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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

Armenia, Costa Rica, Côte d'Ivoire, Honduras, Iceland, Lebanon, Liechtenstein, New Zealand, Norway, Switzerland and Ukraine: 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 in the context of and recovery from the COVID-19 pandemic

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 encouraging States to uphold the purposes, principles and provisions of the Declaration in the context of its implementation,

Stressing, in this regard, that all human rights and fundamental freedoms apply to all persons equally, including human rights defenders, and that these rights and freedoms must be respected, protected and fulfilled without discrimination,

Recalling all 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, 72/247 of 24 December 2017 and 74/146 of 18 December 2019 and Human

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.



Rights Council resolutions [13/13](#) of 25 March 2010,³ [22/6](#) of 21 March 2013,⁴ [31/32](#) of 24 March 2016,⁵ [34/5](#) of 23 March 2017,⁶ [40/11](#) of 21 March 2019⁷ and [43/16](#) of 22 June 2020,⁸

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, and in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, 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,⁹

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,

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, online and offline, 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, both online and offline, of human rights defenders, including by avoiding any criminalization, stigmatization, impediments,

³ See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum ([A/65/53](#) and [A/65/53/Corr.1](#)), 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 *Ibid.*, *Seventy-fifth Session, Supplement No. 53* ([A/75/53](#)), chap. IV, sect. A.

⁹ Resolution [70/1](#).

obstructions or restrictions thereof, contrary to the obligations and commitments of States under international human rights law,

Deeply concerned about the loss of life and livelihoods and the disruption to economies and societies by the coronavirus disease (COVID-19) pandemic, and its negative impact on the enjoyment of human rights around the world and on human rights defenders on the front line providing support to their communities,

Recognizing that the pandemic has exacerbated and accelerated existing challenges, both online and offline, for human rights defenders, including attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; restrictions on access to resources; restrictions on the rights to freedom of peaceful assembly and association, and freedom of expression; and increased the impact of the digital divide,

Reaffirming that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration and be in accordance with the obligations of the State under applicable international human rights law,

Recognizing the positive, important and legitimate role played by human rights defenders in the promotion and protection of human rights in the COVID-19 pandemic response and recovery, and that human rights defenders, civil society and journalists working both online and offline at the local, national, regional and international levels are critical to providing accurate information about the situation and needs on the ground, contributing to designing and implementing responsive measures adopted by the authorities that are inclusive, safe and enabling, providing essential services and feedback on recovery and response measures and to pursuing transparency and accountability, and countering disinformation and misinformation,

Gravely concerned that national security, counter-terrorism and cybercrime legislation and other legal and administrative 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, including on access to resources, 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 be fully achieved only in the context of a holistic approach that includes the strengthening of democratic institutions, the fight against impunity, a reduction in economic and gender inequality and equal access to justice,

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, both online and offline, 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,

Stressing also the need for further action by States and non-State actors to promote a safe and enabling environment, online and offline, for human rights

defenders and their protection, taking into account their diversity and the diverse contexts in which they operate,

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

2. *Notes with appreciation* the guidance of the United Nations High Commissioner for Human Rights on human rights-compliant responses to the COVID-19 pandemic and the Secretary-General's policy brief on COVID-19 and human rights entitled "We are all in this together";

3. *Recognizes* the positive, important and legitimate role played by human rights defenders in the promotion and protection of human rights, including in the COVID-19 response and recovery, mindful of the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, reaffirms the utility and benefit of consultations and dialogue with human rights defenders related to public policies and programmes, including in the development and implementation of programmes, policies and emergency measures related to the COVID-19 response and recovery and ensuring that measures adopted by the authorities are inclusive, safe and enabling, and 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;

4. *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 COVID-19-related emergency measures, including in relation to workplace health, safety and rights, and public health and infection control 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;

5. *Calls upon* States to ensure that COVID-19-related emergency measures are not used to target or silence human rights defenders, civil society and journalists or hinder their work, online or offline, including by limiting the rights to freedom of expression and freedom of peaceful assembly and association, and endanger their safety in a manner contrary to international law;

6. *Expresses grave concern* at the situation of human rights defenders around the world, strongly condemns the violence against and the criminalization, intimidation, torture, disappearance, 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 the need to combat impunity by ensuring that those responsible for violations and abuses against human rights defenders, including against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations;

7. *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;

8. *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;

9. *Expresses concern* at the trends presented in the most recent report,¹⁰ including, inter alia, that national security or counter-terrorism legislation has been misused to target human rights defenders, leading to long-term detention and long prison sentences, which negatively impacts on the health, lives, families and communities of human rights defenders;

10. *Calls upon* States to ensure that the criminalization and prosecution of terrorism offences is in accordance with their obligations under international human rights law, including that legal and administrative measures to address the threats of terrorism and protect national security do not negatively affect the work of human rights defenders;

11. *Underlines* that the COVID-19 pandemic exposes detainees and those deprived of their liberty to increased risk, and 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;

12. *Urges* States to promote a safe and enabling environment, online and offline, including through the implementation of existing national legislation that is in compliance with international human rights law and, where necessary, through the adoption and implementation of more comprehensive legislative and administrative measures, in which human rights defenders can operate free from hindrance, surveillance, 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;

13. *Continues to express particular concern* about systemic and structural discrimination, violence and harassment faced by women human rights defenders of all ages, including sexual and gender-based violence as well as defamation and smear campaigns, both online and offline, and economic disenfranchisement, 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;

14. *Recognizes* that democracy and the rule of law are essential components for the creation of a safe and enabling environment, online and offline, 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;

15. *Calls upon* States to promote, through regular public statements, as well as 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 denouncing the stigmatization of their work;

¹⁰ [A/76/143](#).

16. *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;

17. *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 and communities in vulnerable situations and for those belonging to minorities and indigenous peoples;

18. *Calls upon* States to take appropriate measures for the prevention of all forms of violence, intimidation, threats, harassment and attacks against human rights defenders on the Internet and through digital technologies, including publicly denouncing such threats and attacks, to refrain from the use of surveillance technologies in a manner that is not compliant with international human rights obligations against journalists and human rights defenders, 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;

19. *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, online or offline, including 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;

20. *Calls upon* States to develop and implement appropriate and effective protection mechanisms 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 mechanisms are holistic, appropriately resourced, respond to the protection needs of individuals and the communities in which they live and function as an early warning to ensure that human rights defenders, when threatened, have immediate access to authorities that are competent and adequately resourced to provide effective protective measures;

21. *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, while noting with concern that national human rights institutions and their members and staff can themselves sometimes be in need of protection;

22. *Strongly encourages* 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, online and offline, that 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 defenders and the diverse contexts in which they operate, and the intersectional dimensions of violations and abuses against women

¹¹ Resolution 48/134, annex.

human rights defenders, indigenous peoples, children, persons belonging to minorities and rural communities;

23. *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;

24. *Welcomes* the report of the Secretary General entitled “Our Common Agenda”,¹² including the call for a new social contract based on human rights, and, stressing the connection between a safe and enabling environment for human rights defenders, and ensuring their protection, as a basis for trust, inclusion and participation, invites all concerned United Nations system entities and organizations, including field presences, within their mandates, to implement the United Nations Guidance Note on the Protection and Promotion of Civic Space, 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 her 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 her activities to the General Assembly and the Human Rights Council, in accordance with the mandate;

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

¹² [A/75/982](#).