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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

Human rights and international solidarity

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, in accordance with Human Rights Council resolution [53/5](#).

* [A/78/150](#).



Report of the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor

Summary

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, in accordance with Human Rights Council resolution [53/5](#). In view of the change of mandate holder, the report first provides an overview of the activities carried out by the outgoing Independent Expert during his term as mandate holder from August 2017 to October 2023, continuing with the work carried out over the last year in revising the existing draft declaration on the right to international solidarity, including rationales for undertaking the revisions made to the draft text, the process adopted for preparing a revised draft declaration and the main revisions incorporated in the new draft, and reiterating the case for the adoption or endorsement of the draft declaration by the Council and the Assembly. The report concludes with a summary of the country visits undertaken by the outgoing mandate holder.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution [53/5](#), in which the Council invited the Independent Expert on human rights and international solidarity to report to the General Assembly at its seventy-eight session. It provides a review of the work of the outgoing Independent Expert, Obiora C. Okafor, who served as mandate holder from August 2017 to October 2023, and reports on activities undertaken in fulfilment of his mandate during the reporting period (1 August 2017 to 31 October 2023).
2. The activities of the Independent Expert are carried out in accordance with Commission on Human Rights resolution 2005/55, by which the mandate was first established. Since then, the mandate of the Independent Expert has been extended by Human Rights Council resolutions [26/6](#), [35/3](#), [44/11](#) and [53/5](#), each time for a period of three years.
3. The international legal framework for the methods of work of the outgoing Independent Expert are described in his first report to the Human Rights Council ([A/HRC/38/40](#)). In the pursuit of his mandate, the Independent Expert has been guided by international human rights law, underlying the duty of States to cooperate with one another in accordance with the Charter of the United Nations. He has urged States to take into account the draft declaration on the right to international solidarity, which was submitted in an annex to the last report of the Independent Expert, Virginia Dandan, to the Council in 2017 ([A/HRC/35/35](#)). In the draft declaration, the components of international solidarity are identified as preventive solidarity, through which stakeholders act to proactively address shared challenges; reactive solidarity, or collective actions of the international community to respond to situations of crisis; and international cooperation. The draft declaration provides concrete guidance to States and other stakeholders on how they must act in order to make this principle a reality and to fulfil their human rights obligations. In his last report presented to the Council ([A/HRC/53/32](#)) in March 2023, Mr. Okafor provided the Council with a set of rationales for undertaking revisions to the draft declaration, the process he adopted in preparing a revised draft declaration and the nature of the main revisions made to the pre-existing draft declaration. He reiterated the case for the adoption or endorsement by the Council of such a declaration on the right to international solidarity.
4. In June 2023, the Human Rights Council decided, in its resolution [53/5](#), to extend the mandate for a period of three years. At its fifty-fourth session in September 2023, the Council will appoint the new mandate holder to succeed the outgoing Independent Expert. The new Independent Expert will be the fourth mandate holder, following Rudi Muhammad Rizki, (2005–2011), Virginia Dandan (2011–2017) and Obiora C. Okafor (2017–2023).
5. In the present report, the outgoing Independent Expert presents an overview of the activities carried out during his term as mandate holder from August 2017 to October 2023, encompassing, in particular, the thematic reports that were presented to the different sessions of the Human Rights Council and the General Assembly and the countries that were visited by the Independent Expert during his mandate, as well as his work over the last year in revising the existing draft declaration on the right to international solidarity.

II. Thematic reports presented to the Human Rights Council and the General Assembly

6. In his first report to the Human Rights Council in 2018 (A/HRC/38/40), the Independent Expert enumerated a list of thematic priorities which he intended to focus on during his tenure. These themes included migration and international solidarity, refugees and international solidarity, climate change and international solidarity, extraterritorial human rights obligations and international solidarity, civil society and international solidarity, global citizenship and international solidarity, South-South cooperation as a component of 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, taxation and international solidarity and international solidarity and economic security.

7. The sudden onset of the coronavirus disease (COVID-19) pandemic which struck the world in early 2020 and the global response to it necessitated certain revisions to the agenda and programme of work of the Independent Expert. In consequence, 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 pandemic and a report to the General Assembly on vaccine solidarity.

A. Migration, refugees and international solidarity

8. In his first report presented to the General Assembly in 2018 (A/73/206), the Independent Expert engaged with one of the thematic priorities that he had established earlier, namely, the enjoyment, or lack thereof, of human rights-based international solidarity in the context of global migration. The aim of the report was to focus on and study issues that lie at the intersection of international solidarity and the world's current (although historically enduring) human migration challenge. An important goal in that regard was to increase the understanding of and better illuminate the role of human rights-based international solidarity in addressing some of the key global migration-related concerns and issues at that time. A corresponding and complementary objective was to augment the appreciation and awareness of the role of the absence or insufficiency of human rights-based international solidarity in exacerbating global migration-related challenges. To that end, he specifically discussed and analysed the following issues: positive expressions of human rights-based international solidarity in the global migration context (good practices); key human rights-based international solidarity gaps in the global migration context (areas to be improved); and the abusive deployment of international solidarity in the global migration context.

