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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Revised draft declaration on human rights and international
solidarity****Report of the Independent Expert on human rights and international
solidarity, Obiora Chinedu Okafor***Summary*

In the present report, submitted pursuant to Human Rights Council resolution 44/11, the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, discusses his work over the last year in revising the existing draft declaration on the right to international solidarity. The report offers a set of rationales for undertaking the revisions made to the draft text, sets out the process adopted for preparing a revised draft declaration, offers an exposition on the nature of the main revisions incorporated in the new draft, reiterates the case for its adoption or endorsement by the Human Rights Council and offers some conclusions and recommendations. The report also presents the revised draft declaration at annex I and offers, in annex II, a set of specific explanatory notes for the amendments that have been introduced into the revised draft.

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I. Introduction

1. The first report presented to the Human Rights Council by the Independent Expert, enumerated most of the thematic priorities that he intended to focus on during his tenure.¹ They included migration and international solidarity,² refugees and international solidarity,³ climate change and international solidarity,⁴ extraterritorial human rights obligations and international solidarity,⁵ civil society and international solidarity, global citizenship and international solidarity, south-south cooperation as international solidarity, technology and innovation and international solidarity, cities and local governments as agents of international solidarity, the threat of populism to the principle of international solidarity,⁶ taxation and international solidarity and international solidarity and economic security.⁷

2. The coronavirus disease (COVID-19) pandemic and the global response thereto necessitated certain revisions to the Independent Expert's agenda and programme of work. Accordingly, he presented a report to the Human Rights Council on international solidarity in aid of the realization of human rights during and after the COVID-19 pandemic⁸ and another report to the General Assembly on vaccine solidarity.⁹

3. In the present report, the Independent Expert discusses his work over the last year revising the existing draft declaration on the right to international solidarity.¹⁰ Following this introduction, a set of rationales for undertaking these revisions are offered in section II of the report. In section III, the Independent Expert discusses the process he adopted in preparing a revised draft declaration. Section IV is devoted to an exposition on the nature of the main revisions made to the pre-existing draft declaration. In section V, the Independent Expert reiterates the case for the adoption or endorsement by the Human Rights Council of a declaration on the right to international solidarity. Following this discussion, a set of conclusions and recommendations are offered. The report ends with the presentation in two annexes of the revised draft declaration (annex I), and a set of explanatory notes for the amendments that are introduced in the revised text (annex II).

II. Rationales for revising the pre-existing draft declaration

4. The main reasons for revising the existing draft declaration are to:

(a) Update the existing draft to recognize and respond to important human rights-related developments that have occurred since its preparation, including but not limited to the COVID-19 pandemic and the exacerbation of other common global crises, such as climate change, poverty, the ill-treatment of migrants and extreme right-wing populism;

(b) Provide more specification and relevant detail in certain provisions, where needed, in the draft declaration to better guide and ease implementation;

(c) Clarify the formulation of some of the concepts set out in the draft declaration in relation to its content, rights bearers and modes of implementation;

(d) Introduce key concepts that will enhance understanding of the proposed right to international solidarity and its implementation;

(e) Make reference to some other important international solidarity-related instruments;

¹ [A/HRC/38/40](#).

² [A/HRC/41/44](#).

³ [A/74/185](#).

⁴ [A/HRC/44/44](#).

⁵ [A/HRC/50/37](#).

⁶ [A/75/180](#).

⁷ [A/76/176](#).

⁸ [A/HRC/47/31](#).

⁹ [A/77/173](#).

¹⁰ See [A/HRC/35/35](#), annex.

(f) Reorganize the preamble of the pre-existing draft declaration for better sequencing and flow.

III. Process adopted in revising the pre-existing draft declaration

5. In building on the pre-existing draft declaration and the work done in that regard by his predecessor, Virginia Dandan, which itself was aided by extensive regional and other consultations that shaped the pre-existing text, the Independent Expert followed a highly consultative and inclusive process in making revisions to the text:

(a) First, one-on-one, in-person consultations were held in Geneva with the coordinators of the regional groups at the Human Rights Council;

(b) Following these initial consultations, the Independent Expert elicited the advice and assistance of an expert advisory group, a panel of notable experts representing all five United Nations geopolitical regions, who offered their advice on revisions to the pre-existing draft declaration;¹¹

(c) The Independent Expert then prepared a proposed revised draft declaration, which was circulated to all States and a wide selection of stakeholders;

(d) Thereafter, the Independent Expert convened global consultations in Geneva, in January 2023, during which States and other stakeholders considered the text of the proposed revised draft declaration and offered valuable reflections on and input into the proposed text;

(e) The Independent Expert then took these reflections and input into account in finalizing the revised draft declaration that is included in the present report as annex I.

IV. Nature of the main revisions made to the pre-existing draft declaration

6. The main revisions that were made to the pre-existing draft declaration were largely aimed at:

(a) Reorganizing its preambular paragraphs into a better order and sequence, modifying them where necessary and more consistently articulating the content from the general to the particular;

(b) Recognizing and incorporating into the preamble both the latest relevant developments at the United Nations and in the world and some other key instruments or documents, such as the Global Compact on Refugees, the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Right to Peace and the Constitution of the World Health Organization;

(c) Streamlining and making less complex the definition of international solidarity in the draft;

(d) Affirming in a new article 1, the well-accepted fact that international solidarity is an essential principle in contemporary international law;

(e) Adding more relevant detail in some cases, for example the addition of “environmental degradation” and “climate change” to article 2 (2) on the definition of “reactive solidarity”, and adding five new subsections to article 3 to centre the human rights dimensions of the key global challenges that are relevant to solidarity, such as migration, climate change, civil society, social movements, illicit financial flows and countering misinformation and disinformation;

¹¹ The members of the expert group were: Obijiofor Aginam (Nigeria); Cecilia Baillet (Chair) (Argentina); Mihir Kanade (India); Vesselin Popovski (Bulgaria); and Jaya Ramji-Nogales (United States of America).

- (f) Updating and detailing the concept of “duty” in the draft declaration to include the “respect, protect and fulfil” concepts;
- (g) Introducing duties on States to create indicators to measure the impact of their international solidarity actions and report on how they have achieved them as part of the universal periodic review process and with a view to easing and advancing implementation;
- (h) Adding more detail in proposed articles 9 (1) (e) and (f) on what States can and should do to comply with and implement the draft declaration;
- (i) Eliminating some unnecessary repetition, for example the expression “health emergencies and epidemic diseases” that appears both in the preamble and the main text of the existing draft (for example in article 2);
- (j) General re-drafting to ensure less complexity, for example article 7 (1).

