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Human rights situations that require the Council's attention

Albania,* Andorra,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Costa Rica, Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Finland, France, Georgia, Germany, Greece,* Guatemala,* Iceland,* Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania, Luxembourg, Malta,* Monaco,* Montenegro, Netherlands (Kingdom of the),* New Zealand,* North Macedonia,* Norway,* Poland,* Portugal,* Republic of Moldova,* Romania, San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Türkiye,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay*: draft resolution

52/... 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 make the utmost effort to settle any conflicts and disputes between States exclusively by peaceful means and to avoid any military action and hostilities, which can only make the solution of those conflicts and disputes more difficult,

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

Recalling also General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of aggression",

Recalling further General Assembly resolution ES-11/1 of 2 March 2022 on the aggression against Ukraine, and all other resolutions adopted at the eleventh emergency special session of the General Assembly,

Recalling Human Rights Council resolutions 49/1 of 4 March 2022 on the situation of human rights in Ukraine stemming from the Russian aggression, and S-34/1 of 12 May 2022 on the deteriorating human rights situation in Ukraine stemming from the Russian aggression,

* State not a member of the Human Rights Council.



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 respect, protect and fulfil 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,

Expressing grave concern 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 recalling the strong expressions of concern made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Independent International Commission of Inquiry on Ukraine, the special procedures of the Human Rights Council and the treaty bodies,

Reaffirming the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, and recalling that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

Recalling the reports of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights based on the work of the human rights monitoring mission in Ukraine established in 2014, and the relevant reports of the Organization for Security and Cooperation Moscow Mechanism missions of experts,

Expressing grave concern at the conclusions of the Commission of Inquiry, reflected in its report,¹ that a wide range of violations of international human rights law and violations of international humanitarian law, many of which amount to war crimes, have been committed in Ukraine since 24 February 2022,

Noting with concern that the Commission of Inquiry also found that the waves of attacks by Russian armed forces on Ukrainian energy-related infrastructure and the use of torture by Russian authorities may amount to crimes against humanity,

Expressing grave concern at the growing number of civilian casualties caused by the Russian aggression against Ukraine and the large-scale forced displacement of civilians in Ukraine, resulting in more than 8 million refugees and more than 5 million internally displaced persons, of whom the majority are women and children who are at heightened risk of sexual and gender-based violence, trafficking in persons, exploitation and abuse,

Strongly condemning the attacks against civilians, including children, the indiscriminate use of explosive weapons in populated areas, which has been one of the main causes of civilian casualties, wilful killings, unlawful confinement, the use of torture and other cruel, inhuman or degrading treatment, arbitrary and extrajudicial executions, enforced disappearances, and rape and other forms of sexual and gender-based violence,

Expressing grave concern at the conclusions of the Commission of Inquiry that Russian authorities have been responsible for the unlawful transfer and deportation of civilians and of other protected persons, in particular children, within Ukraine or to the Russian Federation, respectively, which are war crimes,

Strongly condemning the damage to and destruction of residential areas and critical civilian infrastructure, including educational institutions, medical facilities, water and sanitation and fuel supplies, caused by indiscriminate bombing and shelling by the Russian Federation in populated areas, attacks on Ukrainian energy-related infrastructure, including on and in the vicinity of nuclear facilities, in particular the Zaporizhzhia nuclear power plant, and noting that these attacks have deprived much of the civilian population of electricity,

¹ A/HRC/52/62.

water and sanitation, heating, including during the cold winter months, and telecommunications and have hampered access to health care and education, as reported by the Commission of Inquiry,

Condemning all acts of unlawful destruction of, damage to and targeting of cultural heritage, such as sites, institutions and objects of cultural, historical and religious significance in Ukraine, by military attacks by the Russian Federation,

Expressing deep concern at the situation of persons with disabilities and of older persons, recognizing the urgent need to measure the effects of the conflict on their situations and to take enhanced measures to ensure their protection during conflict, and noting the importance of ensuring the full, equal and meaningful participation of persons with disabilities and older persons and their representative organizations in all stages of the peace continuum,

Stressing the urgent need for the Russian Federation to immediately stop its aggression against Ukraine, to withdraw its troops from Ukraine and to 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 people in Ukraine, and reaffirming its profound solidarity with them, while stressing the importance of providing all victims with proper support and assistance, and effective remedy and redress,

Expressing concern at the humanitarian needs of all those fleeing from or displaced by the military hostilities,

Reaffirming the importance of the full, equal and meaningful participation and leadership of women, including women with disabilities, in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and reconstruction, 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 sexual and gender-based violence, including conflict-related sexual violence,

Reaffirming also 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,

Stressing that the disinformation spread by States and State-sponsored actors can accompany serious violations of international law and can have a far-reaching negative impact on the enjoyment of human rights, in particular in times of emergency, crisis and armed conflict,

