in the strengthening of national mechanisms for implementation, reporting and follow-up, and encouraging their continued participation in and contribution to these mechanisms,

*Bearing in mind* that States should integrate their obligations and commitments under international human rights law into their national legislation and public policies in order to ensure that State action at the national level is effectively directed towards the promotion and protection of all human rights and fundamental freedoms, in order to contribute to the prevention of human rights violations,

1. *Welcomes* the technical assistance and capacity-building provided by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, through United Nations Resident Coordinators and United Nations national and regional representations, in consultation with and with the consent of the State concerned, particularly with a view to supporting the establishment or the strengthening of national mechanisms for implementation, reporting and follow-up;

2. *Encourages* States to establish or strengthen national mechanisms for implementation, reporting and follow-up for further compliance with human rights

obligations or commitments, and to share good practices and experiences in their use for the elaboration of public policies with a human rights approach;

3. *Requests* the Office of the High Commissioner to organize five regional consultations to exchange experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up, and their impact on effective implementation of human rights obligations and commitments, in consultation with all relevant stakeholders;

4. *Also requests* the Office of the High Commissioner to prepare a report with the conclusions and recommendations made at the regional consultations in order to identify forms of cooperation between the Human Rights Council and the national mechanisms for implementation, reporting and follow-up, and to submit the report to the Council at its forty-seventh session;

5. *Decides* to continue its consideration of the matter.

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

### **42/31. 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 and 39/21 of 28 September 2018,

*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 on a ceasefire in the city of Hudaydah, a mutual redeployment of forces from the ports of Hudaydah, Salif and Ra's Isa, an executive mechanism for activating the prisoner exchange agreement and a statement of understanding on the city of Ta'izz to facilitate 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 and to complete 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,

*Aware* of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of 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 implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen;<sup>73</sup>

2. *Also takes note* of the statement and comments by the Government of Yemen on the report of the High Commissioner;

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 seventh 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 the Stockholm Agreement to implement it immediately in order to begin negotiations for a comprehensive political solution to the current crisis in Yemen;

7. *Expresses deep concern* at the serious 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 violence, the continued recruitment of children contrary to international treaties, the abduction of political activists, violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, persecution on the basis of religion or belief, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

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 their attacks on civilians 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 necessary precautions 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 abuse of human rights and international humanitarian law, including sexual and gender-based violence, 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

<sup>73</sup> A/HRC/42/33.

to end the conflict while ensuring that women are part of the political and peacemaking processes;

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, and expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the Yemen humanitarian response plan for 2019 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 rapid, 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 High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

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-fifth session.

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

## **42/32. 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,

*Reaffirming* the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

*Recalling* all relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

*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 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, human rights in the administration of justice, and other issues relating to the human rights of prisoners, including women prisoners and offenders,

*Bearing in mind* the long-standing concern of the United Nations for human rights in the context of crime prevention and criminal justice, and emphasizing the fundamental importance of human rights in crime prevention and the daily administration of criminal justice,

*Recalling* all relevant General Assembly resolutions, in particular resolutions 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 70/175 of 17 December 2015 on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and 72/193 of 19 December 2017 on promoting the practical application of the United Nations Standard Minimum Rules for the Treatment of Prisoners, as well as relevant United Nations standards and norms in crime prevention and criminal justice relating to the treatment of prisoners and to alternatives to imprisonment, including the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),

*Acknowledging* that 2020 will mark the tenth anniversary of the Bangkok Rules, the thirtieth anniversary of the Tokyo Rules and the sixty-fifth anniversary of the adoption of the Standard Minimum Rules for the Treatment of Prisoners by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, which were subsequently revised as the Nelson Mandela Rules in 2015,

*Emphasizing* that the Nelson Mandela Rules and the Bangkok Rules recognize the importance of technical assistance, capacity-building and the voluntary exchange of good practices and challenges faced in their implementation, and that the General Assembly, when adopting the Bangkok Rules, invited specialized agencies of the United Nations system and relevant regional and international intergovernmental and non-governmental organizations to engage in their implementation,

*Mindful* that one of the basic principles of the Nelson Mandela Rules is that all prisoners are to be treated with the respect due to their inherent dignity and value as human beings, that no prisoner is to be subjected to and all prisoners are to be protected from torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification, and that the safety and security of prisoners, staff, service providers and visitors are to be ensured at all times,

*Recognizing* that women prisoners and offenders may be vulnerable and have specific needs and requirements, and that the General Assembly, in its resolution 65/229, invited Member States to take into consideration the specific needs and realities of women as prisoners when developing relevant legislation, procedures, policies and action plans and to draw, as appropriate, on the Bangkok Rules,

*Mindful* that, in order for the principle of non-discrimination embodied in the Nelson Mandela Rules to be put into practice, account should be taken of the distinctive needs of women prisoners in the application of the Rules, and that providing for such needs in order to accomplish substantial gender equality should not be regarded as discriminatory,

*Recognizing* the alternatives to imprisonment provided for in the Tokyo Rules, as well as the gender specificities of, and the consequent need to give priority to applying non-custodial measures to, women who have come into contact with the criminal justice system,

*Recognizing also* that the General Assembly, in its resolution 63/241 of 24 December 2008, called upon States to give attention to the impact of parental detention and imprisonment on children, and in particular to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and that the Bangkok Rules and the Nelson Mandela Rules specify that States should take into account the best interests of the child,

*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 treatment of prisoners,

*Noting with appreciation* the contributions of the Board 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,