9. In preparing that report, the Independent Expert seized on the moment of heightened ferment in terms of the global migration situation in the light of the then ongoing negotiations on the adoption of the Global Compact for Safe, Orderly and Regular Migration, which he considered timely and important. The report provided a brief background on human rights-based international solidarity in the global migration context, followed by a discussion and analysis of its positive expressions in that context. He then identified and analysed key human rights-based international solidarity gaps in the global migration context before focusing on the abusive deployment of international solidarity in the current global migration context. The report was not meant to address the topic of global migration in and of itself but rather issues that lie at the intersection of human rights-based solidarity and global migration.

10. In 2019, the Independent Expert presented his second thematic report to the Human Rights Council (A/HRC/41/44), which focused on compliance with both general international law and international human rights law in the context of the praxis of criminalizing and suppressing human rights activists and other humanitarian actors who showed their solidarity with migrants and refugees by assisting them in accessing the enjoyment of their basic human rights. He discussed the domestic and regional laws and practices that criminalized or suppressed the expressions of this kind of solidarity and the behaviour by a section of civil society that is aimed at suppressing it. Those discussions proceeded against the background of the relevant general international law and international and human rights law norms and rules.

11. The Independent Expert considered it important to focus on this specific issue given the continued salience and importance of migration issues; the highly consequential nature of the efforts that had been made by some States, regional organizations and sections of civil society to criminalize or suppress the expression of international solidarity with irregular migrants and refugees and the serious human rights implications of those actions. In the report, the Independent Expert discussed domestic laws and practices that criminalized or suppressed humanitarian assistance to irregular migrants and refugees. He analysed certain regional laws and practices that criminalized or suppressed humanitarian assistance to irregular migrants and refugees. He focused on the issue of the suppression of pro-migrant and refugee solidarity in some countries or locations by a section of civil society, with an analysis of the legality or otherwise under both international human rights law and general international law of the laws and practices that criminalized or suppressed pro-migrant and refugee activists. The report was presented in the hope that the conclusions and recommendations made therein would be taken into consideration by relevant stakeholders.

12. In his second report to the General Assembly presented in 2019 (A/74/185), the Independent Expert considered the issue of the enjoyment, or lack of, of human rights-based international solidarity in global refugee protection, given the serious refugee protection issues that the world faces, and in the light of the then recent adoption of a global compact on refugees. At the time of drafting of the report, approximately 285 million people in total had fled their homes since the world had reliable data on such population movements (only about 60 million of whom had managed to appear on official registers as refugees and internally displaced persons).

13. The Independent Expert recalled the words of the then Secretary-General who had stated that “the world does not in fact face ‘a crisis of numbers’ but instead faced ‘a crisis of solidarity’”. Given the relative smallness of the total number of persons around the world who had attempted to seek refuge within or outside their home countries over the past few years (only about 0.3 per cent of the world’s population), the contemporary refugee protection “crisis”, as it was characterized in the media and academia at that time, could not be logically understood as a crisis of numbers. For as relatively tiny as the global numbers of refugees were, the so-called crisis was clearly much more a function of the unwillingness of many States to accept as many refugees as they could and should have accepted, rather than a consequence of the perceived magnitude of the overall numbers of those who needed protection. The Independent Expert noted that, while just 10 States of the global North provided 75 per cent of the United Nations refugee protection budget, only eight States of the global South hosted 90 per cent of the world’s refugees. In sum, the current refugee protection crisis was clearly a crisis of “equitable responsibility sharing” and thus a crisis of international solidarity par excellence.

14. In the report, the Independent Expert provided a brief background on human rights-based international solidarity in global refugee protection. He then discussed and analysed positive expressions of human rights-based international solidarity in

global refugee protection, followed by an identification of key human rights-based international solidarity gaps in global migration protection. The report focused on the abusive deployment of international solidarity in global migration protection and made some recommendations for human rights-based reform of the global refugee protection regime.

B. Populism and the threat to international solidarity

15. The Independent Expert had identified the threat that populism posed to the principle of international solidarity and its ability to contribute to the realization of human rights as one of the thematic priorities to be focused on during his tenure. In his third report presented to the General Assembly in 2020 ([A/75/180](#)), he noted the serious threat that the rise in populism in far too many parts of the world posed to the enjoyment or realization of the human rights of vulnerable individuals and groups, including migrants, refugees and asylum-seekers, persons of African descent, ethnic and religious minorities, women, girls and gay, lesbian, bisexual, transgender and intersex persons.

16. The Independent Expert undertook to analyse the nature and causes of the rise and coming to power of certain populist movements which had a negative impact on the enjoyment of human rights-based international solidarity; underscore the accountability of States and their institutions, as well as political leaders, trade unions, the media, religious organizations and civil society, in countering the worrying trend of the operation of and rise in such populism; and present examples of good practices and measures taken to counter populism as a way of enhancing the enjoyment by all individuals and peoples of human rights-based international solidarity.

17. The work of the Independent Expert on this topic aligned with the concern of the United Nations as a whole regarding the negative impact on the enjoyment of human rights of a set of developments in our time that the Secretary-General had referred to as “the perverse phenomenon of populism and extremism”, which he had correctly identified as “feeding off each other in a frenzy of growing racism, xenophobia, antisemitism, anti-Muslim hatred and other forms of intolerance”. In its resolution [73/262](#), the General Assembly noted its alarm at the spread in many parts of the world of various racist extremist movements based on ideologies that sought to promote populist, nationalist, right-wing agendas and racial superiority and stressed that those practices fuelled racism, racial discrimination, xenophobia and related intolerance. In the same resolution, the Assembly emphasized, the need to promote tolerance, inclusion and respect for diversity and the need to seek common ground among and within civilizations in order to address common challenges to humanity that threatened shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, through cooperation, partnership and inclusion.

