

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur in the field of cultural rights; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL AZE 1/2021

2 February 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur in the field of cultural rights; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 44/5, 37/12, 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged killing of Benik Lazar Hakobyan and Yuri Vachagan Adamyan, as well as killings and ill treatment of other Armenian soldiers and disrespectful treatment of remains, and unlawful attacks including the use of cluster munitions. We are further concerned regarding reports of indiscriminate attacks on civilian areas, resulting in damage or destruction to schools, churches and other cultural heritage sites.**

A communication under reference UA AZE 4/2020, concerning information received on the alleged torture and ill-treatment of prisoners of war and cases of enforced disappearance during the armed conflict in and around Nagorno-Karabakh and the return of captives and bodies of the dead to their respective countries of origin and to their families was sent to your Excellency's Government on 11 December 2020. We thank your Excellency's Government for the reply received on 31 December 2020.

According to the information received:

On 27 September 2020, large-scale military clashes/hostilities broke out in and around Nagorno-Karabakh. During the ensuing 44 days of armed conflict, it has been alleged that both parties to the conflict targeted civilian areas and civilian objects and infrastructure, making use of heavy weaponry and unarmed aerial vehicles. Cluster munitions and incendiary weapons were also reportedly used, and as a consequence there was not only extensive destruction, but also contamination of settlements with unexploded ordnance, posing additional risks for the civilian population.

Killing of Benik Lazar Hakobyan and Yuri Vachagan Adamyan

In mid-October 2020, a video was circulated online showing two individuals, dressed in camouflage, being detained by several soldiers. In a second video the two individuals are shown sitting against a wall with their hands bound. An order in Azerbaijani is heard to "aim at their heads" and they then are shot and killed.

It is believed the videos show the killings of Mr. Hakobyan and Mr. Adamyan. It is believed they were killed by Azerbaijani soldiers. The soldiers who detained them appear to be wearing a Gentex-style helmet as usually worn by the Azerbaijani Special Forces and they are carrying rifles used by Azerbaijani soldiers in some instances. The soldiers are heard speaking to the detainees in Russian, but to each other in Azerbaijani.

The location has been identified as a small park on the north edge of the town of Hadrut. It is believed the video was made between 12 and 14 October 2020. The Azerbaijani-language spelling of Karabakh (Qarabağ) is seen in spray paint on a wall above their bodies.

The video was originally posted on Telegram with a description stating the men were captured Armenian soldiers. Most of these posts were later deleted. The Azerbaijani Minister of Defence has suggested that the videos are fake.

Other videos

There are several other similar videos in circulation online, which are captioned or appear to show:

- Soldiers who have been killed by Azerbaijani forces while hors de combat.
- Degrading treatment by Azerbaijani forces of the remains of soldiers, including an alleged mass burial.
- Ill-treatment of detained soldiers.

A statement released by the Press Service of the Azerbaijan Prosecutor General's Office on 14 December 2020 notes that the videos of alleged mistreatment of the remains of soldiers were studied and, while some were found to be fake, "criminal proceedings have been launched by the Military Prosecution Office under article 115.2 (torture, cruel or inhumane treatment) and article 245 (insulting acts on graves or corpses) of the Criminal Code of the Republic of Azerbaijan, and intensive investigative measures have been carried out." It further indicates that four Azerbaijani soldiers have been arrested and charged under article 245 of the Criminal Code.

Unlawful Attacks

Reportedly attacks by Azerbaijani forces intentionally and indiscriminately targeted the civilian population and civilian objects in Nagorno-Karabakh, which resulted in the injury and killing of at least 11 civilians as well as the destruction of civilian property.

During hostilities, Azerbaijani forces conducted multiple strikes on Stepanakert/Khankendi. While some attacks were on military targets, residential areas were also attacked with indiscriminate weapons and artillery was fired into areas that contained no clear military objectives. An attack on 4 October 2020 apparently involved multiple strikes in under a minute on residential homes, which may constitute a bombardment.

Azerbaijani forces used explosive weapons with wide area effect, including air-delivered weapons, large-caliber artillery and rockets, in several populated parts of Stepanakert/Khankendi, which led to deaths and injuries to civilians. Reportedly, Azerbaijani forces fired cluster munitions on at least four occasions, including at residential areas of Stepanakert/Khankendi and in Hadrut.