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 needs, 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 the human rights of prisoners, including women prisoners and offenders;

4. *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;

5. *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, especially those who have not yet done so;

6. *Encourages* Member States to endeavour to improve conditions in detention, including by addressing the issue of overcrowding, consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and all other relevant and applicable United Nations standards and norms in crime prevention and criminal justice, to continue to exchange good practices in order to identify challenges faced in implementing the rules, and to share their experiences in dealing with those challenges;

7. *Encourages* Member States having developed legislation, procedures, policies or practices for women in prison or on alternatives to imprisonment for women offenders to make information available to other States and relevant international, regional and intergovernmental organizations, as well as non-governmental organizations, and to assist them in developing and implementing training or other activities in relation to such legislation, procedures, policies or practices;

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 Office on Drugs and Crime and other United Nations agencies in the implementation of their human rights obligations and voluntary pledges and commitments, including recommendations accepted in the context of the universal periodic review, and strongly encourages the Office of the High Commissioner and respective United Nations agencies to respond favourably to such requests and to provide information on the technical support 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. *Calls upon* the Office of the High Commissioner to enhance its cooperation, within its mandate, with the United Nations Office on Drugs and Crime in the provision of relevant technical assistance to countries and to identify the needs and capacities of countries in order to increase country-to-country and South-South cooperation relating to the treatment of prisoners, including women prisoners, and non-custodial measures for women offenders;

11. *Encourages* the special procedures of the Human Rights Council, in their interaction with States, to share information and their knowledge relating to best practices and the possibility of 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 human rights of prisoners, including women prisoners and offenders;

12. *Welcomes* the panel discussion held pursuant to Human Rights Council resolution 39/18 at its forty-first session on the theme “Technical cooperation and capacity-

building in the field of the human rights of older persons”, at which participants discussed relevant issues, including national and regional efforts to combat all forms of discrimination against older persons and to promote and protect their rights, the initiatives organized by the World Health Organization for the Decade of Healthy Ageing 2020-2030 and the Global Network for Age-friendly Cities and Communities, the potential impact of new technologies on the human rights of older persons and the importance of promoting the empowerment and meaningful participation of older persons;

13. *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-fourth session, will be “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”;

14. *Requests* the Office of the High Commissioner to prepare a report, to be submitted to the Human Rights Council at its forty-fourth 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, in particular the United Nations Office on Drugs and Crime, and regional organizations to support States’ efforts to promote and protect the human rights of prisoners, including women prisoners and offenders, in particular in the implementation of the Nelson Mandela Rules and the Bangkok Rules;

15. *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 human rights, including the rights of prisoners, including women prisoners and offenders.

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

## **42/33. 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 Forums held in Mogadishu and Brussels in July 2018 at which Somalia and international partners reaffirmed their commitment to the New Partnership for Somalia, which sets out the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

*Reaffirming* the need for regular Somalia Partnership Forum meetings to hold all parties to account for progress and agree on shared future priorities,

*Recognizing* the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments of the Mission and the Intergovernmental Authority on Development are 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 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, 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,

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 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 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;

(b) The formulation of the Transition Plan, which defines transition as the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Mission in Somalia towards increased Somali ownership for its citizens' security, 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 girls, and children;

(c) 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;

(d) The Federal Government's ratification of the Convention on the Rights of Persons with Disabilities, in August 2019, and enactment of a law establishing a disability authority led by a person with disabilities; and its commitment to entrench 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, improving the collection of data on persons with disabilities, and by approving the creation of a national disability agency;

(e) 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;

(f) The development of and agreement on key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict, as demonstrated by the endorsement of the Women's Charter for Somalia at the Somali Women's Convention, held from 4 to 6 March 2019;

(g) Progress on key legislation, such as the enactment of the child protection bill, the female genital mutilation bill and the disability bill, progress towards the adoption of a bill on sexual offences, and the implementation of a media law, through consultation with media organizations and civil society organizations, to provide a framework for upholding freedom of expression;

(h) The continued cooperation with the Independent Expert on the situation of human rights in Somalia, the cooperation with the special representatives of the Secretary-General, including the Special Representative on Sexual Violence in Conflict and the Special Representative for Children and Armed Conflict, and the pledge by Somalia to develop a new national action plan to end sexual violence in conflict following the visit by the relevant Special Representative;

(i) The arrest of soldiers over the past year for allegedly torturing and threatening journalists and the arrest of soldiers accused of sexual exploitation and abuse, which sends a strong message from the Federal Government for accountability, and is hopeful that these actions foster further efforts to combat impunity;

(j) The Government's recent launch of a social work programme with human rights as a key curriculum learning area at several Somali universities, which seeks to build a social welfare workforce that is capable of enhancing the resilience of communities and of ensuring enjoyment of human rights, and to promote gender equality-based responses to individuals and families who have experienced violence and abuse;

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 their implementation;

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 children, women and girls, 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 harassment, arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

6. *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;

7. *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;

8. *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;

9. *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, providing it with adequate resources, to monitor and provide accountability for violations and abuses, including a recruitment process that guarantees the representation of women, marginalized groups and persons with disabilities;

(c) To accelerate the Government-led inclusive political settlement by reengaging in regular high-level dialogue between the Federal Government and the federal Member States with Parliament;