V. Reiterating the case for the adoption or endorsement of a declaration on the right to international solidarity

7. The opposition to the adoption of a draft declaration on the right to international solidarity has been founded, in large measure, on the notion that the right it seeks to establish on the global stage does not qualify for inclusion in the body of human rights norms. To the extent that these arguments are likely to cloud and detain the effort to adopt or endorse the current revised draft declaration, it is important to tackle those arguments head on again and reiterate what the Independent Expert sees as a very strong case for the immediate adoption or endorsement of the instrument.

A. Modern conception of human rights

8. The modern conception of human rights recognizes both the stability of its core foundational content as well as its (limited) contingency in a diverse world.¹² Even a brief survey of the historical development of the current body of binding international human rights texts tends to illustrate in sharp relief the point being made here about the historical and sociopolitical contingency of understanding of human rights and the gradual transformation over the long term of the degree of acceptability of various claims for inclusion within the body of human rights norms. The story of the global spread and mainstreaming of economic and social rights is illustrative here.

9. For instance, on the day of its adoption in 1950, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) almost totally prioritized civil and political rights and it contained precious few (if any) economic and social rights;¹³ and the amelioration of this significant deficiency has been ongoing since then. While Optional Protocol No. 1 of 1952 soon added the rights to education and property to the Convention, it was not until 1961 that a reasonably robust (although still weaker) economic and social rights component was introduced into the normative framework of the European human rights system, mainly through the adoption of the European Social Charter (as revised in 1996) and its protocols. Similarly, in and of itself, the American Convention on Human Rights of 1969 contains only one very generally worded clause on economic and social rights, a situation that the guardians of that system thought worthy of amelioration, in the main through the adoption of the Additional Protocol of San Salvador of 1988. In contrast, the African Charter on Human and Peoples’ Rights, which was adopted by the African Union

¹² See Amartya Sen, “Elements of a theory of human rights”, *Philosophy & Public Affairs*, vol. 32, No. 4 (2004); Upendra Baxi, *The Future of Human Rights* (Oxford, Oxford University Press, 2006); Marie-Bénédicte Dembour, “What are human rights? Four schools of thought”, *Human Rights Quarterly*, vol. 32, No. 1 (2010); and Makau Mutua, “The Banjul Charter and the African cultural fingerprint: an examination of the language of duties”, *Virginia Journal of International Law*, vol. 35 (1995).

¹³ The original text of this treaty contained perhaps one social right, namely article 12 on the right to marry and found a family.

much later than the first two major treaties, in 1981, contained from the very moment of its conception both civil and political rights and economic and social rights. Thus, in each of those geopolitical regions and eras, the prevailing human rights ideology, the entailed notion of human right-ness and gradual shifts both globally and within those regions in the dominant conceptions of human rights, were deeply reflected in the character of the body of norms that were agreed at the relevant times. That has also been reflected in their gradual transformation over time. And so it is fair to say that were the European and American conventions to be adopted today, they would look quite different from the way they looked in 1950 and 1969 respectively. So to argue, as some have, that every new human right must look like the rights contained in the instruments that came before it is not convincing.

10. Philip Alston reasoned very well when he argued, decades ago, that one human right (the right to development) proposed then was not inherently incompatible with international human rights law because the United Nations conception of human rights does not stand “exclusively on the foundations of natural rights theory”.¹⁴ Mr. Alston further added that the philosophical foundations of international human rights law could be found “in a more diverse, pluralistic set of justifications.”¹⁵ Accordingly, as he has argued, applying a stable and unchanging formal list of substantive requirements as the litmus test for human right-ness will tend to be rather unrealistic, at least on the global level.¹⁶ This is partly because, given the differences across global space and time, universally acceptable substantive criteria will tend to be difficult to devise and apply.¹⁷ It should be noted that this is not the same thing as arguing that absolutely no guard rails need be erected or any broad working conception employed.

11. With this caution in mind, Mr. Alston has long offered a plausible suggestion in favour of the application of certain procedural safeguards to the United Nations process of assessing the human right-ness or otherwise of a candidate right, albeit with the objective of satisfying as many substantive criteria as possible.¹⁸ Those criteria are that, before the ultimate decision is made in the General Assembly:

- (a) It is necessary to obtain inputs from a wide variety of sources;
- (b) Those inputs must address as many as possible of the substantive issues he lists;
- (c) There need to be several phases in the process of considering the proposal, in order to analyse, reflect on and revise it before its proclamation;
- (d) It is desirable to have expert input.¹⁹

12. In the light of the foregoing discussion, the Independent Expert does not offer a substantive definition of human rights here. Rather, he generally adopts Mr. Alston’s “procedural” approach. And so, in the next subsection, following a systematic consideration of the main specific arguments that have been made against the qualification of the proposed right to international solidarity as a human right, the proposal to declare that right is subjected to Mr. Alston’s rigorous procedural test. To be clear, this procedural analysis is not offered as the sole determinant of whether or not the right to international solidarity qualifies for endorsement as a human right, but only as one systematic way of showing that there is no superior conceptual argument for not endorsing the draft declaration within the United Nations system.

13. It should also be emphasized here that the contingency of the conception of human rights should therefore form the conceptual baseline for any reasoned discussion of the suitability of the proposed right to international solidarity. Even as sharp a critic of the United

¹⁴ See Philip Alston, “Making space for new human rights: the case of the right to development” *Harvard Human Rights Yearbook* 3 (1988).

¹⁵ *Ibid.*

¹⁶ See Philip Alston, “Conjuring up new human rights: a proposal for quality control”, *The American Journal of International Law*, vol. 78, No. 3 (1984).

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

Nations praxis of expanding the corpus of human right norms as Hurst Hannum acknowledges this point.²⁰ And so the analysis of the suitability or otherwise of international solidarity does not begin as a human right largely confined, as too many are, by an inflexible definition. Rather, the analysis begins with a much more open-minded, globally sensitive and universally relevant understanding of that concept than such inflexible human rights concepts and frames would tend to allow.

B. Main objections to the candidature of the proposed right and responses thereto

14. What is it exactly that makes it difficult for some to accept the qualification of the proposed right to international solidarity as a human right? Those who hold this oppositional position tend to do so on three main grounds: (a) the alleged inherent unsuitability of international solidarity as a human right; (b) the claimed excessive expansiveness and/or vagueness of the proposed right; and (c) the lack of broad international support.

