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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Cabo Verde, Canada, Chile, Costa Rica, Dominican Republic, Ecuador, Georgia, Honduras, Iceland, Ireland, Jordan, Lebanon, Liberia, Liechtenstein, Marshall Islands, Mexico, New Zealand, Norway, Poland, Switzerland, Tunisia, Ukraine, Uruguay and Vanuatu: revised draft resolution

Implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection

The General Assembly,

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

Guided also by the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other relevant instruments,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders, and the continued validity and application of all its provisions, and reiterating the importance of the Declaration and its promotion and full and effective implementation,

Stressing, in this regard, that all human rights and fundamental freedoms apply to all persons equally, including human rights defenders in the context of the

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.



Declaration, and that these rights and freedoms must be respected, protected and fulfilled without discrimination,

Recalling all its other previous resolutions on this subject, including its resolutions 66/164 of 19 December 2011, 68/181 of 18 December 2013, 70/161 of 17 December 2015 and 72/247 of 24 December 2017, and Human Rights Council resolutions 13/13 of 15 April 2010,³ 22/6 of 21 March 2013,⁴ 31/32 of 24 March 2016,⁵ 34/5 of 23 March 2017⁶ and 40/11 of 21 March 2019,⁷

Reaffirming that States have the primary responsibility and are under the obligation to respect, promote and protect all human rights and fundamental freedoms of all persons,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Reaffirming the importance of the Declaration on Human Rights Defenders and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women, indigenous and environmental human rights defenders, is essential to the overall enjoyment of human rights, and recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen conflict prevention, peace and sustainable development, including environmental protection, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of all civil, political, economic, social and cultural rights, and other rights, including the right to development, and in the context of the implementation of the 2030 Agenda for Sustainable Development,⁸

Recognizing the positive, important and legitimate role played by human rights defenders in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, and deeply concerned that human rights defenders working in environmental matters, referred to as environmental human rights defenders, are among the human rights defenders most exposed and at risk,

Underscoring the positive, important and legitimate role of human rights defenders in promoting and advocating the realization of all human rights, at the local, national, regional and international levels, including by engaging with Governments and contributing to the efforts in the implementation of the obligations and commitments of States in this regard,

Stressing that, in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

³ See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53 (A/65/53)*, chap. II, sect. A.

⁴ *Ibid.*, *Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. IV, sect. A.

⁵ *Ibid.*, *Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. IV, sect. A.

⁶ *Ibid.*, *Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. IV, sect. A.

⁷ *Ibid.*, *Seventy-fourth Session, Supplement No. 53 (A/74/53)*, chap. IV, sect. A.

⁸ Resolution 70/1.

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Welcoming the steps taken by some States to create a safe and enabling environment for the promotion, protection and defence of human rights, and recognizing in this regard the positive efforts by authorities, national human rights institutions, where they exist, and civil society towards the development and enactment of relevant national policies, laws, programmes and practices,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to the obligations and commitments of States under international human rights law,

Gravely concerned that national security, counter-terrorism and cybercrime legislation and other measures, such as laws regulating civil society organizations, are in some instances misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the pressing importance of addressing, and taking concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

Recognizing also that the protection of human rights defenders can only be fully achieved in the context of a holistic approach that includes the strengthening of democratic institutions, the fight against impunity, a reduction in economic inequality and equal access to justice,

Welcoming the high-level meeting of the General Assembly on the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which confirmed the important contribution of human rights defenders to the protection of human rights, development and peace, and taking note with appreciation of the report of the Secretary-General on the efforts of the United Nations to promote the implementation of the Declaration,⁹

Stressing the importance of meaningful participation of human rights defenders in the implementation of the Declaration and reaffirming 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 and its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms, in accordance with their respective mandates, existing rules of procedure and modalities, without fear of reprisals,

Recalling its resolution [74/5](#) of 15 October 2019 that proclaims 28 September as the International Day for Universal Access to Information, and taking note with appreciation of the report of the United Nations High Commissioner for Human

⁹ [A/73/230](#).