(d) To make efforts to finalize the electoral law, and underscores the importance of progress on key priorities, including power- and resource-sharing, the constitutional review, fiscal federalism and the development and implementation of a legal framework for the 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, participation and inclusion of women, 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 adopt the Electoral Law and the amendments to legislation on political parties before the 2020 and 2021 elections, and to ensure that these and other measures promote the inclusivity of 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, minorities and all members of disadvantaged groups at all stages of the electoral cycle;

(h) To realize 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 plans of action to prevent the unlawful recruitment and use of children in the national armed forces, 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 realize commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses, ensuring prompt, independent, impartial, thorough and effective investigations into human rights violations by urgently concluding the establishment of a 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;

(k) To prioritize the enactment of legislation and undertake reforms that respect, protect and promote 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 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, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(l) To pursue reconciliation talks at the local, regional and national levels, acknowledges progress made towards the finalization of the National Reconciliation Framework, and urges resumption of the dialogue between the Federal Government and the authorities of Somaliland, while emphasizing the need for reconciliation, including inter- and intra-clan reconciliation, across the country as the basis of a long-term approach to stability;

(m) 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;

(n) To implement fully the media protection law, to protect and uphold freedom of expression and a free media, to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue ongoing efforts to prohibit, prevent and protect against all kidnappings, killings, attacks, acts of intimidation and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into the killings of journalists, and to prosecute all those responsible for unlawful acts in a manner that is in accordance with the provisions in the media protection law and is consistent with other applicable national and international legal obligations;

(o) 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;

(p) To realize commitments 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;

(q) To finalize the review of and raise awareness about the new sexual offences bill, to ensure that any bill passed into law reflects international obligations and commitments on the protection of children, women and girls, and to implement it and other laws as necessary to prevent sexual and gender-based violence;

(r) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(s) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(t) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017;

(u) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practices for relocations, and to provide sites that afford safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(v) To ensure safe, timely, sustained and unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate safe, timely, sustained and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

10. *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;

11. *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;

12. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;<sup>74</sup>

13. *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;

14. *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;

15. *Requests* the Independent Expert to continue to work closely with the Federal Government 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;

<sup>74</sup> See [A/HRC/39/72](#).

(d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

16. *Also requests* the Independent Expert to report to the Human Rights Council at its forty-fifth session and to the General Assembly at its seventy-fifth session;

17. *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;

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

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

#### **42/34. 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, 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* Council 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 and 39/20 of 28 September 2018, in which the Human Rights Council called upon the international community to support the national 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>75</sup> submitted to the Human Rights Council in accordance with its resolution 39/20,

*Deeply concerned* about the continuing serious violations committed against children, 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 and North Kivu 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, which has resulted in its removal from the list for this violation contained in the annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, and in combating impunity,

<sup>75</sup> [A/HRC/42/32](#).



*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 disarmament of some armed militias in the Kasai region following the elections of 30 December 2018, while calling on the militias that are still active to initiate the process of disarmament and demobilization,

*Welcoming also* the 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, and the important role played by national and regional observer missions of the Southern African Development Community, the International Conference on the Great Lakes Region and the African Union,

*Welcoming further* the release in March 2019 of several hundred persons considered to be political prisoners and prisoners of conscience, as well as the preliminary measures taken by the President to put an end to the restrictions on democracy in the Democratic Republic of the Congo, in particular to the arbitrary arrest and detention of members of the political opposition and representatives of civil society and the restriction of fundamental freedoms such as the freedom of opinion and expression, freedom of the press and the right of peaceful assembly, and encouraging the adoption of further measures with a view to achieving this objective as soon as possible,

*Calling on* the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect, protect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

*Recognizing* the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting 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. *Condemns unequivocally* all acts of violence, especially in areas of the country affected by armed or intercommunal conflict, including the violence committed in Yumbi territory in December 2018, and urges all stakeholders to reject any kind of violence, to exercise maximum restraint in their actions in order to avoid further inflaming the situation, and to settle their disputes peacefully;

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. *Also notes* the resumption, since 27 August 2018, of the trial of the persons who allegedly killed two United Nations experts and the persons accompanying them in

March 2017, and reiterates the need to bring all alleged perpetrators promptly to justice and prosecute them without delay;

4. *Welcomes* the peaceful transfer of power in the Democratic Republic of the Congo on 24 January 2019, including the subsequent establishment of national and provincial legislative and executive institutions, in accordance with the Constitution, and notes that the return of the opposition leaders to the Democratic Republic of the Congo has contributed to the development of a new balance of power among the political forces of the country;

5. *Encourages* the Government of the Democratic Republic of the Congo to pursue the awaited legislative changes aimed at enhancing respect for human rights and fundamental freedoms, as the President has pledged, to continue efforts to strengthen the rule of law and democratic institutions and to advance political openness;

6. *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;

7. *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;

8. *Welcomes* the establishment of a permanent human rights commission and a standing committee on women's rights in the National Assembly;

9. *Notes with appreciation* the progressive operationalization of the National Human Rights Commission and the publication of both its third annual report and various ad hoc and inquiry reports, and calls upon the Government to ensure the Commission's independence, including with regard to its funding, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

10. *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 all detention centres, the return of political actors and progress in ensuring respect for fundamental freedoms, including the freedom of expression;

11. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including strict respect for the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

12. *Encourages* the Government of the Democratic Republic of the Congo 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, and to ensure that victims of such violations, abuses and related crimes receive adequate reparations;

13. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial committee to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016–2021) plan for the protection of the rights of persons with disabilities, adopted on 20 and 21 May 2016;

14. *Encourages* the interministerial committee to monitor the implementation of the Convention on the Rights of Persons with Disabilities to continue its monitoring of the implementation of the Convention;

15. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken within the framework of the amendments to the Family Code and the law on gender parity;

16. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office and the Human Rights Council and its special procedures;

17. *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, and to reform and strengthen its penitentiary system;

18. *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;

19. *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;

20. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights 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-third session;

21. *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-fifth session;

22. *Requests* that the Office of the High Commissioner receive the necessary and appropriate resources for the performance of its mandate;

23. *Decides* to remain seized of the matter until its forty-fifth session.