Inherent unsuitability objection and a response

15. First, Messrs. Carozza and Crema correctly identify one of the difficulties at hand when they point out that the concept of international solidarity as a human right embodies an idea that is somewhat dissimilar to most liberal human rights principles.²¹ The allegation here is that the proposed right to international solidarity would deviate from, and does not easily align with, the historical orthodoxy on the concept of human rights. The most sophisticated opponents of the emergence of the proposed right to international solidarity, such as Hurst Hannum, tend to make the argument that although the human rights corpus can be expanded to include new rights, to become acceptable any new rights should be consistent with the body of existing human rights norms, which, to them, contain the markers of the established consensus on what human rights can or cannot be.²² In the view of scholars like Messrs. Carozza and Crema and Mr. Hannum, although the proposed right draws on the rhetoric of human rights discourse, it nevertheless does not correspond very clearly to the classic aim and structure of more well-established and recognized principles of human rights.²³

16. This so-called inherent unsuitability argument has already been engaged in preceding paragraphs so a riposte to it will not unduly detain. Suffice it to reiterate these points: the concept of human rights has been historically contingent; there is no tablet sent down from heaven from which the features of human rights must inflexibly be read; and in any case, the existing body of human rights norms does not consistently obey any such strict dictates.

Excessive vagueness objection and a response

17. Like Mr. Hannum, many who oppose the emergence of a right to international solidarity tend to emphasize that it is unrealistic to create a new right without knowing what exactly it means.²⁴ As Hannum has done, these scholars tend to charge that rights claims such as the proposed right to solidarity suffer “from a very high degree of generality and ambiguity”.²⁵ This concern resonates with Mr. Alston’s decades-old argument that to become acceptable any new human right has to have a degree of specificity or concreteness to enable it to “be operationally significant at either the national or international levels”.²⁶ Some scholars opposed to the emergence of such rights as the right to solidarity tend to question new (often third generation) rights of that specie for their alleged conflation of rights holders

²⁰ See Hurst Hannum, *Rescuing Human Rights: a Radically Moderate Approach* (Cambridge, Cambridge University Press, 2019).

²¹ See Paulo Carozza and Luigi Crema, “On solidarity in international law”, *Caritas in Veritate Foundation*, 2014, p. 11, and Hurst Hannum, *Rescuing Human Rights: a Radically Moderate Approach*.

²² See Hurst Hannum, *Rescuing Human Rights: a Radically Moderate Approach*.

²³ *Ibid.* and Paul Carozza and Luigi Crema, “On solidarity in international law”, p. 11.

²⁴ See Hurst Hannum, *Rescuing Human Rights: a Radically Moderate Approach*.

²⁵ See Paul Carozza and Luigi Crema, “On solidarity in international law”, p. 11.

²⁶ See Philip Alston, “Conjuring up new human rights: a proposal for quality control”.

and duty bearers, and allege that these rights attempt to replace the liberal orthodoxy that defines a right as a counter-Statist restraint with a general obligation of all States towards all of humanity in general and not to individuals in particular.²⁷

18. There is, of course, a sense in which the proposed right would embrace a broad concept. The Independent Expert has, for instance, worried, in other forums, that the concept of international solidarity on which the proposed right is grounded tends to exhibit a certain property of “immanent duality” and is therefore somewhat Janus-faced.²⁸ As Jaya Ramji-Nogales has correctly written in her contribution to the work of the expert advisory group, the term poses a bit of a Rorschach test and the ink dots that together constitute it can mean different things to different people, depending on their mindsets and goals. To counter this tendency somewhat, the Independent Expert has at times used the term “human rights-based international solidarity.”²⁹ However, even this remains an inadequate conceptual barrier to those who would abusively deploy the concept (such as right-wing populists threatening humanitarian rescue boats in the Mediterranean).³⁰ It should nevertheless be noted that every concept or even rights provision is vague to an extent and so all legal concepts and even rules are ineluctably indeterminate, at least to an extent. This key and unassailable point has already been so well made in Scandinavian realism, American realism and critical legal studies that it does not require elaboration here.³¹ It is, of course, understood that indeterminacy can be more or less intense; and so the focus of the argument here is on whether or not the indeterminacy of the international solidarity concept is so excessive as to disqualify its candidacy for the canon of human rights.

19. Thus, while it must be admitted that the proposed right to international solidarity seems to be more generally couched, and thus more vague in its framing, than, say, the rights to freedom of expression, assembly, or food, it must also be noted that the body of already well-accepted human rights contained in the International Bill of Human Rights is characterized by a diversity in their generality or specificity. There is no single bandwidth within which they all fit. Contrast, for instance, the fairly expansive and general (albeit subsequently disaggregated) character of the right to a fair trial in article 14 of the International Covenant on Civil and Political Rights vis-à-vis the far greater specificity of the right to be free to leave one’s country in article 12 (2) of the same treaty. Contrast also the generality with which the right to self-determination is stated in article 1 of the Covenant vis-à-vis the much greater specificity with which the right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation is framed in article 11. Equally, how specific really is the right to be free from torture in article 7 of the International Covenant on Civil and Political Rights, or the right to social security in article 9 of the International Covenant on Economic, Social and Cultural Rights, or the “right to democracy” that now seems (in theory at least) to be well accepted around the world? The point here is not that a human right should not be as specifically couched as possible. Rather, it is that a lack of a high degree of specificity is not automatically fatal or always as disqualifying as it has all too often been made out to be. The actual historical praxis has been that as long as the value that the proposed right would represent, or important elements that constitute it, is or are considered to be of paramount importance to the maintenance of the human dignity of everyone in the global community, a candidate right has tended to become accepted – at least over the long run.

²⁷ See Hurst Hannum, *Rescuing Human Rights: a Radically Moderate Approach*.

²⁸ See Obiora Chinedu Okafor, “The future of international solidarity in global refugee protection”, *Human Rights Review*, vol. 22, No. 1 (March 2021), and “Cascading toward ‘de-solidarity’? The unfolding of global refugee protection”, *Third World Approaches to International Law Review* (30 August 2019).

²⁹ See, for example, [A/73/206](#), para. 5. This conceptual turn is rooted in Mr. Baxi’s important distinction between “the politics of human rights” and “a politics for human rights.” See Upendra Baxi, *The Future of Human Rights*.