18. In the report of the Independent Expert, the concept of populism and its meanings and recent rise in global politics were discussed and the various dimensions of contemporary populist agitation, as well as the question of whether any tangible human rights benefits could ever be derived from such ideologies, were explored. The Independent Expert sought to analyse the link between populism and the enjoyment or lack of human rights-based international solidarity and discussed the harmful impacts of certain contemporary forms of populism on the enjoyment of international solidarity in the human rights field. He highlighted some of the actions already being taken by States and regions in response to the harmful consequences of populism and examined whether norms of international law could be utilized to combat populism.

19. He concluded that populism, especially in its reactionary form, represented – and still does represent – a considerable threat to human rights-based international solidarity, the multilateral human rights system and the realization of human rights for all, as they are under constant attack by the rhetoric and practice of its practitioners. The need for human rights-based international solidarity, so important historically to advance inclusive human rights globally, was also under threat at that time owing to the worldwide COVID-19 pandemic, which had led to severe restrictions on human rights in many States affected by the pandemic, as well as a degree of withdrawal from the practice of international solidarity, in addition to the pre-existing threats posed by reactionary populism to the enjoyment of such solidarity.

C. The COVID-19 pandemic and access to vaccines

20. In his fourth report to the Human Rights Council in 2021 ([A/HRC/47/31](#)), the Independent Expert on human rights and international solidarity discussed how international solidarity in aid of the fuller realization of all categories of human rights had, or had not, been expressed by States and other actors in the context of the COVID-19 pandemic.

21. In early 2020, a novel coronavirus disease (COVID-19) had swept across the globe since its causative agent – first known as 2019 novel coronavirus (2019-nCoV), but currently designated as SARS-CoV-2 – was first identified on 7 January 2020. On 11 March 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a pandemic. As of December 2020 (when the report was drafted), over a million lives had been lost, with the toll sadly continuing to rise, although the rise was expected to wane in significant measure by the last quarter of 2021, owing to the ongoing deployment of several vaccines against the disease. Even though there were many more people recovering from the disease, an increasing number of reports of long-term debilitating health effects for some of those who had recovered were noted.

22. The COVID-19 pandemic and the measures taken to contain it had led to serious socioeconomic difficulties around the world. Nearly 90 million people were estimated to have fallen into “extreme deprivation”. Reports also indicated that quarantines, travel restrictions and lockdown of cities had resulted in a significant reduction in demand and supply. Economic activities in transportation, retail trade, leisure, hospitality and recreation had been battered. Public trust in the health response had also direct and immediate economic effects. Moreover, the economic slowdown had been severe, causing significant negative socioeconomic effects. The measures taken to control the spread of the pandemic and the resultant serious economic downturns had markedly threatened or impaired the enjoyment by billions of people across the world of, among other things, the human rights to health, life, education, food, shelter, work, freedom of movement, liberty and freedom of assembly.

23. The Independent Expert recalled that in its resolution [44/2](#), the Human Rights Council underscored the central role of the State in responding to pandemics and other health emergencies and reaffirmed that emergency measures taken by States in response to the COVID-19 pandemic must be in accordance with States’ obligations under applicable international human rights law. The Independent Expert emphasized that in spite of the central role that individual States must play in this regard, international public health security was (and still is) “both a collective aspiration and a mutual responsibility”, thereby highlighting the importance of international cooperation, in particular during times of health emergencies and pandemics, on the basis of mutual respect. Such international cooperation, an aspect of international solidarity, which is aimed at the fuller realization of human rights, was required in fulfilment of certain international legally binding obligations assumed by most States.

States were required to deploy their maximum available resources, individually and in cooperation, to ensure the enjoyment of social and economic rights, such as the right to health, in their territories, as well as not to prevent such solidarity among their nationals.

24. In the context of the COVID-19 pandemic, the existing obligations to express international solidarity in the human rights field, including through international cooperation, had taken on a particular and renewed importance and urgency. It was therefore crucial that the ways in which international solidarity had, or had not, been expressed by States and other actors in the context of the COVID-19 pandemic, towards the fuller realization of all categories of human rights, should be more systematically studied and understood, including by the Human Rights Council.

25. The mandate holder recalled the definition of international solidarity contained in the draft declaration on the right to international solidarity, wherein it is stated that international solidarity is the expression of a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals. In the draft instrument, the main components of international solidarity were identified, namely, preventive solidarity, through which stakeholders act to proactively address shared challenges; reactive solidarity, which comprises collective actions of the international community to respond to situations of crisis; and international cooperation. The Independent Expert recognized that international solidarity was not a State-centric phenomenon and could be expressed, withheld or violated by State and non-State actors alike. Moreover, it was not limited to international assistance and cooperation, aid, charity or humanitarian assistance: the concept and principle of international solidarity was broader.