Civilian infrastructure, including Stepanakert/Khankendi No. 4 and No. 10 schools, had material damage. On 28 October 2020, the Republic Medical Center in Stepanakert/Khankendi was hit by at least one artillery rocket causing damage to the building including the new maternity ward. Dual use objects such as power plants, and electricity and gas stations were also targeted with indiscriminate weapons in attacks that were alleged to have been disproportionate. This includes attacks on the Main Electrical Control Building and Substation, situated in a residential area in Stepanakert/Khankendi on 3 and 4 October 2020 including with cluster munitions. The damage led to electricity outages across the city and power was reportedly still limited in late November. The head office of Karabakh Telecom, a private business located in a residential area, which may have been also used for military communications from 2 October 2020, was attacked on 4 October 2020 including by cluster munitions, causing damage to three apartment complexes nearby and impacting electricity and water services in those buildings. The attacks also caused residents difficulties accessing telecommunications networks, making it harder for displaced individuals to get in contact with family members remaining in Nagorno-Karabakh.

Other areas targeted in attacks include Askeran, Martakert/Aghdara, Martuni/Khojavand, Hadrut, Shusha, Lachin and Kalbajar.

On 8 October 2020, the Holy Savior Ghazanchetsots Cathedral located in the center of Shusha, an area containing no military objects, was hit by two missiles at 13 hours and 16.30 hours and is believed to have been intentionally targeted. At the time, civilians were sheltering in the basement of the Cathedral. Several journalists who went to the Cathedral after the first attack and who were wearing distinctive signs and had “press” written on their car, were also injured in the second attack. The Cathedral, built in 1888, is reportedly one of the largest Armenian churches in the world. It is religiously and culturally significant due to its architectural form, its being an important site of pilgrimage, and the relics and manuscripts it contains. The area within Shusha where the cathedral is located was submitted by Azerbaijan for inclusion on the World Heritage tentative list in 2001.

On 9 November 2020 an agreement on a cessation of hostilities was announced in a joint statement by the President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia, and President of the Russian Federation. Azerbaijani officials including the President have denied allegations of indiscriminate attacks and use of cluster munitions.

It is not clear if investigations have been conducted into the unlawful attacks.

While we do not wish to prejudge the accuracy of these allegations, we express our most serious concern at the alleged the alleged intentional killing of Benik Lazar Hakobyan and Yuri Vachagan Adamyan, intentional extrajudicial killings and cruel, inhuman or degrading treatment and even amounting to torture of other hors de combat Armenian soldiers as well as outrages upon personal dignity and disrespectful treatment of human remains. We are also most concerned by reports of unlawful attacks including the use of cluster munitions. These attacks would appear to violate the principles of distinction, precaution, proportionality, and have led to deaths and injuries to civilians as well as alleged attacks on civilian objects and cultural heritage.

Should the facts alleged above be confirmed, they would amount to a violation of the right to life and the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment, as codified in articles 6 and 7, of the International Covenant on Civil and Political Rights (ICCPR) to which Azerbaijan acceded on 13 August 1992 and the latter is also codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Azerbaijan acceded to on 16 August 1996.

Article 6 of the ICCPR provides that “no one shall be arbitrarily deprived of his life.” It “is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threaten the life of the nation.”¹ The State has “an obligation to respect and to ensure the rights under article 6 of all persons who are within its territory and all persons subject to its jurisdiction, that is, all persons over whose enjoyment of the right to life it exercises power or effective control.”² Practices “inconsistent with international humanitarian law”, including the “failure to apply the principles of precaution and proportionality”, violate article 6.³ States that “fail to take all reasonable measures to settle their international disputes by peaceful means might fall short of complying with their positive obligation to ensure the right to life”.⁴ While article 7 provides that, “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Under international human rights law any loss of life that results from the use of force without strict compliance with the principles of necessity, proportionality, and precaution is unjustified. The European Court of Human Rights (ECHR) has recognized that the assessment of necessity and proportionality must be contextualised. The Special Rapporteur Special Rapporteur on extrajudicial, summary or arbitrary executions has suggested that assessment of the use of force in situations of public emergency or away from the line of front demands contextual and situational analysis, the reference to other sources of law and purposive interpretation, taking into account the location, circumstances, possibilities of armed resistance and the planning involved.⁵ For instance, in the case of *Isayeva, Yusupova and Bazayeva v. Russia*, which concerned the indiscriminate aerial bombing of a convoy of civilians trying to leave Grozny, the capital of Chechnya, in October 1999, the ECHR Court concluded that the operation had not been planned and executed with the required care for the lives of the civilian population and that there had therefore been a violation of the substantive requirements of the right to life. The lethal use of force cannot be justified or allowed when it is not necessary, it is likely to cause disproportionate