³⁰ See Obiora Chinedu Okafor, “The future of international solidarity”.

³¹ H.L.A. Hart, “Scandinavian realism”, *The Cambridge Law Journal*, vol. 17, No. 2 (1959) available from <https://www.jstor.org/stable/4504599>; L.L. Fuller, “American legal realism”, *University of Pennsylvania Law Review*, vol. 82, No. 5 (1934); and Roberto Mangabeira Unger, “The critical legal studies movement”, *Harvard Law Review*, vol. 96, No. 3 (January 1983).

20. In any case, it may not even be entirely correct to claim that the proposed right to international solidarity is excessively general and vague in its framing. Just like the rights to a fair trial, self-determination or democracy, its imprecision diminishes greatly when it is thought of as composite right that consists of subsidiary or entailed rights that may or may not be necessary to realize it, depending on the context. The right to a fair trial has many component rights, so well-known as not to require explanation here. The right to democracy is even more vague and multi-pronged. It accommodates the subrights to vote and be voted for, as well as the rights of minorities to protection from majority rule. However, the circumstances when majority rule may or may not give way to minority trump are too often unclear. For example, when, if ever, can a country ban a political party from fielding candidates in an election? The answer is not specified enough in the content of the right to democracy itself, but, as adjudicated by the European Court of Human Rights, would depend to a very large degree on the applicable history and context.³²

21. Furthermore, the dimensions of the proposed right to international solidarity are deployable, in certain areas and cases, in specific enough ways as to be operationally significant. For example, it is deployable (and has been deployed) in the context of access to COVID-19 vaccines to require specific actions to be taken by certain actors to benefit specific persons across the globe.³³ It is also deployable (and has been deployed) to protect those who are criminalized or suppressed for coming to the aid of undocumented migrants or refugees in distress at sea or on land. Indeed, a French court did exactly this in the now celebrated Cedric Herrou case.³⁴ The meaning of the proposed right is thus specific and clear enough in these specific contexts.

22. Further, on a more theoretical level, it should also be considered that appreciation of the extent of the generality or specificity of the right to solidarity may ebb and flow in the mind's eye, depending on one's theory or understanding of the current extent or desirability of a global community. If indeed there is a global community (or a "global neighbourhood" as it was once optimistically described³⁵) it would then appear that everyone, of necessity, would owe certain binding solidarity obligations to one another. Without these interpersonal solidarity obligations, such a global community would hardly conform with the vision of the good life expressed in the International Bill of Human Rights. Putting scale aside, imagine living in a community in which there are no solidarity obligations to one another. Imagine such a community in the context of the current pandemic. Imagine a community where there is no obligation to share COVID-19 vaccines. The sequencing of the distribution of the vaccines aside (which itself engages solidarity concerns), the very absence of any binding obligation to share the vaccines around the community can only be reasonably imagined as fundamentally counterproductive to the well-being and even survival of all too many members of that community. It is thus quite easy to conceive of very specific "right to solidarity obligations" within the context of such an imaginary community on a smaller scale. Such obligations may, of course, remain merely at the moral or political level. However, they may also, with a measure of consensus, be transmitted into legal form. Is law (international law included) not, after all, congealed or legitimized politics?³⁶

23. If a global community does not really exist, then it is conceded that it would be much more difficult to conceive of a specific enough right to international solidarity that could be operationalized on the global level.

24. However, it must be pointed out that almost exactly the same States and scholars who tend to argue either against the existence of a legally binding international solidarity principle and/or the human right to international solidarity (which are rooted in a theory of an "already

³² See, for example, European Court of Human Rights, *Yumak and Sadak v. Turkey*, application No. 10226/03, judgment, 8 July 2008.

³³ See, for example, [https://www.who.int/docs/default-source/coronaviruse/access-to-covid-19-tools-\(act\)-accelerator-call-to-action-24april2020.pdf](https://www.who.int/docs/default-source/coronaviruse/access-to-covid-19-tools-(act)-accelerator-call-to-action-24april2020.pdf).

³⁴ See https://www.conseil-constitutionnel.fr/en/decision/2018/2018717_718QPC.htm.

³⁵ See *Our Global Neighbourhood: the Report of the Commission on Global Governance* (1995).

³⁶ Thomas M. Franck and Mark M. Munansangu, "The new international economic order: international law in the making?", United Nations Institute for Training and Research, Policy and Efficacy Studies, No. 6 (1982), available from <https://corteidh.or.cr/tablas/1708.pdf>; and Burns H. Weston, "Human rights", *Human Rights Quarterly*, vol. 6, No. 3 (August 1984).

dense enough” global community) also tend to argue in favour of the claim that there is now a binding legal norm in favour of the responsibility to protect (itself also rooted in a theory of an “already thick enough” global community). Almost all of these actors support this claim as inclusive of the legal authority to intervene militarily and economically around the world to protect human rights (a right or responsibility that only more powerful States and peoples can enjoy and only weaker States can suffer or benefit from). Either the global community is now “thick enough” to transcend State sovereignty to the extent of conferring obligations on foreigners to express pro-human rights solidarity to people in other countries, or it is not. It is incoherent to argue in favour of such a “dense enough” global community when it comes to allegedly pro-human rights great power interventions in weaker States and then reject that notion when it comes to the people of those other lands sharing in the COVID-19 vaccines produced by the great powers. In both cases, lives are threatened and human rights are at stake. We ought, at the very least, to be conceptually consistent.

Lack of broad global support objection and a response

25. Like Mr. Hannum, those opposed to the proposed right to international solidarity also tend to argue that for candidate claims to become accepted as human rights, they should attract broad international support and be welcomed at both the domestic and international levels.³⁷ The requirement for broad international support is not, in principle, a problematic one. Mr. Alston, for example, has long made a convincing case for this criterion. The devil is, however, in the detail. What does broad support really mean in this context? And how broad does such support have to be? It is difficult to argue, as Mr. Alston, for example, seems to suggest, that a proposition supported by the vast majority of States in the world and, more importantly, by the collection of States in which 99 per cent of the human population live, does not constitute broad international support merely because a comparatively very small number of (admittedly materially powerful) States, which contain only about 10 per cent of the world population, do not support the proposition.