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

## **42/35. 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 resolution 39/22 of 28 September 2018,

*Emphasizing* that States have the primary responsibility for the promotion and protection of all human rights,

*Welcoming* 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 also* the signing of the constitutional document on 17 August 2019, which embodies the aspirations of the Sudanese people to establish a State of good governance, rule of law, democracy and respect for human rights and to allocate not less than 40 per cent of the seats in the legislative council to women,

*Welcoming further* the formation of the Sovereign Council and the civilian-led transitional Government of the Sudan,

*Commending* the role played by the African Union, the Intergovernmental Authority on Development, the Government of Ethiopia and other regional and international partners in facilitating the mediation process between the Transitional Military Council and the Forces for Freedom and Change,

*Noting* that the situation of human rights in the Sudan has the potential to significantly improve, and that technical assistance and capacity-building will nevertheless be needed,

1. *Notes with appreciation* the work of the Independent Expert on the situation of human rights in the Sudan;

2. *Takes note* of the report of the Independent Expert,<sup>76</sup> and of the comments of the Government of the Sudan thereon;<sup>77</sup>

3. *Encourages* the Government of the Sudan to cooperate further with the Independent Expert to enable him to fulfil his mandate, and welcomes the Government's stated commitment to continue that cooperation;

4. *Requests* the Independent Expert to work with all relevant partners to provide technical assistance and capacity-building to relevant entities of the Government of the Sudan, national agencies and other stakeholders;

5. *Welcomes* the communiqué adopted by the African Union Peace and Security Council at its 875th meeting, on 6 September 2019, in which the Council decided to lift the suspension of the participation of the Sudan in African Union activities;

6. *Also welcomes* the declaration of principles signed in Juba on 11 September 2019, and encourages other, non-signatory movements to sign it;

7. *Reiterates its appreciation* that the Sudan continues to host more than one million refugees from neighbouring countries and other countries in the region, and the opening of humanitarian corridors to provide life-saving interventions to those affected by conflict;

8. *Notes with appreciation* the continued efforts of the Government of the Sudan to implement the universal periodic review recommendations that it has accepted, notably on ratifying the Convention against Discrimination in Education and reforming the National Security Act of 2010, and encourages the Government to continue its cooperation with the review process, including through further implementation of accepted recommendations;

9. *Also notes with appreciation* the priorities identified by the Government of the Sudan, as stated in the constitutional document, including pledges to achieve just and comprehensive peace, to put an end to armed conflict, to repeal legislation that restricts freedoms or discriminates between individuals, to restructure the National Intelligence and Security Service and to address the root causes of the economic crisis;

10. *Urges* the Government of the Sudan to create and maintain a safe and enabling environment in which civil society, human rights defenders, the media and other independent actors can operate freely, in accordance with the constitutional document;

11. *Encourages* the Government of the Sudan to apply Security Council resolution 1325 (2000) of 31 October 2000 and the relevant decisions of the African Union

<sup>76</sup> A/HRC/42/63.

<sup>77</sup> A/HRC/42/63/Add.1.

Assembly regarding the participation of women at all levels in the peace process, in accordance with the constitutional document;

12. *Also encourages* the Government of the Sudan to conduct legal reforms that guarantee women's rights, in accordance with the constitutional document;

13. *Notes with appreciation* the provision in the constitutional document for the establishment of an independent national committee, with the support of the African Union if required, to conduct transparent, precise and independent investigations into the violations committed on 3 June 2019, and into other events and incidents during which there have been violations of the rights and dignity of the individuals concerned, whether civilian or military;

14. *Takes note* of the observations made by the Independent Expert in his report, and encourages the Government of the Sudan to address the remaining challenges in relation to the situation of human rights throughout the country, in accordance with the constitutional document;

15. *Encourages* the Government of the Sudan:

(a) 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);

(b) To guarantee, in law and in practice, media freedom, freedom of assembly and association, freedom of expression and freedom of religion or belief;

16. *Welcomes* the 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, while noting the view that bringing all government agencies and offices into line with the State's international human rights obligations and commitments can further improve the human rights environment in the Sudan;

17. *Also welcomes* the improvements in security in areas of conflict in the Sudan, and takes note of the provisions of the constitutional document that stress the importance of realizing equitable and lasting peace in the country, including in Darfur, Blue Nile and Southern Kordofan;

18. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the situation of human rights in the country and by responding to the Government's requests for technical assistance and capacity-building;

19. *Notes with appreciation* the outcomes of the recent visit of the technical team of the Office of the United Nations High Commissioner for Human Rights to the Sudan, from 9 to 12 September 2019;

20. *Requests* the Office of the High Commissioner, taking into account, inter alia, the recommendations of the Independent Expert, to provide technical assistance and capacity-building in ways to improve further the situation of human rights in the country and with a view to providing support for the country to fulfil its human rights obligations and commitments;

21. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in the Sudan for period of one year, while recognizing the intention to phase out the mandate of the Independent Expert in accordance with Human Rights Council resolution 39/22;

22. *Requests* the Independent Expert to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, to the Human Rights Council for consideration during an enhanced interactive dialogue at its forty-fifth session;

23. *Requests* the Office of the High Commissioner to provide the Independent Expert with all the financial and human resources necessary for the implementation of the mandate;

24. *Welcomes* the commitment of the Government of the Sudan to establish a fully mandated country office of the Office of the High Commissioner, with a field presence;

25. *Requests* the Secretary-General to provide all the resources necessary to establish and operate such a country office, including a field presence;

26. *Also requests* the Secretary-General to provide the Office of the High Commissioner with all the necessary resources to implement the present resolution;

27. *Requests* the Government of the Sudan and the Office of the High Commissioner to present their oral reports on progress towards the opening of a country office during an enhanced interactive dialogue at the forty-fourth session of the Human Rights Council;

28. *Decides* to continue to consider this issue under agenda item 10.

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

#### **42/36. 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 and 39/19 of 28 September 2018,

*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 and 2454 (2019) of 31 January 2019,

*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,

*Welcoming* 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 actors in the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

*Welcoming also* the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016, and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

*Welcoming further* the signing of the Political Agreement for Peace and Reconciliation in the Central African Republic on 6 February 2019, and 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, welcoming the establishment of the new Government on 22 March 2019 following the consultations 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,

*Deeply concerned* at 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 Agreement of 6 February 2019, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers, humanitarian personnel and health workers, as well as violations of international humanitarian law and violations of human rights, notably those committed against populations in vulnerable situations, in particular, women, children and internally displaced persons, and sexual and gender-based violence in times of conflict, which have led to an unacceptable number of deaths, injuries, displaced persons and refugees,

*Deeply concerned also* at 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 welcoming 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,

*Deeply concerned further* at the surge in attacks on humanitarian personnel and civilian and humanitarian facilities and infrastructures, at the unlawful taxation of humanitarian aid by armed groups, in a context which has not been improved by the increased number of displaced persons and the continuing high numbers of refugees, and at the fact that half of the country's population, or some 2.9 million Central Africans, continues to need humanitarian assistance to survive,

*Noting* 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* the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary 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, as evidenced by the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

*Welcoming* the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

*Deeply concerned* at the violations and abuses of human rights and violations of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearance, the recruitment and use of children, the recruitment, use, financing and training of mercenaries, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations of international human rights law and international humanitarian law and abuses of human rights,

*Deeply concerned also* at the number of grave violations committed against children, including the escalating killing and maiming of children and attacks on schools and hospitals perpetrated by armed groups, as well as abductions attributed to the ex-Séléka,

*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, must be held responsible for their acts,

*Welcoming* the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the European Union Military Advisory Mission in the Central African Republic, 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, in 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 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 on international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the European Union military training mission in the Central African Republic, within their respective mandates, to support the Central African authorities to this end,

*Welcoming* 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 noting 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 also* 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 and the provision of temporary premises for staff of the Court, 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 progress achieved by the Central African Republic in advancing the electoral process, notably by adopting a new electoral code, with a view to holding the presidential and local elections as planned in 2020 and 2021,

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 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, against humanitarian workers, against health workers, against humanitarian supplies and against United Nations staff, including those committed by armed groups in the Paoua area on 21 May 2019 and in Birao on 1 September 2019, when a total of 55 persons and 26 persons, respectively, most of them civilians, were killed;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict respect for all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* about 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;

5. *Calls upon* the Government of the Central African Republic, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who incite violence could be sanctioned by the Security Council;

6. *Welcomes* the report of the Independent Expert on the situation of human rights in the Central African Republic<sup>78</sup> and of the recommendations contained therein;

7. *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

<sup>78</sup> [A/HRC/42/61](#).

mechanisms for women's effective and meaningful participation in decision-making processes; implementation of the Peace Agreement; and greater engagement of religious leaders in helping to prevent these crimes;

8. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

9. *Calls upon* the authorities of the Central African Republic to support the National Observatory for Gender Parity;

10. *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 begin its work without delay;

11. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and 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;

12. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, 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 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, which is an essential contribution to the security of the population and the stabilization of the country;

13. *Deploras* 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 on them to honour the commitments assumed by several of them on 6 February 2019;

14. *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, encourages the continuing efforts of the Government to protect children through the adoption and effective implementation of legislation prohibiting the recruitment and use of children in armed conflict, and encourages the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and urges the Government to adopt a national plan for the protection of children;

15. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate 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;

16. *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 necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

17. *Notes* the decision of the Central African authorities in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction, and welcomes in that regard the Court's decision of September 2014 to open an investigation focusing principally on war crimes and crimes against humanity committed since 1 August 2012;

18. *Welcomes* the efforts of the Central African authorities to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and full operational capability of the Court and the opening of proceedings as soon as possible, with support from the international community, and to cooperate 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;

19. *Notes* the efforts made by the authorities of the Central African Republic and underscores 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 collective level;

20. *Welcomes* the efforts made by the authorities of the Central African Republic to hold criminal hearings in the Assize Court and to strengthen the capacities of local peace and reconciliation committees, requests them to continue strengthening the judiciary and combating 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 such that judicial authorities are effectively present throughout the country, while ensuring that everyone has access to fair and impartial justice;

21. *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 pursuing the fight against corruption and 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;