¹ Human Rights Committee, General Comment 36 – GC36, para. 2

² GC36, para 63

³ GC36, para. 64.

⁴ GC36, para 70.

⁵ UNODC and OHCHR, Resource Book on the use of force, 2017. See also A/HRC/44/38 para 50

harm, or it reasonably could have been avoided by feasible precautionary measures.⁶

If the alleged facts regarding the aerial attacks are correct, which include the targeting of civilians and civilian objects many kilometers away from the front line, and the targeting of civilian objects without military presence in the area, these would constitute a blatant violation of the principles of necessity and proportionality and constitute a blatant violation of the prohibition against arbitrary killings and point to their deliberate targeting. No contextual or situational analysis could justify such attacks and killings. Under international criminal law, such attacks may amount to war crimes.

Similarly, the killings of Prisoners of War or detained civilians, an absolute prohibition under international human rights and humanitarian law, and the torture and other cruel, inhuman or degrading treatment or punishment of persons or of remains, also prohibited under the two bodies of law, would constitute a war crime.

We also wish to recall that cluster munitions can release vast numbers of submunitions over an area of up to tens of thousands of square meters and their lack of accuracy can pose a significant danger to civilians both during the attack and in the immediate post-strike period when people resume their normal activities. As such their use cannot be considered as amounting to a proportionate use of force under international human rights law. Their use will inherently violate the right to life. Their use is also likely to violate the principles of discrimination, precaution and proportionality under international humanitarian law.

We further remind your Excellency's Government that the killing or ill-treatment of detainees is strictly prohibited. We further highlight that conduct which endangers protected persons or objects or which breaches important values such as by abusing dead bodies constitutes a war crime.

In addition, should the facts alleged above be confirmed, the intentional targeting of cultural heritage sites, such as a Cathedral, is a violation of cultural rights, including article 15 of the International Covenant on Economic, Social and Cultural Rights which was acceded to by Azerbaijan on 13 August 1992. According to General Comment No. 21 of the UN Committee on Economic, Social and Cultural Rights, Article 15 includes the right to access and enjoy cultural heritage. Such acts would also clearly contravene relevant provisions of international humanitarian law protecting cultural property, including Article 4 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict acceded to by Azerbaijan on 20 September 1993.

We note the agreement on a cessation of hostilities announced in the 9 November 2020 joint statement and hope that it will lead to sustained peace. However, we remind your Excellency's Government that states must investigate alleged or suspected violations of article 6 and 7 in situations of armed conflict in accordance with the relevant international standards and that international humanitarian and human rights law also provide that States must investigate allegations of war crimes committed either by their nationals or armed forces, or on their territory by a foreign State, or over which they have jurisdiction, and, if appropriate, prosecute the suspects, and make full reparation for the loss of injury caused.

