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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Costa Rica, Guatemala,* Kuwait, Monaco* and Qatar: draft resolution**

60/... Promotion and protection of the human rights of women and children in conflict and post-conflict situations: ensuring justice, remedies and reparation for victims

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 and by all relevant international human rights treaties, in particular, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Reaffirming General Assembly resolution 60/251 of 15 March 2006 in which the Assembly acknowledged that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being and recognized that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, and subsequent relevant Council resolutions, and Council resolution 2427 (2018) of 9 July 2018 on children and armed conflict,

Recalling also General Assembly resolution 60/147 of 16 December 2005 on 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,

Reaffirming that all parties to armed conflict must adhere to their obligations under international law, including international human rights law and international humanitarian

* State not a member of the Human Rights Council.

** On behalf of the States Members of the United Nations that are members of the Cooperation Council for the Arab States of the Gulf.



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

Reaffirming also the obligation of an occupying power, as a duty bearer under international human rights law, to uphold the human rights of peoples under occupation,

Recognizing that women and children in situations of armed conflict are disproportionately affected, and that violations of the human rights of women and children, particularly girls, in situations of armed conflict are violations of the fundamental principles of international human rights law and international humanitarian law,

Recognizing also that information and communications technologies can facilitate efforts to promote and protect the human rights of women and children in conflict and post-conflict situations, including in humanitarian work and the provision of services, and to ensure justice and redress, while acknowledging that their malicious use by parties to armed conflicts may cause, instigate or amplify harm to the civilian population, including women and children, or other protected persons and objects during armed conflict and in post-conflict situations,

Reaffirming the legal obligations of States to respect, protect and fulfil the human rights of women and children in all conflict and post-conflict situations,

Commending ongoing international and regional initiatives on protecting the human rights of women and children during and after armed conflict,

Deeply concerned that women and children suffer most and bear a disproportionate burden during and after armed conflict and account for the vast majority of those whose human rights are adversely affected by armed conflict, including as refugees and internally displaced persons, who are at greater risk of trafficking in persons, and that the number of women and children reported as affected by gross violations of international human rights law and serious violations of international humanitarian law has increased,

Gravely concerned that such violations may amount to genocide, crimes against humanity and war crimes, and recalling the responsibilities of States to end impunity and to prosecute those responsible for these crimes and other egregious crimes perpetrated against women and children,

Reaffirming the obligation to implement international human rights law and international humanitarian law to protect women and children during and after armed conflict, and stressing that the principles of distinction, proportionality and precaution in attack must be respected and upheld at all times by all parties to armed conflict,

Deeply alarmed that many children affected by armed conflict, in particular girls, lack access to education owing to attacks against schools, damaged or destroyed school buildings, mines and unexploded ordnance, insecurity, the prevalence of violence, including gender-based violence, in and around schools and loss of documentation,

Reaffirming that schools are civilian objects protected under international humanitarian law and must be safeguarded from attacks and from military use, recognizing the grave impact of attacks against schools and the military use of schools on children's and teachers' safety and on the full realization of the right to education, and encouraging all States to strengthen efforts to prevent the military use of schools in contravention of international law,

Deeply concerned that armed conflict exacerbates children's risks of family separation, trafficking, exploitation, statelessness and denial of access to essential services, and underlining the obligation of States to take all measures necessary to ensure the protection, care and reunification with their families of unaccompanied and separated children, in accordance with the best interests of the child,

Recalling the specific obligation under international humanitarian law to respect and protect, in situations of armed conflict, medical personnel and healthcare workers engaged in medical duties, their means of transport and equipment and hospitals and other medical and healthcare infrastructure, which must not be attacked, and cognizant of the fact that such attacks, which have immediate and long-lasting impacts and deprive communities of much-

needed health services, undermine the right of women and children to the enjoyment of the highest attainable standard of physical and mental health,

Reaffirming the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance, and stressing the obligation of all parties to armed conflict to allow and facilitate immediate, safe and unimpeded passage and delivery of humanitarian aid under the conditions prescribed by international humanitarian law,

Recognizing that intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies, constitutes a war crime,

Noting with concern that armed conflicts and military operations worsen environmental degradation, causing air, soil and water pollution, having a lasting impact on populations, in particular on children,

Reaffirming the importance of the full, equal, meaningful and safe participation of women, including women with disabilities, in all stages of planning and decision-making processes related to prevention, mediation, confidence-building, peace negotiations and resolution of conflicts and transitional justice processes and of their involvement in all efforts to maintain and promote peace and security, and reaffirming also the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, including sexual and gender-based violence,