Rights entitled “Procedures and practices in respect of civil society engagement with international and regional organizations”,¹⁰

Recognizing that, while the institutional measures for the protection of human rights defenders and the promotion of their work within the United Nations, regional organizations and national systems have grown in number since the adoption of the Declaration, they remain insufficient to address the ongoing human rights violations and abuses against human rights defenders around the world, and that strengthened efforts are required for the effective implementation of the Declaration,

Stressing the need for further action by States and non-State actors to promote a safe and enabling environment for human rights defenders and their protection, taking into account their diverse situations and the diverse contexts in which they operate,

1. *Expresses grave concern* at the situation of human rights defenders around the world, strongly condemns the killing of and all other human rights violations or abuses against human rights defenders, including women, environmental and indigenous human rights defenders, by State and non-State actors, and stresses that such acts may violate international law and undermine sustainable development at the local, national, regional and international levels;

2. *Affirms* the important role of human rights defenders in supporting States to realize the 2030 Agenda for Sustainable Development,⁸ including the pledge that no one will be left behind and to reach the furthest behind first;

3. *Welcomes* the work and takes note of the reports of the Special Rapporteur of the Human Rights Council on the situation of human rights defenders presented to the Human Rights Council and the General Assembly, and encourages all States to consider implementing recommendations contained in the reports, and to cooperate with and assist the Special Rapporteur;

4. *Urges* States to promote a safe and enabling environment including, where necessary, through the adoption and implementation of comprehensive legislative and administrative measures, in which human rights defenders can operate free from hindrance, reprisals and insecurity, ensuring, among other things, the right to take part in the conduct of public affairs and in cultural life, the freedom to seek, receive and impart information and equal access to justice, including to an effective remedy, and calls upon States to ensure that where legislation and procedures governing the registration and funding of civil society organizations exist, they are transparent, non-discriminatory, expeditious, inexpensive, allow for the possibility to appeal and avoid requiring re-registration, with national legislation being in compliance with international human rights law;

5. *Condemns* all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals, groups and organs of society, including against human rights defenders and their legal representatives, associates and family members, who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations, its representatives and mechanisms, in the field of human rights, and strongly calls upon all States to give effect to the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, including the United Nations, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

6. *Continues to express particular concern* about systemic and structural discrimination, violence and harassment faced by women human rights defenders of

¹⁰ A/HRC/38/18.

all ages, including sexual and gender-based violence as well as defamation and smear campaigns, both online and offline, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights;

7. *Recognizes* that democracy and the rule of law are essential components for the creation of a safe and enabling environment and the protection of human rights defenders, and urges States to take measures to strengthen democratic institutions, safeguard civic space, uphold the rule of law and combat impunity;

8. *Calls upon* States to acknowledge, through public statements, policies, programmes or laws, the important and legitimate role of human rights defenders in the promotion of all human rights, democracy and the rule of law as essential components of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work;

9. *Reaffirms* the utility and benefit of consultations and dialogue with human rights defenders related to public policies and programmes, including for protection purposes, valuing the genuine, free and full participation of human rights defenders in the development of programming, policies and practice relevant to their work, encourages States to hold meaningful consultations with human rights defenders on a regular basis, and further encourages States to appoint focal points or to employ other relevant mechanisms for human rights defenders within the public administration;

10. *Calls upon* all States to take all measures necessary to ensure the rights and safety of all persons, including human rights defenders, who exercise, inter alia, the rights to freedom of opinion, expression, peaceful assembly and association, which are essential for the promotion and protection of human rights;

11. *Urges* States to investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threats or human rights violations and abuses perpetrated by State and non-State actors against human rights defenders, their legal representatives, associates or family members and to initiate, when appropriate, proceedings against the perpetrators so as to ensure that impunity for such acts is eliminated and, as far as possible, to report publicly on investigations and proceedings;

12. *Calls upon* States to take concrete steps to prevent and put an end to arbitrary arrest and detention, including of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, peaceful assembly and association, including in relation to cooperation with the United Nations or other international mechanisms in the area of human rights;