⁶ N Melzer, Human Rights Implications of the Usage of Drones, 2013, p. 30.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on investigations undertaken into the alleged killings of Benik Lazar Hakobyan and Yuri Vachagan Adamyan. If no investigations have been undertaken, please explain why and how this is compatible with the international human rights obligations of Azerbaijan.
3. Please provide detailed information, and where available the results, of investigation, judicial or other inquiries carried out verify the authenticity of the videos purporting to show these killings, and/or to investigate other videos in relation to the allegations of intentional killings and torture and/or cruel, inhuman or degrading treatment of persons and desecration of human remains. Please include additional details on the status of investigations and prosecutions of the four individuals charged. If no investigation has been initiated, please explain why and how this is compatible with the international human rights obligations of Azerbaijan.
4. Please provide information on the steps taken to ensure respect for the principles of distinction, precaution and proportionality.
5. In particular, please include information on the criteria for attacking with lethal force individuals or objects whose targeting is expected to result in deprivation of life, including the legal basis for specific attacks, the process of identification of military targets and combatants or persons taking a direct part in hostilities, the circumstances in which relevant means and methods of warfare have been used, and whether less harmful alternatives were considered. Please include information on whether cluster munitions were used and if so how this was compliant with your Excellency's Government's obligations.
6. Please provide information on any investigation carried out into the 8 October 2020 attack on the Holy Savior Ghazanchetsots Cathedral, and indicate if those responsible will be held accountable in accordance with international law. Please indicate which measures will be taken to assess and afford emergency stabilization for this site, as well as to fully consult with relevant parties, including the Armenian Apostolic Church, about such efforts and about how to undertake reconstruction of this site so as to protect cultural rights, including of those most connected to the site. Please indicate the condition of any artworks,

furnishings, books and manuscripts, and relics in the Cathedral and how they are being stored and protected in light of the damage to the Cathedral. Please indicate when the site will be safe for the conduct of services and ceremonies by the Armenian Apostolic Church to resume, and what plans there are to facilitate this.

7. Please indicate what steps were and are being taken by Azerbaijan to protect cultural heritage in accordance with its international obligations during the conflict, and in the post-conflict situation.
8. Please provide information on any investigations undertaken into suspected unlawful attacks in the context of the conflict.
9. Please provide information on measures adopted by your Excellency's Government to ensure the right of persons to effective remedy for human rights violations, including torture and ill-treatment. If no such measures have been taken, please explain how this is compatible with the international human rights obligations of Azerbaijan.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release would be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release would indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

We would like to inform your Excellency's Government that a similar letter is being sent to the Government of Armenia.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Karima Bennoune
Special Rapporteur in the field of cultural rights

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We refer to Human Rights Committee, General Comment 36 in particular paragraph 64 which states "like the rest of the Covenant, article 6 continues to apply also in situations of armed conflict to which the rules of international humanitarian law are applicable, including to the conduct of hostilities. While rules of international humanitarian law may be relevant for the interpretation and application of article 6 when the situation calls for their application, both spheres of law are complementary, not mutually exclusive. Use of lethal force consistent with international humanitarian law and other applicable international law norms is, in general, not arbitrary. By contrast, practices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields, would also violate article 6 of the Covenant. States parties should, in general, disclose the criteria for attacking with lethal force individuals or objects whose targeting is expected to result in deprivation of life, including the legal basis for specific attacks, the process of identification of military targets and combatants or persons taking a direct part in hostilities, the circumstances in which relevant means and methods of warfare have been used, and whether less harmful alternatives were considered. They must also investigate alleged or suspected violations of article 6 in situations of armed conflict in accordance with the relevant international standards."

We further refer to paragraph 69 which notes "wars and other acts of mass violence continue to be a scourge of humanity resulting in the loss of lives of many thousands of lives every year. Efforts to avert the risks of war, and any other armed conflict, and to strengthen international peace and security, are among the most important safeguards for the right to life."

We further highlight that the Special Rapporteur on extrajudicial, summary or arbitrary executions has observed that contextual and situational analyses are inherent to all effective assessments of the use of force. For compliance with international human rights law, this means assessing necessity, proportionality and precaution through a situational analysis that takes into account the location, circumstances, possibilities of armed resistance and planning involved. It also means that the lethal use of force cannot be justified or allowed when it is not necessary, is likely to cause disproportionate harm or could reasonably have been avoided by feasible precautionary measures (A/HRC/44/38, para 50).

We would like to recall paragraph 5 of Human Rights Council Resolution 16/23, which, "emphasizes that acts of torture are serious violations of international human rights law and humanitarian law and can constitute crimes against humanity and, when committed in a situation of armed conflict, war crimes, and that the perpetrators thereof are liable to prosecution and punishment."