C. Applying Mr. Alston’s procedural test

26. Given that the proposal for the acceptance of a right to international solidarity cannot therefore be faulted merely on the three grounds already discussed, it remains to test it against the very useful (but not necessarily determinative) procedural approach proposed by Mr. Alston. The extent to which the process through which the proposed right was generated has met these criteria will now be considered.

Were inputs obtained from a wide variety of sources?

27. The proposal for the adoption of a right to international solidarity that is contained in the draft declaration was made after extensive global and regional consultations. Inputs were obtained at each such consultation and came from a wide range of sources, including States, non-governmental organizations, international organizations and experts. For several years, debates on the matter were also held at least twice a year, once in the General Assembly and once at the Human Rights Council.³⁸ Such debates have continued subsequent to the submission of the draft declaration to the Council in 2017.³⁹

Did those inputs address the issues listed?

28. It appears that the inputs made during the regional and global consultations that were mentioned above did indeed address the issues listed. The proposed right clearly reflects a fundamentally important social value, namely the international solidarity without which the global community would be largely dysfunctional; is definitely relevant to the entire globe, even in its diversity; is clearly eligible for recognition as an interpretation of the Charter of the United Nations and other international obligations requiring adherence to the fundamental principle of international solidarity; is, as has already been argued, consistent with the

³⁷ See Hurst Hannum, *Rescuing Human Rights: a Radically Moderate Approach*.

³⁸ See, for example, [A/72/171](#).

³⁹ See [A/73/206](#), [A/74/185](#), [A/75/180](#), [A/HRC/41/44](#) and [A/HRC/44/44](#).

existing body of international human rights law; has already achieved (or is at least capable of achieving) a high degree of international consensus, despite some opposition, at least much more than many existing human rights norms; is not incompatible with the general practice of States; and is precise enough to give rise to identifiable rights and obligations.

Were there several phases in the process for analysis, reflection and revision before the proclamation of the new right?

29. The consultations discussed above were iterative and involved several phases. Regional representatives revised the text of the proposed draft declaration, identified issues with the implementation of the international right to solidarity and discussed the role of international solidarity in the exercise and fulfilment of human rights. That dialogue is continuing by way of formal and informal consultations with States, independent experts and human rights institutions.⁴⁰ The Independent Expert recently convened a global consultation in Geneva on the revised text of the draft declaration. Furthermore, some country visits undertaken by the previous Independent Expert reinforced the consultative process.⁴¹

Was there expert input?

30. As discussed above, expert input was provided during the consultations. Independent experts of the United Nations treaty body system and human rights experts from regional institutions, academia and non-governmental organizations were invited to speak about their experiences in implementing government policies. The experts provided inputs on a wide range of topics, pertinent to each region, including in the areas of sustainable development, poverty reduction, public health, trade, finance and environmental protection. In addition, an expert workshop, held in June 2013, focused on the definition of the right to international solidarity and the obligations that would result from recognizing solidarity as an international right.⁴² During the global consultations in January 2023, the entire revised draft was considered.

Has the General Assembly voted on the proposal?

31. As all the members of the Human Rights Council are aware, the pre-existing draft declaration has never been put to a vote in the Council. As such, it is premature for the General Assembly to consider the proposal for the emergence in formal legal terms (however non-binding) of a human right to international solidarity.

32. Nonetheless, the foregoing analysis clearly indicates that there is very little that prevents the proposed right to international solidarity from eventually meeting every one of Mr. Alston's procedural requirements and its entailed substantive preferences. Indeed, almost all of these criteria have already been met, except perhaps for the adoption of the draft declaration in the Human Rights Council and the General Assembly.

VI. Conclusions and recommendations

33. **In the present report the Independent Expert has discussed his work on revising the pre-existing draft declaration on the right to international solidarity and reiterated the case for the adoption of this text (as revised). After offering a set of rationales for undertaking the revisions in the first place, the Independent Expert discusses the highly consultative process he adopted in preparing the revised draft and highlights the main revisions made to the pre-existing text. It is important at this juncture to reflect on some recommendations for action that the Independent Expert makes to the Human Rights Council, States, civil society and other stakeholders.**

34. **In the light of the discussion in the foregoing sections of the report, the critical importance of the fullest expression and enjoyment of international solidarity for the optimal realization of human rights around the world; the necessity for the declaration**

⁴⁰ Ibid.

⁴¹ A/HRC/26/34, paras. 60–61.

⁴² Ibid., para. 59.

of a right to international solidarity to advance humanity in this direction; and thus the urgent necessity for the existence of a non-binding instrument, the contents of which can be harnessed by States, international institutions, civil society and other stakeholders, to advance the enjoyment of this right; the Independent Expert:

- (a) Calls on the Human Rights Council to endorse the present report;**
- (b) Calls on the Human Rights Council to adopt the revised draft declaration at the earliest opportunity, through an intergovernmental process;**
- (c) In the meantime, calls on the Human Rights Council, States, international institutions, civil society and other stakeholders to take the revised draft declaration into account in their work and relations with each other.**

Annex I

Revised draft declaration on the right to international solidarity

Preamble

Guided by the Charter of the United Nations and recalling, in particular, the determination of States expressed therein to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,⁴³

Recalling that one of the purposes of the United Nations set out in its Charter is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction and that all Member States pledge themselves to take joint and separate action in cooperation with the United Nations for the achievement of this purpose,⁴⁴

Recalling also that international solidarity inspires the Universal Declaration of Human Rights, in which the equal and inalienable rights of all members of the human family are recognized and which states that all human beings are born free and equal in dignity and rights, and affirms that everyone is entitled to a social and international order in which rights and freedoms can be fully realized,⁴⁵

Affirming that international solidarity is a fundamental and broad principle of international law,⁴⁶ encompassing, but not limited to, sustainability and responsibility in international relations, the peaceful coexistence of all members of the international community, accountability of States to each other and to their respective citizens, organizations, constituents and stakeholders, equal partnerships and the equitable sharing of benefits and burdens,⁴⁷

Inspired by the principle of international solidarity to enable the full realization of human rights through a democratic and equitable international order characterized by cooperation to overcome global challenges and promote sustainable development,⁴⁸

Recognizing in this regard that international solidarity is essential in preventing and overcoming global challenges such as health emergencies, environmental degradation, climate change, armed conflict, forced migration, trafficking of persons, poverty in all its forms and dimensions, including extreme poverty, food insecurity, all forms of violence against women and children, racism and discrimination, violent extremism, terrorism, colonialism, foreign domination and occupation, aggression, unilateral coercive measures that are inappropriately or too broadly targeted, international and transnational crime, and corruption,⁴⁹

Taking into account the fifth preambular paragraph of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which state that individuals, having duties to other individuals and to the

⁴³ Charter of the United Nations, preamble.