Underlining the importance of mainstreaming child protection concerns into early warning, conflict analysis, mediation, transitional justice and disarmament, demobilization and reintegration efforts,

Recognizing that boys of all ages living in conflict and post-conflict situations face heightened risks of forced recruitment, association with armed groups or gangs, involvement in illicit activities or engagement in child labour to sustain their families, which affect their enjoyment of their human rights, including their rights to life, education and social development,

Stressing the need for perpetrators of crimes against women and children in situations of armed conflict, including under occupation, to be brought to justice through appropriate national, regional and, where applicable, international justice mechanisms, including mixed criminal courts and tribunals, in order to end impunity and uphold the rights of victims,

Recalling that provisions providing a right to effective remedy for victims of violations of international human rights law and international humanitarian law exist in numerous international human rights law and international humanitarian law instruments,

1. *Strongly condemns* all violations and abuses of international law committed against women and children in conflict and post-conflict situations, including under occupation;

2. *Reaffirms* the international legal principles of accountability, justice, reparation and the rule of law;

3. *Condemns* all violations of children's rights, including the recruitment and use of children by parties to armed conflict, as well as their re-recruitment, killing and maiming, rape and other types of sexual violence, abductions and attacks on schools and hospitals, as well as denial of humanitarian access, arbitrary detention and family separation by parties to armed conflict, and demands that all parties to armed conflict immediately put an end to such violations and abuses and take special measures to protect children and ensure respect for their rights;

4. *Recognizes* that all forms of repression and cruel and inhuman treatment of women and children, including unlawful imprisonment, torture, murder, summary executions, mass arrests, collective punishment, intentional starvation, destruction of dwellings and forced displacement, committed by belligerents in the course of an armed conflict, including in occupied territories, constitute international crimes;

5. *Affirms* the right of the victims of violations of international human rights law and violations of international humanitarian law to effective remedies and reparation in a systematic and thorough way at the national and international levels;

6. *Reaffirms* the obligations, under international humanitarian law, of all parties to armed conflict to allow, facilitate and enable the immediate, safe and unimpeded delivery of humanitarian assistance, in particular food and medicine, for all civilians in need, taking into account the particular needs of women and children;

7. *Calls upon* States:

(a) To respect, protect, fulfil and promote the human rights of women and children in conflict and post-conflict situations, including the rights to life, health, food, liberty and security of person;

(b) To adopt and implement legislation that criminalizes violations of relevant rules of international law, including gross violations of international human rights law and serious violations of international humanitarian law pertaining to the protection of women and children in armed conflict, in accordance with their international obligations;

(c) To bring to justice those responsible for such violations through national justice systems and, where applicable, transitional justice systems and international justice mechanisms, and recalls the need for child-friendly justice systems;

(d) To adopt appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;

(e) To make available adequate, effective, prompt and appropriate remedies and reparation for the victims of gross violations and abuses of international human rights law and serious violations of international humanitarian law and to ensure approaches that translate into restitution, rehabilitation and guarantees of non-repetition, and recalls in this regard 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, adopted by the General Assembly in its resolution 60/147;

(f) To ensure that children associated or allegedly associated with armed forces or groups are treated primarily as victims, with the best interests of the child as the primary consideration;

(g) To allow and facilitate the immediate, safe and unimpeded passage and delivery of humanitarian aid, as well as access by women and children to services, assistance and protection;

(h) To take all measures necessary to protect civilians and civilian infrastructure, including humanitarian premises and assets, hospitals, schools and places of worship, and their personnel, and to end and prevent the use of schools and hospitals for military purposes;

(i) To take all measures necessary to ensure the full, equal, safe and meaningful participation of women in decision-making at all levels of peace and security processes, including conflict prevention and resolution, humanitarian relief, mediation, peace operations, peacebuilding and post-conflict reconstruction and development;

(j) To provide funding to strengthen capacity to protect women and children on the ground;

8. *Invites* the United Nations High Commissioner for Human Rights, the relevant special procedure mandate holders, commissions of inquiry and treaty bodies to mainstream, within their respective mandates, the promotion and protection of the human rights of women and children in conflict and post-conflict situations when considering the situation of human rights in armed conflicts;

9. *Requests* the High Commissioner to prepare an analytical report based on the contributions of States, relevant United Nations agencies and other relevant stakeholders on best practices and main challenges in the promotion and protection of the human rights of women and children in conflict and post-conflict situations, with a focus on ending impunity and ensuring accountability for gross violations of international human rights law and serious

violations of international humanitarian law and on the provision of effective remedies and reparation for the victims, and to present the report to the Human Rights Council, at its sixty-third session, to be followed by an interactive dialogue with the participation of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;

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