Underscoring the obligation on all parties to the Geneva Conventions of 12 August 1949 and to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 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 of Protocol I Additional thereto, as applicable,

Welcoming the investigation by the Office of the Prosecutor of the International Criminal Court into the situation in Ukraine, and noting the issuance by its Pre-Trial Chamber of arrest warrants for two individuals on 17 March 2023 for the alleged war crimes of “unlawful deportation of population (children)” and “unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation”,

Noting the role of the International Court of Justice in settling, in accordance with international law, legal disputes submitted to it by States, and recalling the order issued by the Court on 16 March 2022 for the Russian Federation to immediately suspend the military operations that it had commenced on 24 February 2022 in the territory of Ukraine,

Acknowledging the importance of the investigation conducted by the Commission of Inquiry, and emphasizing the role played by the Office of the High Commissioner and its monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

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

2. *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;

3. *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;

4. *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 and 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;

5. *Demands* that all parties to the armed conflict treat all prisoners of war in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), and calls for the complete exchange of prisoners of war, the release of all unlawfully detained persons and the return of all internees and of civilians forcibly transferred and deported, including children;

6. *Urges* full, timely, immediate, unhindered and safe humanitarian access, including across conflict lines, ensuring that humanitarian actors and assistance reach all those in need, particularly those in vulnerable situations, and that the independence, neutrality and impartiality of humanitarian organizations are respected, and ensuring also the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;

7. *Urges* the Russian Federation to cease the unlawful forced transfer and deportation of civilians and other protected persons within Ukraine or to the Russian Federation, respectively, in particular of children, including those from institutional care, unaccompanied children and separated children, and demands that the Russian Federation grant representatives and staff of established international human rights and humanitarian mechanisms unhindered, immediate, sustained and safe access, provide reliable and comprehensive information about the number and the whereabouts of these civilians, and ensure their dignified treatment and their safe return;

8. *Notes* the recent exchanges of prisoners of war between parties to the armed conflict, and urges the Russian Federation to grant representatives and staff of established international human rights and humanitarian mechanisms unhindered, immediate and sustained access to all prisoners of war, unlawfully detained persons, and civilians who have been forcibly transferred and deported, and to ensure their humane and dignified treatment in line with international humanitarian law;

9. *Welcomes* the reports of the Independent International Commission of Inquiry on Ukraine pursuant to Human Rights Council resolutions 49/1 and S-34/1;²

² A/77/533 and A/HRC/52/62.

10. *Strongly condemns* any attacks directed against civilians as such and other protected persons and civilian objects, including civilian evacuation convoys, and indiscriminate and disproportionate attacks, including indiscriminate shelling and the indiscriminate use of explosive weapons, and expresses concern at the long-term risks posed by damage to civilian infrastructure and by unexploded ordnance to the civilian population;

11. *Expresses concern* at the impact of the conflict on increased food insecurity globally, in particular in the least developed countries, as Ukraine and the region are one of the world's most important areas for grain and agricultural exports, when millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, as well as on energy security, and underlines the importance of a stable and strengthened Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports and other relevant initiatives;

12. *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;

13. *Also 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;

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

15. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of continuing prompt, independent and impartial investigations into all alleged abuses and violations to end impunity and ensure accountability for those responsible through the appropriate justice mechanisms, including for the most serious crimes under international law;

16. *Emphasizes* the need to ensure justice for all victims of violations and abuses of human rights and violations of international humanitarian law, and also emphasizes that bringing those responsible to justice is critical for the prevention of further human rights violations and abuses and violations of international humanitarian law;

17. *Stresses* the importance of respecting, protecting and fulfilling the human rights of children and protecting children from all forms of violence, including sexual and gender-based violence, and emphasizes the importance of investigating and documenting violations and abuses of the rights of the child and violations of international humanitarian law, including forcible transfers and deportation, by relevant mechanisms, including the Commission of Inquiry;

18. *Decides* to extend the mandate of the Independent International Commission of Inquiry on Ukraine, defined by the Human Rights Council in its resolution 49/1, for a further period of one year, complementing, consolidating and building upon the work of the human rights monitoring mission in Ukraine, in close coordination with the human rights monitoring mission in Ukraine and the Office of the United Nations High Commissioner for Human Rights;

19. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council at its fifty-fourth session, to be followed by an interactive dialogue, to submit a comprehensive report to the Council at its fifty-fifth session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-eighth session, to be followed by an interactive dialogue;

20. *Requests* the Secretary-General to provide all the resources necessary to enable the Commission of Inquiry to carry out its mandate, including additional legal and investigative expertise, and the resources and expertise necessary to enable the Office of the High Commissioner 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;

21. *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;

22. *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;

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