⁴⁴ Charter of the United Nations, chap. 1.

⁴⁵ Universal Declaration of Human Rights.

⁴⁶ See Ronald St. J. MacDonald, "Solidarity in the practice and discourse of public international law", *Pace International Law Review*, vol. 8, No. 2 (1996).

⁴⁷ Busan Partnership for Effective Development Cooperation, outcome document of the Fourth High-level Forum on Aid Effectiveness, (29 November – 1 December 2011).

⁴⁸ Human Rights Council resolution 25/15.

⁴⁹ See The Secretary-General, "[The world demands global solidarity to address today's challenges](#)", United Nations Sustainable Development Group, 12 January 2021.

communities to which they belong, are under a responsibility to strive for the promotion and observance of the rights recognized therein,⁵⁰

Concerned by the discrimination and xenophobia against persons based on their race, ethnic, religious, or linguistic minority background, or refugee or migrant status, and bearing in mind the need for a collaborative approach to inclusion in conformity with international law, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,⁵¹

Realizing the importance of the prevention of discrimination against women as articulated in the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, and the Declaration on the Elimination of Violence Against Women,⁵²

Recalling that the Convention on the Rights of the Child calls for children to be brought up in the spirit of solidarity and recognizes the importance of international cooperation for improving the living conditions, health, and education of children, and for protecting the rights of the child everywhere,⁵³

Recalling the immanent human rights dimensions of the 1951 Convention relating to the Status of Refugees that calls for international cooperation, the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, which emanate from fundamental principles of humanity and international solidarity with refugees, migrants and host countries, and conclusion No. 52 on international solidarity and refugee protection of the Executive Committee of the United Nations High Commissioner for Refugees, which attaches the utmost importance to the principle of international solidarity in collectively implementing fundamental humanitarian principles of refugee protection, namely fulfilling international legal obligations to ensure access to the asylum process and to ensure full respect for the principle of non-refoulement,⁵⁴

Reaffirming the Declaration on the Right to Development and the importance of international solidarity as a vital component of the efforts of all countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights,⁵⁵ including through South-South and triangular cooperation,

Reaffirming all the rights of indigenous peoples recognized in the United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect, especially their right to freely pursue their development in all spheres, in accordance with their own needs and interests, their right to participate in decision-making in matters which would affect their rights, their right to free, prior and informed consent, and their right to cooperate with other peoples across borders,⁵⁶

Recalling the determination by States to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity as recognized in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, including, inter alia, in relation to taking appropriate measures to

⁵⁰ [International Covenant on Civil and Political Rights](#); | [OHCHR](#) and [International Covenant on Economic, Social and Cultural Rights](#) | [OHCHR](#).

⁵¹ [International Convention on the Elimination of All Forms of Racial Discrimination](#); and [General Assembly resolution 47/135](#) | [OHCHR](#).

⁵² [Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979](#) | [OHCHR](#); [Beijing Declaration and Platform for Action](#); and [Declaration on the Elimination of Violence against Women](#) | [OHCHR](#).

⁵³ [Convention on the Rights of the Child](#) | [OHCHR](#).

⁵⁴ [Convention relating to the Status of Refugees](#) | [OHCHR](#); [The Global Compact on Refugees](#); and the [Global Compact for Safe, Orderly and Regular Migration](#) | [IOM](#).

⁵⁵ [Declaration on the Right to Development](#) | [OHCHR](#).

⁵⁶ [OHCHR](#) | [United Nations Declaration on the Rights of Indigenous Peoples](#).

cooperate, with a view to addressing transboundary tenure issues affecting peasants and other people working in rural areas that cross international boundaries,⁵⁷

Recalling the Guiding Principles on Business and Human Rights which underscore the need for States and other actors to ensure that businesses respect human rights throughout their operations,⁵⁸

Convinced that overcoming current and future global challenges, achieving internationally agreed development goals and the full realization of human rights for all critically rest on international solidarity,

Declares the following:

Part I

International solidarity: definition, principles, scope and objectives

Article 1

1. International solidarity is an expression of unity by which peoples and individuals enjoy the benefits of a peaceful, just and equitable international order, secure their human rights and ensure sustainable development.

2. In accordance with the Charter of the United Nations, States, international organizations and non-State actors can, through cooperation in good faith, achieve common goals and solve global challenges.

3. International solidarity is a central principle in contemporary international law, based on and in furtherance of:

(a) Justice, peace, sustainable development and equitable and fair partnerships between States as a basis for international cooperation;

(b) Respect for, protection and fulfilment of human rights and fundamental freedoms for all individuals, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status;

(c) Accountability of States concerning the implementation of their foreign policy and their bilateral, regional and international agreements;

(d) The permanent sovereignty of each peoples over its natural wealth and resources.

Article 2

International solidarity consists of preventive solidarity, reactive solidarity and international cooperation to solve global challenges:

1. Preventive solidarity is characterized by actions to safeguard and ensure the fulfilment of all human rights, through collective or individual efforts by individuals, peoples, civil society, the private sector, States and international organizations to fully respect and comply with their commitments under international law.

2. Reactive solidarity is characterized by collective or individual actions of the aforesaid actors to respond to and solve global challenges, including, inter alia, health emergencies, exposure to toxic substances, environmental degradation, natural or man-made disasters, climate change, armed conflict, forced migration, trafficking of persons, poverty in all its forms and dimensions, including extreme poverty, food insecurity, all forms of violence against women and children, racism and discrimination, violent extremism, terrorism, colonialism, foreign domination and occupation, aggression, unilateral coercive measures that are inappropriately or too broadly targeted, international and transnational crime and corruption.

⁵⁷ [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.](#)

⁵⁸ [Guiding Principles on Business and Human Rights.](#)

3. International cooperation in the field of human rights rests on the premise that States and other actors should work together, with common but differentiated responsibilities, to ensure the full realization of rights and duties under international law. States and other actors act in solidarity by providing international support to each other in this area.