26. In the fourth report, the Independent Expert examined the serious threats to the enjoyment of human rights posed by the pandemic and the measures put in place to control it. He articulated the moral and legal rationale for an international solidarity obligation, including in the context of the pandemic; discussed examples of gaps in the enjoyment of international solidarity in this context; and identified and highlighted positive expressions of such solidarity by States and non-State actors, including some best practices.

27. More than one year later, in 2022, in his fifth report to the General Assembly ([A/77/173](#)), the Independent Expert on human rights and international solidarity addressed the extent to which global vaccine solidarity, as a component of international human rights solidarity, had or had not been expressed by State actors in the context of the COVID-19 pandemic. More than two years after WHO declared the global outbreak of COVID-19 a pandemic, the world was still engaged in numerous efforts to minimize its negative impact in the political, social and economic spheres, including on the enjoyment of human rights around the world. These efforts had been characterized by a certain measure of global and regional cooperation among States, between States and non-State actors and among non-State actors. Such cooperation had included the adoption of bilateral agreements and the establishment of public-private partnerships aimed at vaccine research, development and deployment in a bid to end the pandemic. Owing to the urgent need for lifesaving COVID-19 vaccines, scientists had worked at unprecedented speeds to develop safe and effective vaccines for all humanity. Despite those efforts, however, there remained a huge gap between the quantity of vaccines that needed to be distributed globally and the number that had been provisioned or distributed in response to the pandemic, especially in the global South. The nature and orientation of the global response in the past two years had thus served to highlight pre-existing systemic issues, such as the great disparity between the global North and the global South in terms of access to critical resources for the fuller realization of human rights.

28. The hoarding of vaccines by many Western European and North American States – most pronounced in the months immediately following the approval of the first COVID-19 vaccines – had continued to affect access to and affordability of those vaccines for far too many populations in the global South. The procurement by some States of a sufficient quantity of vaccines to vaccinate their populations multiple times over negatively affected access and affordability around the world, especially for the at-risk populations of other States and most of the populations of low-income countries.

29. Similarly, misinformation and disinformation had posed unique challenges to combating the pandemic. During the seventy-sixth session of the General Assembly, the Secretary-General remarked that the scientific triumph of COVID-19 vaccines had been undone by “the tragedy of political will, selfishness and mistrust”. That widespread problem had, in some places, been used to justify the inequality of vaccine distribution as one that exists between richer and poorer States. The disinformation ecosystem, however, was a global issue that had caused deaths even in high-income States.

30. The Independent Expert recalled that WHO had set a vaccination target of 70 per cent population coverage in every country by mid-2022. However, significantly intensified action by States and other actors was necessary to meet that goal. This involved not only State-to-State cooperation and interregional collaboration but also dynamic cross-sectoral and multi-actor global solidarity targeted towards the sole objective of bridging the inequalities causing the persistence of the pandemic. Most importantly, rather than having these efforts be nationally based, much greater global solidarity was required to finally bring an end to the pandemic and consequently stem the erosion of human rights that it had engendered around the world.

31. In that fifth report, the Independent Expert drew attention to the imperative for States to take measures that expressed and advanced such solidarity so as to better safeguard and realize human rights for everyone around the world. The Independent Expert discussed the importance of the deployment of COVID-19 vaccines as a critical response to the pandemic. He considered the nature of global vaccine solidarity as a human rights imperative and addressed many of the key challenges impeding its fuller realization in the present time. Highlighting some examples of positive expressions of global vaccine solidarity by States and other actors, he urged a recommitment by all to the significantly higher level of global solidarity that was required to counter the COVID-19 pandemic, while promoting and protecting human rights in fuller measure.

D. Climate change and international solidarity

32. In 2020, the Independent Expert dedicated his third report to the Human Rights Council to the subject of the enjoyment, or lack thereof, of human rights-based international solidarity in the context of climate change ([A/HRC/44/44](#)). This subject was consistent with the promise made in his first report to the Council ([A/HRC/38/40](#)) to examine matters that lay at the intersection of international solidarity and climate change. The goal of the report was to better illuminate the role of human rights-based international solidarity in responding to climate change, which was – and, more than ever, still is – a common concern of humanity. A complementary objective was to strengthen the appreciation of the role that the lack of human rights-based international solidarity played in exacerbating the challenges unleashed upon the world by climate change.

33. The Independent Expert considered it pressing to address the issues identified in the report, given the tragic impacts of climate change across the world, the fact that

greenhouse gas emissions had at that time reached a record high (and continue to do so) and that diverse States, peoples and institutions were and still are striving to contribute to the averting of further climate change-induced harm. In the report, the background for human rights-based international solidarity in the context of climate change was discussed and an analysis of positive expressions of human rights-based international solidarity (good practices) was provided. Key human rights-based international solidarity gaps in the context of climate change were identified and analysed (as areas to be improved).

34. The Independent Expert hoped that the analysis, conclusions and recommendations offered in the report would – from a human rights perspective – support the implementation of the 2015 Paris Agreement adopted under the United Nations Framework Convention on Climate Change and the 1992 United Nations Framework Convention on Climate Change; the programming of the International Labour Organization on a just transition to sustainable economic systems; negotiations to regulate transnational corporations under international human rights law; the struggles of relevant social movements; and other relevant endeavours.