13. *Also calls upon* States to take appropriate measures for the prevention of all forms of violence, intimidation, threats and attacks against human rights defenders on the Internet and through digital technologies, and to protect human rights defenders, including women human rights defenders, in online spaces and to consider adopting laws, policies and practices that protect them from defamation and hate speech while also affirming the rights to freedom of expression and privacy;

14. *Urges* States to develop and implement effective protection initiatives for human rights defenders at risk or in vulnerable situations, including through meaningful consultation with them and based on comprehensive risk analysis, and also to ensure that these measures are holistic, respond to the protection needs of individuals and the communities in which they live and function as early warning and

rapid response mechanisms that enable human rights defenders, when threatened, to have immediate access to authorities that are competent and adequately resourced to provide effective protective measures, taking into account the intersectional dimensions of violations and abuses against human rights defenders in vulnerable situations;

15. *Calls upon* States and encourages non-State actors to ensure that those involved in the protection of human rights defenders, their legal representatives, associates or family members, are trained in human rights and the protection-related needs of human rights defenders at risk;

16. *Underlines* the legitimate and valuable role of human rights defenders in mediation efforts and in supporting victims in accessing effective remedies for violations and abuses of their human rights, including economic, social and cultural rights, including for members of impoverished communities, groups and communities in vulnerable situations, and those belonging to minorities and indigenous peoples;

17. *Also underlines* the value of national human rights institutions, established and operating in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),¹¹ in the continued engagement with human rights defenders and in the monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations;

18. *Urges* States to develop and put in place comprehensive, sustainable and gender-responsive public policies and programmes that support and protect human rights defenders at all stages of their work, which ensure effective coordination between relevant institutional actors, including coordination within national and local levels, and address causes of attacks against defenders and barriers against the defence of rights, and that take into account, inter alia, the diversity of human rights defender groups and identities, intersecting forms of discrimination and the diverse contexts in which human rights defenders operate;

19. *Recognizes* the important contribution of the promotion and protection of the safety of human rights defenders in the realization of the Sustainable Development Goals, including target 16.10, and calls upon States to strengthen national disaggregated data collection, analysis and reporting on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against human rights advocates as reflected in Sustainable Development Goal indicator 16.10.1, and to do their utmost to make these data available to the relevant entities;

20. *Also recognizes* the important and legitimate role of human rights defenders in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, natural resource exploitation and environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants;

21. *Calls upon* all States and encourages non-State actors to implement the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework,¹² underscores the responsibility of all

¹¹ Resolution 48/134, annex.

¹² A/HRC/17/31, annex.

business enterprises, both transnational and other, to respect human rights, including the rights to life and to liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in the conduct of public affairs, and underscores further the importance that business enterprises establish or participate in effective and accessible operational-level grievance mechanisms for individuals and communities who may be adversely impacted;

22. *Strongly reaffirms* the urgent need to respect, protect, facilitate and promote the work of those promoting and defending economic, social and cultural rights, as a vital factor contributing towards the realization of those rights, including as they relate to environmental, land and indigenous issues and business activity, as well as development, including through corporate accountability;

23. *Urges* non-State actors, including transnational corporations and other business enterprises, to respect, promote and strive for the protection of the human rights and fundamental freedoms of all persons, including human rights defenders, and underlines the need to ensure human rights due diligence and the accountability of, and the provision of adequate remedies by, transnational corporations and other business enterprises, while also urging States to adopt relevant policies and laws in this regard, including to hold all companies to account for involvement in threats or attacks against human rights defenders;

24. *Takes note* of the report of the Secretary-General on the twentieth anniversary of the Declaration on Human Rights Defenders in which he called for the development of a more coherent and comprehensive approach to support the Declaration by the United Nations, encourages the Office of the United Nations High Commissioner for Human Rights, in consultation with the Special Rapporteur and other special procedures of the Human Rights Council, to continue to compile and share information on best practices and challenges in this regard, requests all concerned United Nations system entities and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders, and requests the Special Rapporteur to continue to report annually on his activities to the General Assembly and the Human Rights Council, in accordance with the mandate;

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