22. *Welcomes* the recent efforts of the authorities of the Central African Republic to launch the special joint security units, in accordance with the 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;

23. *Also 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 and the European Union military training mission in the Central African Republic, 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;

24. *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 livestock;

25. *Calls upon* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, welcomes the progress made towards establishing a truth, justice, reparation and reconciliation commission, and calls upon the authorities to continue on this path;

26. *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;

27. *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;

28. *Remains deeply concerned* by the extent of conflict-related sexual violence, in particular against women and girls 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;

29. *Welcomes* the establishment of a dedicated force for the suppression of sexual violence against women and children, and calls upon the Central African authorities to provide the force with the resources necessary for its operation;

30. *Remains concerned* by the surge in the number of children recruited by armed groups, calls for the establishment and implementation of social reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, and urges the Central African authorities and armed groups to put an end to and prevent such serious violations and abuses of their rights;

31. *Remains deeply concerned* by 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;

32. *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;

33. *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;

34. *Requests* all parties to authorize and facilitate rapid and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

35. *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;

36. *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;

37. *Decides* to renew, for one year, the mandate of the Independent Expert on the situation of human rights in the Central African Republic, which is to assess, monitor and report on the situation with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

38. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

39. *Decides* to organize, at its forty-third session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on preventing the recruitment and use of children in the armed conflict and protecting their rights through their demobilization and reintegration, with the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

40. *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;

41. *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;

42. *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;

43. *Requests* the Independent Expert to provide an oral update on her 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-fourth session and to submit a written report to the Council at its forty-fifth session;

44. *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 her to carry out fully her mandate;

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

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

## **42/37. Advisory services and technical assistance for Cambodia**

*The Human Rights Council,*

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that special procedure mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

*Recalling further* Human Rights Council resolution 36/32 of 29 September 2017 and other relevant resolutions,

*Bearing in mind* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,<sup>79</sup>

*Recognizing* that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

*Noting* the new developments in Cambodia, especially the achievements and improvements in economic and cultural fields over recent years through its relevant national plans, strategies and frameworks,

*Noting also* the efforts made by the Government of Cambodia to rebuild the country and to promote individuals' rights, freedoms and dignity while maintaining peace, stability, social security and public order, and to promote development and enhancing the quality of life of the population, and stressing the importance of respect for and the promotion and protection of human rights in this regard,

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the delivery of the judgment made by the Trial Chamber in case 002/02 against former senior leaders of Democratic Kampuchea, Nuon Chea and Khieu Samphan, who were sentenced to life imprisonment for genocide and other crimes on 16 November 2018, and supports the position of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner to fulfil its mandate, given the further advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Expresses continued concern* at the financial situation of the Extraordinary Chambers, urges the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, stresses the need for the Government and the international community to provide all appropriate assistance to the Extraordinary Chambers, and also stresses the importance of efficient and sustainable management of financial resources by the Extraordinary Chambers;

4. *Calls upon* the Government of Cambodia to transfer the knowledge and share the good practices of the court officials at the Extraordinary Chambers;

5. *Welcomes* the positive engagement of the Government of Cambodia in the third cycle of the universal periodic review and its acceptance of most of the recommendations made therein and the progress made so far in their implementation;

6. *Also welcomes* the reports of the Special Rapporteur on the situation of human rights in Cambodia<sup>80</sup> and the recommendations contained therein, and invites the Government of Cambodia to engage with the Special Rapporteur on the best ways to implement them;

7. *Further welcomes* the conclusion in October 2018 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful

<sup>79</sup> A/HRC/42/31.

<sup>80</sup> A/HRC/39/73 and Add.1, A/HRC/42/60 and Add.1.

consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;

8. *Commends* the positive cooperation between the Government of Cambodia and the Office of the High Commissioner, particularly for the protection of land rights for indigenous peoples, encourages the enhancement of cooperation between the Government and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;

9. *Notes* the adoption of the Cambodia Sustainable Development Goals by the Government of Cambodia and the submission of its voluntary national review for 2019 at the high-level political forum on Sustainable Development in July 2019, and encourages the Government to implement the Cambodia Sustainable Development Goals with the support of the international community and to conduct governance reform by including robust targets and indicators on Sustainable Development Goal 16;

10. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate and abide by the rule of law, including through the adoption, amendment and further implementation of essential laws and codes for establishing a democratic society and an independent judiciary;

11. *Notes* the plans for expansion of judicial service centres, the construction of regional appeal courts and the increase in the legal aid budget as an effort by the Government of Cambodia to improve judicial access, and encourages the Government to speedily adopt the legal aid policy in order to ensure access to justice for all;

12. *Also notes* the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including enforcing basic laws, such as the civil procedure code, the civil code, the criminal procedure code and the penal code;

13. *Further notes* the implementation of three fundamental laws on the judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and Functioning of the Courts and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy, and urges the Government of Cambodia to continue further its efforts at judicial reform, including through the fair, effective and transparent application of these laws;

14. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights, expresses deep concern over the death of the political analyst on 10 July 2016 and the perceived chilling effect this has had on civil society and independent voices in Cambodia, calls upon the authorities of Cambodia to launch a full and transparent probe into those cases and stresses the importance of a full independent judicial process under the Cambodia courts of law;

15. *Notes* the efforts made by the Government of Cambodia to combat corruption, encourages the implementation of the penal code and the anti-corruption law, and also encourages the Government to continue other such efforts, including through the activities of the Anti-Corruption Unit;