35. While the Independent Expert focused in the report strictly on key issues that lie at the intersection of human rights-based international solidarity and climate change, given the vastness of the topic, that report could not consider every issue or problem that fell within this scope. The report did not address the topic of climate governance in and of itself, nor did it aim at rearguing the case for a link between climate change and human rights. The international human rights community, including mandate holders under the special procedures of the Human Rights Council, had documented the relationship between human rights and climate change for over a decade before the report at issue was prepared.

E. Economic security and insecurity

36. In 2021, in his fourth report presented to the General Assembly ([A/76/176](#)), the Independent Expert on human rights and international solidarity examined the role of the expression of international solidarity for the fuller realization of human rights within the context of economic security and insecurity. He considered that the availability or absence of economic security was (and still is) inherently intertwined with the rights of individuals and peoples to pursue a decent standard of living, maximize their capabilities and live a life of dignity.

37. The Independent Expert considered that analyses of the role of international solidarity in the advancement of economic security and thus in the amelioration of economic insecurity, were critical in the current era, which was marked by globalization, interconnected supply chains, the increasing deployment of technology in production and the corresponding displacement of traditional labour patterns. It was noted that in recent times, economic insecurity had also been induced by a myriad of factors, including the crash in oil prices and the rise of precarious employment, propelled partly by growth in the sharing economy. Moreover, the COVID-19 pandemic left many people without adequate sources of income and with limited prospects of finding stable and secure employment, at least in the near term. These events occurred against the backdrop of heightened trade tensions and uncertainties within the international trade regime, which served as an added layer of pressure, eliciting unpredictable reactions from States and private actors. At that critical time, the situation left individuals and peoples in vulnerable circumstances, which negatively affected their economic security and unduly limited the enjoyment of their human rights, particularly those proclaimed in the International Covenant on Economic, Social and Cultural Rights (see arts. 2 (1) and 11 (1) and 11 (2)), such as the right to an adequate standard of living (arts. 23 (3) and 25 of the Universal

Declaration of Human Rights) and the right to work (arts. 6 and 7 of the International Covenant on Economic, Social and Cultural Rights), which were vital to ensure the inherent dignity of the human person.

38. The Independent Expert argued that economic security and insecurity were and remain crucial issues and that the availability or absence of economic security significantly determined whether individuals and peoples worldwide were able to enjoy many of their human rights. The interconnected nature of the global economy made it grossly inadequate to largely deal with economic security within the national realm. Significantly greater levels of international solidarity, including the cooperation that this entailed, were advocated to combat the significant economic insecurity faced by certain masses of individuals and peoples around the world.

F. International solidarity and the extraterritorial application of human rights

39. In 2022, the Independent Expert dedicated his fifth report to the Human Rights Council ([A/HRC/50/37](#)) to the question of whether human rights obligations assumed by States and other actors applied outside the boundaries of such States (an aspect of the extraterritorial application of human rights), as this was a highly consequential issue with respect to the effort to fully realize human rights around the world, in solidarity. More specifically, he sought to interrogate whether the enjoyment by everyone of the right of peoples and individuals to human rights-based international solidarity required States to protect, respect, fulfil and otherwise implement their international human rights obligations extraterritorially, at least some of the time; assess what, if any, problems were associated with adopting a positive or negative answer to this question; identify the limits of extraterritorial human rights obligations, especially in the context of State sovereignty and State vulnerabilities; and tackle the question whether it was possible to achieve international solidarity in the human rights field without an understanding of human rights obligations as having an extraterritorial dimension.

40. The report of the Independent Expert in that regard aligned with the work of his immediate predecessor in office, Virginia Dandan, who had identified the possibility of international solidarity serving as a framework for extraterritorial obligations of States, thus implying a significant level of coordination among States in human rights implementation. The Independent Expert sought to reflect the growing focus on extraterritorial human rights obligations in diverse contexts such as economic and social rights, business and human rights and in the work of some of the special procedures of the Human Rights Council.

41. In the report, the linkages between the extraterritorial application of human rights and international solidarity were analysed in order to illustrate how States and other actors could express, or failed to express, international solidarity whenever they applied human rights norms extraterritorially. A focus of the report was the pitfalls associated with certain ways of expressing international solidarity in the extraterritorial application of human rights norms, with specific attention being paid to questions of State sovereignty and significant power imbalances (in almost all cases) between countries in the global North and South. The Independent Expert discussed the prospects for expressing international solidarity through the extraterritorial application of human rights and pointed in the direction of some best practices in that regard.

III. Proposals for a revised draft declaration on human rights and international solidarity

42. In his last report presented to the Human Rights Council in June 2023 (A/HRC/53/32), the Independent Expert discussed the work over the previous year in revising the existing draft declaration on the right to international solidarity. He offered a set of rationales for undertaking the revisions and discussed the process that he had adopted in preparing the revised draft declaration. He also outlined the nature of the main revisions made to the pre-existing draft declaration and reiterated the case for the adoption or endorsement by the Council and the General Assembly of a declaration on the right to international solidarity.

A. Rationales for revising the pre-existing draft declaration

43. One of the main reasons for revising the existing draft declaration was to update the existing draft in order to be able recognize and respond to the important human rights-related developments that had occurred since the current draft had been proposed, which included 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. Other rationales were to provide more specification and relevant detail in certain provisions in order to better guide and ease implementation; and to 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.

