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Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 1

Organizational and procedural matters

Resolution adopted by the Human Rights Council on 4 March 2022

49/1. Situation of human rights in Ukraine stemming from the Russian aggression

The Human Rights Council,

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

Recalling the obligations of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, and to settle their international disputes by peaceful means,

Reaffirming the need to exert utmost efforts in order to settle any conflicts and disputes between States exclusively by peaceful means and to avoid any military action and hostilities, which can only make more difficult the solution of those conflicts and disputes,

Recalling also the Universal Declaration of Human Rights and relevant international human rights treaties, and treaties relevant to international humanitarian law, and also the role of regional arrangements, particularly the European Convention on Human Rights,

Recalling further General Assembly resolution 3314 of 14 December 1974, entitled “Definition of aggression”,

Welcoming the adoption of the resolution on Aggression against Ukraine at the UN General Assembly on March 2, 2022,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ukraine within its internationally recognized borders, extending to its territorial waters, and reaffirming also that all peoples are entitled to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, in accordance with international law,

Reaffirming also the primary responsibility of States to promote, respect and protect human rights,

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

Strongly condemning the aggression against Ukraine by the Russian Federation,

Gravely concerned at the ongoing human rights and humanitarian crisis in Ukraine, particularly at the reports of violations and abuses of human rights and violations of

international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights, and recognizing strong expressions of concern in statements by the UN Secretary General and by the High Commissioner for Human Rights,

Recalling in this regard the reports by the UN Secretary General and the Office of the UN High Commissioner for Human Rights based on the work of the UN Human Rights Monitoring Mission in Ukraine (HRMMU) established in 2014,

Concerned about increasing reports of civilian casualties, including children, forced displacement, including more than 660,000 refugees, and at damage to and destruction of residential areas, schools, cultural sites, and critical civilian infrastructure, including hospitals and civilian water, sanitation, and fuel supplies caused by Russian bombing and shelling in populated areas,

Stressing the urgent need for the Russian Federation to immediately cease its military hostilities against Ukraine and for Belarus to immediately cease its support for these hostilities, for the prioritization of the protection of civilians, including those displaced, and civilian objects, and for full, timely, immediate, unhindered and safe humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law, including international human rights law, international humanitarian law and international refugee law,

Recalling that the States members of the Human Rights Council are required to uphold the highest standards in the promotion and protection of human rights,

Deploring the suffering of the people in Ukraine and reaffirming its profound solidarity with them, while stressing the importance of providing them with proper support and assistance,

Concerned by the humanitarian needs of all those fleeing from or displaced by the military hostilities,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Emphasizing the important role played by the Office of the United Nations High Commissioner for Human Rights and the human rights monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

Reaffirming that the right to freedom of opinion and expression, both online and offline, is a human right guaranteed to all, reiterating in this regard the important role of free and independent media and non-governmental organizations, and condemning any attack against journalists, media outlets, media workers, and human rights defenders,

Expressing concern at the spread of disinformation, which can be designed and implemented so as to mislead and to violate and to abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information,

Underscoring the obligation on all parties to the Geneva Conventions of 12 August 1949, as well as parties to the Additional Protocol I of 1977, to investigate and prosecute or extradite persons alleged to have committed, or to have ordered to be committed, grave breaches of the Geneva Conventions or Additional Protocol I, as applicable,

Noting the decision by the prosecutor of the International Criminal Court to proceed with opening an investigation into the situation in Ukraine, as rapidly as possible,

Noting also the role of the International Court of Justice in settling, in accordance with international law, legal disputes submitted to it by States,

1. *Condemns in the strongest possible terms* the human rights violations and abuses and violations of international humanitarian law resulting from the Russian Federation's aggression against Ukraine;

1bis. *Reaffirms* its strong commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;

2. *Calls upon* the Russian Federation to immediately end its human rights violations and abuses and violations of international humanitarian law in Ukraine, and calls for the strict observance of all human rights and fundamental freedoms, and for the protection of civilians and critical civilian infrastructure in Ukraine;

3. *Calls for* the swift and verifiable withdrawal of Russian Federation troops and Russian-backed armed groups from the entire territory of Ukraine, within its internationally recognized borders, as well as its territorial waters, in order to prevent further violations and abuses of human rights and violations of international humanitarian law in the country, and stresses the urgent need for the immediate cessation of military hostilities against Ukraine;

4. *Urges* immediate, safe and unhindered humanitarian access, including across conflict lines, to ensure that humanitarian assistance reaches all those in need, particularly those in vulnerable situations, and to respect the independence and impartiality of humanitarian agencies and ensure the protection of humanitarian personnel and medical personnel exclusively engaged in medical duties;

5. *Expresses grave concern* at the documented harm to the enjoyment of many human rights, including the rights to life, education, and the highest attainable standard of physical and mental health, caused by Russian shelling and bombing in populated areas;

6. *Stresses* the importance of maintaining free, open, interoperable, reliable and secure access to the Internet, and condemns unequivocally any measures that prevent or disrupt an individual's ability to receive or impart information online or offline, including partial or complete Internet shutdowns;

6bis. *Stresses* that all those fleeing from the conflict in Ukraine should be protected without discrimination, including on the basis of racial, national, and ethnic identity;

7. *Encourages* relevant thematic special procedure mandate holders, within their respective mandates, to pay particular attention to the situation of human rights in Ukraine;

8. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of initiating a prompt, independent and impartial investigation into all alleged abuses and violations to end impunity and ensure accountability for those responsible;

9. *Decides* to urgently establish an independent international commission of inquiry, constituted by three human rights experts, to be appointed by the President of the Human Rights Council for an initial duration of one year, complementing, consolidating, and building upon the work of the HRMMU, and in close coordination with the HRMMU and OHCHR, with the following mandate:

(a) To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes, in the context of the Russian Federation's aggression against Ukraine, and to establish the facts, circumstances, and root causes of any such violations and abuses;

(b) To collect, consolidate and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;

(c) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

(d) To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;

(e) To make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

(f) To provide the Human Rights Council, at its fifty-first session, with an oral update, to be followed by an interactive dialogue, and a comprehensive written report at its fifty-second session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-seventh session;

10. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources necessary to enable the commission of inquiry to carry out its mandate and the resources and expertise necessary to enable the Office of the United Nations High Commissioner for Human Rights to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence-collection;

11. *Calls upon* all relevant parties and States, and encourages civil society, the media and other relevant stakeholders, to cooperate fully with the commission of inquiry to allow it to effectively fulfil its mandate, and to provide it with relevant information or documentation they may possess or come to possess, as appropriate;

12. *Calls upon* the relevant organs, bodies and agencies of the United Nations system to cooperate fully with the commission of inquiry and to respond promptly to any request made by it, including with regard to access to relevant information and documentation;

13. *Decides* to remain actively seized of the matter.

*10th meeting
4 March 2022*

[Adopted by a recorded vote of 32 to 2, with 13 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Brazil, Côte d'Ivoire, Finland, France, Gambia, Germany, Honduras, Indonesia, Japan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Senegal, Somalia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Eritrea and Russian Federation

Abstaining:

Armenia, Bolivia (Plurinational State of), Cameroon, China, Cuba, Gabon, India, Kazakhstan, Namibia, Pakistan, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)]