16. *Welcomes* the efforts made by the Government of Cambodia to combat crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

17. *Takes note* of the latest findings regarding gender-based issues in Cambodia, and encourages the Government of Cambodia to strengthen its efforts on gender-based issues, including by effectively enforcing existing laws and regulations;

18. *Encourages* the Government of Cambodia to continue to implement its five-year strategy for gender equality, and to promote women's economic, social and political empowerment, including their participation in decision-making processes, and the expansion of women's economic benefits through improved working conditions, social protection and labour standards;

19. *Also encourages*, in this context, the Government of Cambodia to more effectively monitor the implementation of the 2001 Land Law, and to make continuous efforts to promote women and vulnerable groups in obtaining land ownership and rights;

20. *Notes* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations, including a moratorium on economic land concessions and systematic land registration, expresses concern at the outstanding issues in this area, and urges the Government to continue and enhance its efforts to resolve them equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the Land Law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, and by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

21. *Also notes* the commitments made and the progress achieved by the Government of Cambodia in implementing its obligations under international human rights treaties and conventions to which it is a party, and urges the Government to continue to take steps to meet its obligations under those treaties and conventions, and to this end to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

22. *Further notes* the commitment of the Government of Cambodia to establish a national human rights institution, and urges that this be done in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and upon sufficient consultation with relevant stakeholders;

23. *Welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

24. *Also welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

25. *Expresses serious concern* at the deterioration of the civil and political environment in Cambodia due to the chilling effects of judicial prosecutions and other actions taken against members of political parties, civil society and the media, in particular the continued judicial supervision of former political opposition leader Kem Sokha and the dissolution of the former opposition party, and calls upon all parties, inter alia the ruling party, to work together towards de-escalating tensions and building trust and confidence by restoring dialogue with relevant stakeholders in the country, and calls upon the Government of Cambodia to guarantee, inter alia, the rights to freedom of expression and to freedom of association and assembly, and to fulfil its accountability for the cases concerned;

26. *Gives attention* to the conclusions and recommendations of the reports of the Special Rapporteur<sup>81</sup> and her statement of May 2019, which calls for the release of Kem Sokha and the swift conclusion of the investigation into his case, takes note that nine members of the former opposition party have received the right to conduct their political

<sup>81</sup> [A/HRC/39/73/Add.1](#) and [A/HRC/42/60](#).



activities due to the amendment to the law on political parties in January 2019, strongly encourages the Government of Cambodia to ensure political rights to all, to make continuous efforts to solve the issue of the ban on political activities of senior members of the opposition party, and to expand democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate, and strongly encourages all parties to prioritize national reconciliation, peace and stability;

27. *Expresses concern* at the continued restrictions imposed on civil society and political parties and the negative impact of the Law on Associations and Non-Governmental Organizations and the amendments of 28 February and 10 July 2017 to the Law on Political Parties, and urges the Government of Cambodia to make continuous efforts to ensure the rights to freedom of expression, peaceful assembly and association and an environment conducive to the conduct of political activities by all political parties under democratic principles and the rule of law;

28. *Takes into account* the conclusions and recommendations made by the Special Rapporteur in her report<sup>82</sup> in relation to the process and the result of the national elections held in 2018, while taking into account the high voting rates, regrets the large number of invalid votes cast in the elections, and urges the Government of Cambodia to fully respect, protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;

29. *Notes with concern* that the 2017 amendments to the Law on Political Parties could lead to an arbitrary restriction on the activities of political parties, encourages all stakeholders to promote a peaceful democratic process under the rule of law and adherence to a system of pluralistic liberal democracies, in accordance with the Constitution, and calls upon the Government of Cambodia to ensure the protection of parliamentary immunity and freedom of political activities for this purpose;

30. *Urges* the Government of Cambodia to take appropriate measures to encourage and enable civil society, including independent trade unions and media, to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities and in promoting equal access to the media for all parties;

31. *Notes* the large presence of more than 5,000 entities operating associations and non-governmental organizations, and urges the Government of Cambodia to further take account of the interests and concerns of all stakeholders in enacting and/or implementing various laws and measures that may affect the activities of civil society, in particular, by reviewing the Law on Associations and Non-Governmental Organizations, in order to further nurture a vibrant civil society, and to protect and ensure freedom of speech, association and peaceful assembly in accordance with the Constitution and the International Covenant on Civil and Political Rights;

32. *Also notes* the effort of the Government of Cambodia with regard to relations with civil society, such as the new instruction issued on 31 October 2018 by the Ministry of the Interior to subnational authorities, reminding it that non-governmental organizations have full freedom to conduct their activities in accordance with Cambodian law and on the holding of a biannual dialogue between the Government and civil society organizations, as well as the instruction of 27 November 2018 abolishing the three-day prior notification requirement, and calls upon the Government to make continuous efforts to contribute to the improvement of relations with civil society, including at the subnational level;

33. *Expresses concern* at the reported general reluctance among many people to speak out in public for fear of arrest and surveillance, and the limited number of peaceful assemblies and demonstrations allowed in accordance with the Law on Peaceful Demonstration, and encourages the Government of Cambodia to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, in accordance with the historical context of

<sup>82</sup> [A/HRC/39/73/Add.1](#).