44. Moreover, the Independent Expert wanted to introduce key concepts that would enhance a better understanding of the proposed right to international solidarity and its implementation; refer to some other important international solidarity-related instruments; and reorganize the preamble of the pre-existing draft declaration for better sequencing and flow.

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

45. The Independent Expert followed a consultative and inclusive process in making the revisions to the draft declaration, which consisted of extensive regional and other consultations which shaped the pre-existing text. He started with one-on-one, in-person consultations in Geneva with the coordinators of the regional groups at the Human Rights Council. He then elicited the advice and assistance of an expert advisory group, consisting of a panel of experts representing all five United Nations geopolitical regions who offered their advice on revisions to the pre-existing draft declaration.

46. The Independent Expert prepared a proposed revised draft declaration, which he circulated to all States, as well as a selection of stakeholders. He then convened a global consultation in Geneva in January 2023, during which States and other stakeholders were invited to consider the text of the proposed revised draft declaration and asked to offer reflections on and inputs into the proposed text.

47. The Independent Expert took these reflections and inputs into account in finalizing the version of the revised draft declaration that was included as annex I to the report he presented in June 2022 to the Human Rights Council (A/HRC/53/32).

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

48. The Independent Expert expressed his view that opposition to the adoption of a draft declaration on the right to international solidarity had been founded, in large measure, on the notion that the right the draft declaration sought to establish on the global stage did not qualify for inclusion in the body of human rights norms. In that regard, the Independent Expert then presented and discussed, based on an extensive review of the literature, what he saw as a strong case for the adoption or endorsement of this revised draft instrument, tackling arguments which he considered likely to hold back the effort to adopt or endorse the revised draft declaration.

49. He concluded by reiterating the critical importance of the fullest expression and enjoyment of international solidarity for the optimal realization of human rights around the world and thus the necessity for a declaration on the right to international solidarity in order to advance humanity in that direction. He invoked the urgent necessity for the existence of a non-binding instrument, the contents of which could be harnessed by States, international institutions, civil society and other stakeholders, to advance the enjoyment of that right.

IV. Country visits undertaken by the mandate holder

50. The Independent Expert on human rights and international solidarity had the opportunity to carry out fact-finding visits in the following States: Sweden, Netherlands (Kingdom of the), Qatar and Costa Rica. Unfortunately, the COVID-19 pandemic that had surged at the beginning of 2020 and restricted freedom of movement, including travel at the worldwide level, had the disastrous consequence of stopping the fact-finding visits that had already been scheduled and delaying their possible restarting for more than two years. The Independent Expert regrets that a number of countries that had agreed in principle to a visit did not confirm the dates of such visits despite numerous reminders. He hopes that his successor will have the opportunity to resume such visits now that worldwide conditions for travel are back to normal.

A. Sweden

51. The Independent Expert carried out his first country visit, to Sweden, from 23 to 27 April 2018 (see [A/HRC/41/44/Add.1](#)).

52. The main objective of the Independent Expert in his visit to Sweden was to learn and understand how the country incorporates human rights into its international solidarity strategy and action and to collect good practices in that regard. He was interested in learning more about the State's efforts to promote a human rights-based approach to addressing many of the global challenges that the international community was currently facing, such as climate change, cross-border migration, refugee flows and peace and security.

53. The Independent Expert was impressed by the ability and will of the Government, as well as of all the relevant actors that he met from civil society, business and social partners, to rethink the ways of addressing the many global challenges currently facing the world through a human rights-based international solidarity approach, especially with regard to climate change and migration issues. The broad consensus that the Independent Expert witnessed within Swedish society

and across the political spectrum on the imperative of practising human rights-based international solidarity was admirable.

54. The Independent Expert commended the Government of Sweden and Swedish society for having endorsed and demonstrated, in line with its long tradition of human rights-based solidarity at both the domestic and international levels, its support for the concept and practice of human rights-based international solidarity as a duty of the State and society. He welcomed the new strategy adopted by the Swedish International Development Cooperation Agency for development cooperation in the areas of human rights, democracy and the rule of law. Further, the Independent Expert congratulated the Government and all relevant stakeholders on embracing the Paris Agreement on climate change and the Sustainable Development Goals to ensure a sustainable approach to their environmental actions, inside and outside the country. He appreciated the environmental and sustainable approach of the Government in its policies and strategies in all relevant activity sectors, as well as in the work of the Swedish International Development Cooperation Agency.

55. The Independent Expert thought that the steps taken by Sweden to respond to migrants' and refugees' rights, especially in the wake of the peak migration flows to Europe in 2015, were noteworthy and welcome. On the other hand, considering the rise of xenophobic populist discourse directed against migrants and refugees in Sweden, as witnessed during the political campaign that was occurring at the time of the visit, and the increased success enjoyed by populist elements as attested by the results of the election, he emphasized that such discourse, especially as directed towards refugees and migrants, tended to jeopardize and threaten considerably the efforts undertaken to advance human rights-based international solidarity.

B. Kingdom of the Netherlands

56. The Independent Expert on human rights and international solidarity, conducted his second country visit, to the Kingdom of the Netherlands, from 5 to 13 November 2018 (see [A/HRC/41/44/Add.2](#)). During his nine-day visit, the Independent Expert travelled to the seat of the Government, The Hague, as well as the capital city, Amsterdam. He also travelled to the island of Bonaire in the Dutch Caribbean.

