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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, Chile, Georgia, Honduras, Ireland, Lebanon, Liechtenstein, Mexico, Norway, Poland, Switzerland, Tunisia, Ukraine and Uruguay: draft resolution

Implementing the Declaration on Human Rights Defenders 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,

Recalling also 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

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

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 (A/71/53)*, chap. IV, sect. A.

⁶ Ibid., *Seventy-second Session (A/72/53)*, chap. IV, sect. A.

⁷ Ibid., *Seventy-fourth Session (A/74/53)*, chap. IV, sect. A.



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,

Reaffirming also 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 human rights defenders, is essential to the overall enjoyment of human rights and the realization of the 2030 Agenda for Sustainable Development,⁸

Stressing 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,

Welcoming the high-level plenary 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 welcoming also the report of the Secretary-General on the efforts of the United Nations to promote and implement the Declaration,⁹

Recognizing that, while the institutional resources for the promotion and protection of human rights defenders within the United Nations, regional organizations and national systems have grown since the adoption of the Declaration, they remain insufficient to address the ongoing human rights violations 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 strengthen the protection of human rights defenders, taking into account their diversity 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 in realizing the 2030 Agenda for Sustainable Development,⁸ including the pledge that no one will be left behind and to reach the furthest behind first;

⁸ Resolution 70/1.

⁹ A/73/230.

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

4. *Urges* States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity, and strongly encourages States to adopt legislative and administrative measures to ensure that human rights defenders enjoy a safe and enabling environment at all stages of their work in a comprehensive manner;

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 and violence faced by women human rights defenders of all ages, including sexual violence, defamation and smear campaigns, 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 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, and encourages States to hold regular and meaningful consultations with human rights defenders, including on an agenda on a cyclical basis focusing on the status of implementation of human rights obligations and collaboration on the implementation with human rights defenders;

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 perpetrated 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;

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 immediate and effective action to prevent all forms of violence, intimidation, threats and attacks against human rights defenders on the Internet and through digital technologies and to prioritize the protection of human rights defenders, including women human rights defenders, in online spaces and adopt laws, policies and practices that protect their right to privacy and protect them from libel and hate speech;

14. *Urges* States to develop and appropriately resource protection initiatives for human rights defenders, to ensure that human rights defenders are meaningfully consulted in the provision and implementation of protection measures, and also to ensure that the measures are holistic, including both individual and collective protection aspects, and that these measures also 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 women human rights defenders, environmental human rights defenders, indigenous peoples, children, persons belonging to minorities, and rural and marginalized communities;

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

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 economic, social and cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, 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),¹⁰ including by contributing to the establishment of national protection systems for human rights defenders and to monitoring and reporting on threats to civic space online and offline;

18. *Recognizes* the important contribution of the promotion and protection of the safety of human rights defenders in the realization of target 16.10 of the Sustainable Development Goals, and calls upon States to strengthen national 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 defenders in accordance with Sustainable Development Goal indicator 16.10.1 and to do their utmost to make these data available to the relevant entities, in particular the Office of the United Nations High Commissioner

¹⁰ Resolution 48/134, annex.

for Human Rights, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization;

19. *Also recognizes* the important and legitimate role of individuals, groups and organs of society that are defending human rights 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;

20. *Calls upon* all States to implement the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework,¹¹ and underscores the responsibility of all business enterprises, both transnational and other, to respect human rights, including the rights to life, 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 public affairs, and 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;

21. *Calls upon* the United Nations system to contribute to a safe and enabling environment for human rights defenders with a view to implementing the right to participation while leaving no one behind, and to make a conscious effort to ensure their effective participation in its work and take their inputs and views into account in all its activities, including in its analysis and at all stages of programmatic work, stresses the importance of the United Nations system, in this endeavour, paying special attention to groups at risk of being left furthest behind and their protection needs, and further encourages the United Nations system to lend support to human rights defenders, inter alia through the development of system-wide approaches and by highlighting their valuable contributions to the work of the United Nations.

¹¹ [A/HRC/17/31](#), annex.