Article 3

The general objectives of international solidarity are to create an enabling environment for:

1. Promoting the realization and enjoyment of all human rights and fundamental freedoms;
2. Engendering trust and mutual respect to foster peace and security, promote early response and prevention of conflict, provide humanitarian assistance and engage in peacebuilding;
3. Preventing and reducing asymmetries and inequities between and within States in realizing sustainable development, with particular attention paid to structural obstacles, such as systemic discrimination, that generate and perpetuate poverty and inequality worldwide and the concerns of the least developed countries and small island developing States;
4. Supporting refugee and migrant-centred approaches to the contemporary challenges of forced and irregular migration, including efforts to increase opportunities for safe, orderly and regular migration and legal protections for migrants, including access to justice;
5. Building the capacity to address, mitigate and adapt to the negative impacts of climate change, including through adequate compensation for the human rights violations attendant on loss and damage;
6. Empowering civil society organizations and social movements;
7. Combating corruption and illicit financial flows through investigation, asset recovery, tracing and freezing of the proceeds of corruption and the return and allocation of stolen funds to victims, where possible;⁵⁹
8. Countering misinformation, disinformation and hate speech with facts, science and knowledge;
9. Combating violence against women and the use of gender stereotypes;
10. Combating unilateral coercive measures that are inappropriately or too broadly targeted.

Part II

International solidarity as a right and a duty

Article 4

1. The right to international solidarity is a right of individuals and peoples to participate meaningfully in, contribute to and enjoy a social and international order in which all human rights and fundamental freedoms can be realized.
2. Individuals and peoples are central subjects of, active participants in and beneficiaries of international solidarity.
3. The right to international solidarity is grounded in the codification and progressive development of international human rights law, reflecting all human rights and sustainable development, and is complemented by other responsibilities arising from commitments undertaken at the bilateral, regional and international levels.

⁵⁹ See “Combating corruption and illicit financial flows”, statement by the United Nations High Commissioner for Human Rights, 8 February 2022.

Article 5

The right to international solidarity belongs to and may be claimed by all individuals and peoples, individually and in association with others, without jurisdictional limitation.

Article 6

1. All States, whether acting individually or collectively, including through international or regional organizations, have the duty to respect, protect and fulfil the right to international solidarity.
2. International organizations have the duty to respect the right to international solidarity. To this end, international organizations also have the obligation to refrain from conduct that aids, assists, controls or coerces a State or other international organization to breach obligations under international law.
3. Non-State actors also have the duty to respect the right to international solidarity. Non-State actors uphold this duty also by refraining from conduct that aids, assists, controls or coerces a State or non-State actor to breach obligations under international or national law and by providing transparent, accessible mechanisms for communication and response to solidarity demands presented to them by civil society, labor unions, indigenous peoples and other groups.

Part III**Implementing the right to international solidarity****Article 7**

1. States undertake to cooperate with each other and with non-State actors to implement the right to international solidarity to prevent and overcome global challenges.
2. States undertake to support each other in the establishment of transparent institutions to address discrimination and violence against women through reporting, according to indicators that are established for that purpose.
3. States agree to take appropriate steps, individually and jointly, including within international organizations, to conduct assessments of the actual and potential risks to and impacts on human rights, including of their national laws, policies and practices, and of the conduct of non-State actors that they are in a position to regulate, to ensure full compliance with their human rights obligations, including towards future generations.
4. States agree to take appropriate, transparent and inclusive action to ensure the active, free and meaningful participation of all individuals and peoples, including younger generations, in decision-making processes at the national, bilateral, regional and international levels on matters that affect their enjoyment of solidarity.
5. States agree to adopt and effectively implement policies and programmes, both domestically and transnationally, to promote and protect solidarity based on cultural diversity, engagement and exchange.

Article 8

1. States may give full effect to the right to international solidarity by adopting legislative, administrative, budgetary or other measures. States and non-State actors can pursue solidarity agreements to facilitate access to technology, financing and infrastructure. States and international organizations should create indicators to measure the impact of transnational solidarity actions and deliver reports to the universal periodic review.
2. In accordance with their obligations under the major international human rights treaties, States shall ensure that actions or omissions by States and non-State actors do not harm the exercise and full enjoyment of international human rights.
3. In accordance with the right to freedom of expression, States have the duty to take steps within their respective capacities to facilitate the protection of actual and virtual spaces

of communication, including access to the Internet and infrastructure, in order to enable individuals and peoples to share solidarity ideas.

Article 9

1. States act in compliance with their duty through efforts to realize international solidarity as a human right that is indivisible from, interrelated to and interdependent on all other human rights, and is normatively anchored in a system of rights and corresponding obligations established by international law, relating to:

(a) The promotion of peace and security, environmental protection, humanitarian assistance, education, health and food and nutritional security;

(b) Ensuring participatory global governance through which structural inequalities and poverty are addressed;

(c) Building the full, equal and meaningful political participation of all people in national, regional and global decision-making positions;

(d) Creating a global enabling environment for sustainable development that is centred on individuals and peoples and is grounded in intergenerational justice and equity. This includes the increased use of sustainable agriculture and fishing, as well as the transition to renewable energy;

(e) Correcting structures that increase the vulnerability of migrants and the violation of their human rights, including externalization of migration control and transfer mechanisms that frustrate access to asylum and to fair and effective refugee determination procedures;

(f) Avoiding the deployment of unilateral coercive measures that are inappropriately or too broadly targeted, or which contribute to the exacerbation of human rights violations in affected States.

2. International cooperation should be aimed at ensuring that each State fulfils its primary responsibility to devote the necessary resources to the implementation of its human rights obligations at the national level, both in the immediate fulfilment of its core obligations as a priority and in the concrete, deliberate and targeted progressive realization of all human rights.

Article 10

Nothing in the present Declaration shall be construed as being contrary to the Charter of the United Nations, or as implying that any person, natural or legal, people, group or State has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in international human rights instruments.