Cambodia, and to this end to ensure that all laws are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights in accordance with the rule of law;

34. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with the Government of Cambodia in strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in the fields of:

(a) Drafting laws and assisting the establishment of an independent national human rights institution;

(b) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(d) The implementation of recommendations accepted in the context of the universal periodic review;

(e) Assisting the assessment of progress in human rights issues;

35. *Decides* to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its forty-fifth and forty-eighth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

36. *Requests* the Secretary-General to report to the Human Rights Council at its forty-fifth and forty-eighth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

37. *Decides* to continue its consideration of the situation of human rights in Cambodia at its forty-eighth session.

*42nd meeting  
27 September 2019*

[Adopted without a vote.]

## IV. Decisions

### 42/101. Outcome of the universal periodic review: Norway

*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 Norway on 6 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Norway, 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>

*23rd meeting  
19 September 2019*

[Adopted without a vote.]

### 42/102. Outcome of the universal periodic review: Albania

*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 Albania on 6 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Albania, 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>

*24th meeting  
19 September 2019*

[Adopted without a vote.]

### 42/103. Outcome of the universal periodic review: Democratic Republic of the Congo

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

<sup>83</sup> [A/HRC/42/3](#).

<sup>84</sup> [A/HRC/42/3/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>85</sup> [A/HRC/42/4](#).

<sup>86</sup> [A/HRC/42/4/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

*Having conducted* the review of the Democratic Republic of the Congo on 7 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of the Democratic Republic of the Congo, 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>

24th meeting  
19 September 2019

[Adopted without a vote.]

#### **42/104. Outcome of the universal periodic review: Côte d'Ivoire**

*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 Côte d'Ivoire on 7 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Côte d'Ivoire, 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>

24th meeting  
19 September 2019

[Adopted without a vote.]

#### **42/105. Outcome of the universal periodic review: Portugal**

*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 Portugal on 8 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Portugal, 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

<sup>87</sup> [A/HRC/42/5](#).

<sup>88</sup> [A/HRC/42/5/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>89</sup> [A/HRC/42/6](#).

<sup>90</sup> [A/HRC/42/6/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>91</sup> [A/HRC/42/7](#).

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>

*25th meeting  
20 September 2019*

[Adopted without a vote.]

#### **42/106. Outcome of the universal periodic review: Bhutan**

*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 Bhutan on 8 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Bhutan, 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>

*25th meeting  
20 September 2019*

[Adopted without a vote.]

#### **42/107. Outcome of the universal periodic review: Dominica**

*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 Dominica on 9 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Dominica, 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  
20 September 2019*

[Adopted without a vote.]

<sup>92</sup> [A/HRC/42/7/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>93</sup> [A/HRC/42/8](#).

<sup>94</sup> [A/HRC/42/8/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>95</sup> [A/HRC/42/9](#).

<sup>96</sup> [A/HRC/42/9/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

## **42/108. Outcome of the universal periodic review: Democratic People's Republic of Korea**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of the Democratic People's Republic of Korea on 9 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of the Democratic People's Republic of Korea, 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  
20 September 2019*

[Adopted without a vote.]

## **42/109. Outcome of the universal periodic review: Brunei Darussalam**

*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 Brunei Darussalam on 10 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Brunei Darussalam, 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>

*26th meeting  
20 September 2019*

[Adopted without a vote.]

## **42/110. Outcome of the universal periodic review: Costa Rica**

*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

<sup>97</sup> [A/HRC/42/10](#).

<sup>98</sup> [A/HRC/42/10/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>99</sup> [A/HRC/42/11](#).

<sup>100</sup> [A/HRC/42/11/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

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 Costa Rica on 13 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Costa Rica, 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 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>

*26th meeting  
20 September 2019*

[Adopted without a vote.]

## **42/111. Outcome of the universal periodic review: Equatorial 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 Equatorial Guinea on 13 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Equatorial Guinea, 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>

*26th meeting  
20 September 2019*

[Adopted without a vote.]

## **42/112. Outcome of the universal periodic review: Ethiopia**

*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 Ethiopia on 14 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Ethiopia, 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

<sup>101</sup> [A/HRC/42/12](#).

<sup>102</sup> [A/HRC/42/12/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>103</sup> [A/HRC/42/13](#).

<sup>104</sup> [A/HRC/42/13/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>105</sup> [A/HRC/42/14](#).

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>

*26th meeting  
20 September 2019*

[Adopted without a vote.]

### **42/113. Outcome of the universal periodic review: Qatar**

*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 Qatar on 15 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Qatar, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>107</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>108</sup>

*26th meeting  
20 September 2019*

[Adopted without a vote.]

### **42/114. Outcome of the universal periodic review: Nicaragua**

*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 Nicaragua on 15 May 2019 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Nicaragua, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>109</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>110</sup>

*27th meeting  
20 September 2019*

[Adopted without a vote.]

<sup>106</sup> [A/HRC/42/14/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>107</sup> [A/HRC/42/15](#).

<sup>108</sup> [A/HRC/42/15/Add.1](#); see also [A/HRC/42/2](#), chap. VI.

<sup>109</sup> [A/HRC/42/16](#).

<sup>110</sup> [A/HRC/42/16/Add.1](#); see also [A/HRC/42/2](#), chap. VI.



## V. President's statements

### PRST 42/1. Reports of the Advisory Committee

At the 38th meeting, held on 26 September 2019, the President of the Human Rights Council made the following statement:

“The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its twenty-second and twenty-third sessions.”<sup>111</sup>

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<sup>111</sup> [A/HRC/AC/22/2](#) and [A/HRC/AC/23/2](#).