We also highlight the ICRC's study on customary international humanitarian law (IHL), in particular the following rules:

With regard to alleged unlawful attacks:

- Rule 7. The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.
- Rule 11. Indiscriminate attacks are prohibited.
- Rule 14. Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.
- Rule 15. In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

With regards to journalists and cultural property:

- Rule 34. Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities.
- Rule 38. Each party to the conflict must respect cultural property:
 - A. Special care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives.
 - B. Property of great importance to the cultural heritage of every people must not be the object of attack unless imperatively required by military necessity.

With regards to alleged killings and ill-treatment of hors de combat soldiers

- Rule 47. Attacking persons who are recognized as hors de combat is prohibited.
- Rule 87. Civilians and persons hors de combat must be treated humanely.
- Rule 89. Murder is prohibited.

- Rule 90. Torture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are prohibited.

With regards to alleged disrespectful treatment of remains and mass graves

- Rule 113. Each party to the conflict must take all possible measures to prevent the dead from being despoiled. Mutilation of dead bodies is prohibited.
- Rule 114. Parties to the conflict must endeavor to facilitate the return of the remains of the deceased upon request of the party to which they belong or upon the request of their next of kin. They must return their personal effects to them.
- Rule 115. The dead must be disposed of in a respectful manner and their graves respected and properly maintained.

With regards to war crimes

- Rule 156. Serious violations of international humanitarian law constitute war crimes.
- Rule 158. States must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects. They must also investigate other war crimes over which they have jurisdiction and, if appropriate, prosecute the suspects.

We would like to refer your Excellency's Government to article 8 of the Universal Declaration of Human Rights, article 2 paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR), articles 1, 14 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 39 of the Convention on the Rights of the Child, as well as article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), and article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977. These legal provisions all provide for a right to a remedy for victims of serious human rights violations.

The right of access to and enjoyment of all forms of cultural heritage is guaranteed by international human rights law, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the ICCPR, deriving its legal basis, in particular, from the right to take part in cultural life, the right of members of minorities to enjoy their own culture... (A/71/371, para. 14). The Committee on Economic, Social and Cultural Rights has explained that States' obligations to ensure the right to participate in cultural life under article 15 of the ICESCR includes the obligation to respect and protect cultural heritage (general comment No. 21, para. 50).

In its resolution 6/1 on the protection of cultural rights and property in situations of armed conflict, the Human Rights Council reaffirmed that the destruction of or any other form of damage to cultural property may impair the enjoyment of cultural rights, in particular under article 15 of the ICESCR . In its resolution 33/20 on Cultural rights and the protection of cultural heritage, the Council noted “that the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights, in particular the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage,” (preamble) and “Urge[d] all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law” (para. 2).

A specific protection regime governs the protection of cultural heritage in times of armed conflict. Core standards to which Azerbaijan is a state party include the Geneva Conventions of 1949, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1954 and 1999 Protocols thereto. The 1954 Hague Convention requires States parties to respect cultural property and refrain from any act of hostility directed against it or any use of it likely to expose it to such acts, subject only to imperative military necessity (article 4). In accordance with article 28, parties must prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order a breach of the Convention. The Second Protocol to the Hague Convention strengthens this provision by requiring the codification of a criminal offence, including extension of responsibility to higher command (article 15 (2)).

The Second Protocol narrows the application of the “military necessity” waiver to those cases where “no feasible alternative (is) available to obtain a similar military advantage” and it imposes standards of proportionality to prevent or minimize collateral damage. (A/71/317, para. 20).

In the United Nations Educational, Scientific and Cultural Organization (UNESCO) Declaration concerning the Intentional Destruction of Cultural Heritage, adopted in 2003, the international community reaffirms its commitment to fight against the intentional destruction of cultural heritage in any form so that it may be transmitted to the succeeding generations. States are unequivocally instructed to prevent, avoid, stop and suppress intentional destruction, wherever such heritage is located.

In her 2016 report to the General Assembly on the intentional destruction of cultural heritage, the Special Rapporteur in the field of cultural rights called for a human rights approach to this issue. She underscored that “[a]dopting a human rights approach entails consulting the people who have particular connections with heritage, including for the purpose of understanding and incorporating the multiplicity of interpretations of that heritage, and determining whether (or not) they wish to rebuild, reconstruct and re-establish such a heritage and if so, how. Such consultations must include marginalized groups; further, women must be fully involved.” (A/71/317, para. 58).