57. The main objectives of the Independent Expert in his visit to the Kingdom of the Netherlands were to learn about the nature and scope of development cooperation and other solidarity activities in the Kingdom of the Netherlands; to engage in dialogue with the Government, civil society and development agencies on their efforts to implement solidarity (including cooperation) at the national level; and to identify practical solutions and good practices in international solidarity conducive to the realization of human rights, including economic, social and cultural rights and civil and political rights, in the Kingdom of the Netherlands. The Independent Expert was particularly interested in learning about how the principle of solidarity was applied at the national level, with regard to redistribution of wealth through taxation and social and economic welfare programmes, and how the Kingdom of the Netherlands addressed the challenges of climate change and water management, cross-border migration and international cooperation, as well as solidarity between the European and Caribbean parts of the country. The Independent Expert was keen to learn about the interrelation among the country's non-State actors, including civil society organizations and private businesses, and their role in promoting international solidarity.

58. The Independent Expert commended the Government and society of the Kingdom of the Netherlands for having endorsed and demonstrated commitment over the years to the concept and practice of human rights-based international solidarity,

in line with their long tradition of human rights and rule of law. He congratulated the Government and all relevant stakeholders for embracing the Paris Agreement, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals inside and outside the country. He welcomed the environmental and sustainable approach developed by the Government in its policies and strategies in all relevant activity sectors.

59. He expressed his appreciation for the policy of the Kingdom of the Netherlands of welcoming refugees and migrants, which had been in place for centuries. The coordination with its European partners and efforts towards aiding countries of departure and transit were commended. In the context, however, of the rise of xenophobic populist discourses against migrants and refugees, as was evident in the latest political campaign, and the increased success enjoyed by populist political parties in the latest election, the Independent Expert emphasized that such discourses, especially as they were directed towards refugees and migrants, tended to jeopardize and threaten considerably efforts to advance human rights-based international solidarity.

60. The Independent Expert was very much impressed by the ability and will of the Government, as well as all of the various relevant actors that he met from the civil society, business and social partners and from among the people of the Kingdom of the Netherlands, to try to rethink the ways of addressing the many global challenges that the world was (and still is) faced with, especially climate change, anti-migrant and refugee policies and social exclusion. The large consensus within society and across the political spectrum on the imperative of practising human rights-based international solidarity, witnessed by the Independent Expert during his visit, was admirable. The Independent Expert stressed, however, that these efforts should also extend in a more ample way to all of the different parts of the Kingdom, including the Caribbean islands that form a part of the Kingdom of the Netherlands, be they quasi-autonomous countries or an integral part of the country.

C. Qatar

61. The Independent Expert on human rights and international solidarity visited Qatar from 2 to 10 September 2019 (see [A/HRC/44/44/Add.1](#)). His objective in undertaking the visit was to learn about the nature and scope of development cooperation and other human rights-related solidarity policies and activities in Qatar; to engage in dialogue with the Government, United Nations entities, civil society and development agencies in Qatar on their efforts to implement human rights-based solidarity at the national level; and to identify practical solutions and good practices in international solidarity conducive to the realization of human rights in Qatar. The Independent Expert was keen to learn about the policies and activities of non-State actors of Qatar, such as private businesses, and their role in promoting human rights-based solidarity.

62. The Independent Expert focused on three main thematic areas: development and the 2030 Agenda for Sustainable Development; climate change and water management; and cross-border migration.

63. The Independent Expert held meetings with several senior government officials from various ministries, government agencies and United Nations entities present in the country, as well as representatives of migrant communities who shared their experiences of working and living in Qatar. He regretted not to have been able to meet with independent civil society organizations that worked on human rights, as this is usual practice for special procedures mandate holders. He also regretted the lack of many such organizations in Qatar. Indeed, he had received information concerning

restrictions that impeded the formation of such organizations and that limited the participation of non-nationals, even though they accounted for the majority of the country's inhabitants. He recommended that the Government open up more space for the operation of civil society organizations and reduce the complex registration procedures and limitations on their ability to be able to operate and function independently.

64. The Independent Expert commended Qatar for being the first State in the Gulf region to issue a standing invitation to the special procedures of the Human Rights Council and for facilitating his visit to the country, the first such visit for some time by a special procedures mandate holder. He noted that his visit was followed by those of three other mandate holders. He was pleased with the State's active engagement with international and regional organizations and the hosting of various United Nations bodies, facts that reflected the significant contribution made by the State to solidarity with other Member States and peoples, including in the context of human rights. The mandate holder appreciated the fact that Qatar had hosted several relevant international conferences and had regularly made voluntary contributions to United Nations funds and entities. This assistance facilitated the enjoyment of human rights-based international solidarity throughout the world.

65. The Independent Expert praised Qatar for its robust support for international development and cooperation, which concretely demonstrated the State's commitment to international solidarity. Regarding the domestic implementation of the 2030 Agenda for Sustainable Development, he stressed the importance of redoubling the efforts to achieve the Sustainable Development Goals. Similarly, he urged Qatar to take climate change into account in its development practices and stressed that the Government should undertake a paradigm shift in its approach to combating climate change, away from reliance on natural gas (and to a lesser extent, oil) and towards a greater use of renewable energy. In so doing, Qatar would strengthen the commitments laid out in the Qatar National Vision 2030 programme and the Sustainable Development Goals.