Annex II

Explanatory notes on revisions to the draft declaration on the right to international solidarity

Preambular paragraphs

1. The preamble was shortened significantly, as strongly recommended by States during the global consultations in Geneva in January 2023.
2. Several paragraphs were also moved around for better sequencing and flow, including to ensure, as States urged at the global consultations, that binding international treaties were mentioned before non-binding instruments.
3. Several preambular paragraphs of the pre-existing text were eliminated from the revised draft, as suggested by most States at the global consultations. This was because States thought that their nexus to human rights was not tight enough. They include old fifth, seventh, eighth, tenth and eleventh preambular paragraphs.
4. The following long phrase present in the first preambular paragraph of the pre-existing draft was deleted from the first preambular paragraph of the revised draft declaration: “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom and to unite their strength to maintain international peace and security”. This was done to reduce redundancy and repetition in the text.
5. The twelfth preambular paragraph of the pre-existing draft was moved up in sequence to the new fourth preambular paragraph. The words “fundamental and” were added before “broad” to underscore the status of international solidarity as also being a fundamental principle of international law. In addition, the reference in the pre-existing paragraph to the principle of common but differentiated responsibilities was moved to article 2 (3) of the main text of the revised draft. This was done for greater elegance in the drafting.
6. The new fifth preambular paragraph is an articulation of the recognition that solidarity enables the enjoyment of human rights through an equitable international order based on cooperation to tackle global challenges and attain sustainable development. Given the commentary in the global consultations, the revised text abides by previously accepted language.
7. A new eighth preambular paragraph was added to address the rights of racial minorities and migrant workers and the need for solidarity and collaborative approaches to tackling discrimination against them.
8. A new ninth preambular paragraph was added to address the need for solidarity in the prevention of discrimination and violence against women.
9. A new tenth preambular paragraph addresses the need for international solidarity in the area of children’s rights.
10. The old sixth preambular paragraph states that international solidarity is affirmed in the 1951 Convention relating to the Status of Refugees and the Geneva Conventions. The 1951 Convention affirms international cooperation and not international solidarity per se. The new eleventh preambular paragraph refers both to the 1951 Convention and the relevant soft law that refers to solidarity.
11. The new twelfth preambular paragraph refers to the Declaration on the Right to Development and its link to solidarity.
12. A new thirteenth preambular paragraph was added on indigenous peoples and their right cooperate with other peoples across borders.
13. The fourteenth preambular paragraph of the pre-existing draft was deleted, as its references to poverty and the like are already covered in other paragraphs. Its components

are addressed in different paragraphs addressing each topic specifically, for example the new twelfth preambular paragraph on the right to development.

14. A new fourteenth preambular paragraph was added on peasants and their right to engage in transnational exchanges and cooperation.

15. The old fifteenth preambular paragraph was revised to eliminate the repetition embodied in the previously used phrase “health emergencies and epidemic diseases” and add other important human rights and international solidarity issues, such as inappropriately or overbroad unilateral coercive measures, and has been broadly incorporated into the new sixth preambular paragraph.

16. A new fifteenth preambular paragraph was added to underscore the need for international solidarity in the area of business and human rights.

17. The old sixteenth preambular paragraph was deleted for reasons of redundancy.

18. The old seventeenth preambular paragraph emphasizing the commitment of States in the 2030 Agenda for Sustainable Development to a revitalized global partnership in a spirit of global solidarity, particularly solidarity with the poorest and with people in vulnerable situations, was eliminated as its essence is retained in the new sixteenth preambular paragraph.

Part I

International solidarity: definition, principles, scope and objectives

19. The old article 1 was amended in order to emphasize that individuals and peoples are the beneficiaries of international solidarity. The reference to States and international organizations is addressed in this article.

20. The old article 1 (2) was redrafted in order to situate States, international organizations and non-State actors as entities that can cooperate to achieve common goals and tackle global challenges. Based on the comments received during the global consultations the words “in good faith” were inserted.

21. The old article 1 (3) was rewritten in order to streamline the language while maintaining the focus on human rights. While retaining the reference here to permanent sovereignty over natural wealth and resources, the formulation was reworded to reflect the language in common article 1 of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, which both refer to it as a right of peoples.

22. The old article 2 (a) was rephrased for greater clarity. The categories of reactive solidarity in article 2 (b) were expanded and the new article 2 (2) specifies much more clearly the concrete ways in which States can cooperate in solidarity with each other.

23. The phrases “to solve global challenges” and “natural or human-made disasters” were also added to the new article 2 (2).

24. Based on the commentary received during the global consultations, the phrase “other actors” was added in two places in the new article 2 (3) to reflect a fuller range of international cooperation.

25. Article 3 has been amended in order to expand the objectives of solidarity to address a greater number of contemporary human rights-related crises and issues that critically require international solidarity, such as climate change, migration, disinformation, corruption and inappropriately or too broadly targeted unilateral coercive measures. Based on the commentary from the global consultations, “promotion of early response and prevention” was added to the new article 3 (2); “refugee” to the new article 3 (4); and “hate speech” to the new article 3 (8). A new article 3 (9) on combating violence against women and gender stereotypes and a new article 3 (10) on combating unilateral coercive measures that are inappropriately or too broadly targeted were added.

Part II**International solidarity as a right and a duty**

26. The new title of this part of the revised draft recognizes that international solidarity is not merely a right, it is also a duty.

27. The old article 4 was redrafted to remove the non-discrimination clause as repetitive, emphasizing that individuals and peoples are the subjects and beneficiaries of international solidarity and clarifying the link to sustainable development.

28. The old article 5 contained a non-discrimination clause, combined with a listing of subcategories of those who could claim solidarity. This non-discrimination clause was deleted for reasons of repetition; instead, the right of individuals and peoples to claim the right to international solidarity as without “jurisdictional limitation” was added. The listing of subcategories of those who can claim the right to international solidarity was also deleted as it is not and could not be exhaustive. It was thought better to leave the category in a more general form.

29. Article 6 was amended to include the respect, protect, fulfil framework, clarify the accountability of international organizations and add a paragraph articulating the responsibilities of non-State actors.

Part III**Implementing the right to international solidarity**

30. The old article 7 (1)–(3) was streamlined. A reference was also added to indicators for discrimination and violence against women in the new article 7 (2); to assessments in the new article 7 (3); and to youth in the new article 7 (4).

31. The old article 8 was amended in order to articulate the types of measures States and non-State actors can engage with to support solidarity actions and identify reporting on measures they have taken to advance the right to international solidarity during the universal periodic review process as a best practice in this connection. In addition, a type of due diligence standard was added that is sensitive to the varying capacities of States as a way of addressing variable State responsibility for actions or omissions affecting human rights. The topic of facilitating digital solidarity actions was also added.

32. The old article 9 was amended to emphasize the indivisibility and interrelatedness of human rights and international solidarity, streamline the language and update it to add some important human rights and international solidarity-related topics, such as food security, migration participation in the common heritage of mankind and intergenerational justice and equity.

33. The old article 10 was amended to make clearer that it includes a reference to the full Charter of the United Nations and all international human rights instruments.