66. With regard to migrant workers, and particularly domestic workers, the Independent Expert noted that Qatar had taken important measures to address some of the inequalities affecting the migrant worker population, while emphasizing that Qatar should establish stronger monitoring and inspection mechanisms, including with regard to the implementation of recently enacted laws, such as an independent mechanism to monitor the functioning of the wage protection system and access to justice for foreign migrant workers, and ratify the international human rights instruments to which it is not yet a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

D. Costa Rica

67. The Independent Expert on human rights and international solidarity carried out his last country visit, to Costa Rica, from 21 February to 2 March 2022 (see [A/HRC/53/32/Add.1](#)). During his visit, he travelled to the capital, San José, and to the Guatuso canton in Alajuela province. He held meetings with various government officials, at high and working levels, and United Nations and inter-American agencies and institutes present in the country, as well as civil society organizations, migrants and refugees and individuals.

68. The main objective of the Independent Expert in his visit to Costa Rica was to learn more about and gain first-hand understanding of issues relating to the experience and practice of international solidarity in Costa Rica, including positive efforts that had been made in that direction and the remaining challenges. He was particularly

interested in learning more about how Costa Rica incorporated human rights in its international solidarity thought and action, how it deployed international solidarity in its human rights action and how its programmes and initiatives contributed to the promotion of an international human rights solidarity-based approach to addressing many of the global challenges that the world is currently facing. These included, but were not limited to, development cooperation, climate change and protection of the environment, the COVID-19) pandemic and issues that had at the time been arising from the pandemic, cross-border migration, refugee issues and social inclusion within Costa Rican society.

69. The Independent Expert was also particularly interested in learning about how the principle of solidarity was applied at the national level, with regard to the redistribution of wealth through taxation and social and economic welfare programmes; and how the challenges of environmental issues, cross-border migration and international cooperation in this regard were addressed, as well as the situation of women, and minorities such as Indigenous Peoples and Afrodescendants, with a view to the possible global dissemination of any good practices noted during the visit.

70. Moreover, the Independent Expert was keen to learn about the interrelation between non-State entities, including civil society organizations and private businesses, and their role in promoting international solidarity.

71. The Independent Expert commended the Government, the international agencies present in the country and civil society for having endorsed and demonstrated a very high level of commitment over the years to the concept and practice of human rights-based international solidarity, in line with their long tradition of human rights and rule of law. He congratulated the Government and all relevant stakeholders for having embraced the Paris Agreement on climate change and the 2030 Agenda for Sustainable Development to ensure a sustainable approach to their environmental actions, inside and outside the country. He welcomed the environmental and sustainable approach developed by the Government in its policies and strategies in all relevant activity sectors and the mainstreaming of the Sustainable Development Goals into all programmes and policies at all levels.

72. The Independent Expert appreciated the long-standing policy of Costa Rica of welcoming large numbers of refugees and migrants which had been in place for a long time. Coordination with its regional partners and efforts towards aiding countries of departure and transit were also commended. In the context, however, of the rise in xenophobic populist discourse and online hate speech against migrants and refugees during the most recent political campaign, which was taking place during the visit, the Independent Expert emphasized that such discourse, especially as it was directed towards refugees and migrants, tended to jeopardize – and threaten considerably – all previous efforts that had been made over previous decades to advance human rights-based international solidarity.

73. The Independent Expert was impressed by the ability and will of the Government, the international organizations present in Costa Rica, and all of the individuals that he had met from civil society, business and social partners, and Costa Ricans to make the effort to rethink how to address the many global challenges currently facing the world, especially social cohesion, minority and indigenous rights, climate change, migrant and refugee policies, the fight against the COVID-19 pandemic and vaccine access, to name only a few. He admired the broad consensus within society and across the political spectrum on the imperative of practising human rights-based international solidarity, which he had witnessed during his visit.

74. The Independent Expert stressed that these efforts made to express human rights-based solidarity should also extend to all the parts of the country, especially rural regions, and to the various groups that constitute the rich multi-ethnicity of

Costa Rican society, including Indigenous Peoples; Afrodescendants; women; lesbian, gay, bisexual, transgender and intersex persons; migrants; and refugees.

V. Conclusions and recommendations

75. The outgoing Independent Expert looks forward to the appointment of the next Independent Expert on human rights and international solidarity and extends his best wishes to his successor in this challenging yet rewarding assignment. He is grateful to the General Assembly, the Human Rights Council, States, civil society organizations, the United Nations and regional organizations, as well as individuals, with whom he had the privilege to interact during his six years as a mandate holder. He particularly wishes to thank the countries that had accepted his requests for visits and hopes that more countries will respond positively to the future requests that will be made by his successor.

76. In the present report, he has presented an overview of the activities carried out during his term as mandate holder from August 2017 to October 2023, in particular the presentation of thematic reports at the different sessions of the Human Rights Council and the General Assembly and the visits to countries that were carried out during his tenure, as well as his work conducted over the past year in revising the existing draft declaration on the right to international solidarity, in particular concerning the rationales for undertaking the revisions made to the draft text, the process adopted for preparing the revised draft declaration and the main revisions incorporated in the new draft. He reiterates the case for the adoption or endorsement of the draft declaration by the Council and the Assembly.
