



# General Assembly

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## Seventy-sixth session

### Third Committee

Agenda item 74 (b)

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

**Argentina, Armenia, Australia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Canada, Central African Republic, Costa Rica, Côte d'Ivoire, Dominican Republic, Ecuador, Honduras, Iceland, Lebanon, Liechtenstein, Monaco, Mongolia, New Zealand, Norway, Paraguay, Peru, Slovenia, Switzerland, Tunisia and Ukraine: revised draft resolution**

#### **Implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection, including in the context of and recovery from the coronavirus disease (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,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> 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,*

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\* Reissued for technical reasons on 22 November 2021.

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> Resolution 2200 A (XXI), annex.



*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 Rights Council resolutions [13/13](#) of 25 March 2010,<sup>3</sup> [22/6](#) of 21 March 2013,<sup>4</sup> [31/32](#) of 24 March 2016,<sup>5</sup> [34/5](#) of 23 March 2017,<sup>6</sup> [40/11](#) of 21 March 2019<sup>7</sup> and [43/16](#) of 22 June 2020,<sup>8</sup>

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

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

*Reaffirming* the importance of the Declaration on Human Rights Defenders and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women, indigenous and environmental human rights defenders, is essential to the overall enjoyment of human rights, and recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen conflict prevention, peace and sustainable development, including environmental protection, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of all civil, political, economic, social and cultural rights, and other rights, including the right to development, and in the context of the implementation of the 2030 Agenda for Sustainable Development,<sup>9</sup>

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

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

*Stressing* that, in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others,

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<sup>3</sup> 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.

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

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

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

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

<sup>8</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. IV, sect. A.

<sup>9</sup> Resolution [70/1](#).

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

*Welcoming* the steps taken by some States to create a safe and enabling environment, 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, and the monitoring of their implementation,

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

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

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

*Recognizing* that the pandemic has exacerbated and accelerated existing challenges, both online and offline, for human rights defenders regarding their safety and participation, including misinformation and disinformation; acts of intimidation, such as smear campaigns, incitement to discrimination or violence, unlawful or arbitrary surveillance, attacks and killings; restrictions on access to resources; and restrictions on the rights of peaceful assembly, to freedom of association, and to freedom of expression; and has increased the impact of the digital divides,

*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 and transparent way, have a specific focus and time-limited duration and be in accordance with the State's obligations under applicable international human rights law,

*Recognizing* the positive, important and legitimate role played by human rights defenders, including women 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, pursuing transparency and accountability, and countering disinformation and misinformation,

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

*Recognizing* the pressing importance of addressing, and taking concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work and access resources, 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, safeguarding civil society space, the fight against impunity, ending gender and economic inequality and social exclusion, 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 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* 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 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, particularly the rights of women and children, reaffirms the utility and benefit of regular consultations and dialogue with civil society, including human rights defenders, on the development and implementation of public policies, programmes and emergency measures related to the COVID-19 response and recovery and ensuring that measures adopted by authorities are inclusive, safe and enabling, underscores in this regard the significant role of human rights defenders in identifying and raising awareness of human rights impacts and risks of COVID-19-related emergency measures, including by expressing their views, concerns, support, criticism or dissent regarding government policy, including public health and infection control issues, on workplace health, safety and rights, and in their communities, and underlines the need for States to take the measures necessary to safeguard space for such public dialogue and its participants;

4. *Calls upon* States to ensure that COVID-19-related emergency measures are not misused to endanger the safety of human rights defenders, or unduly hinder their work, including by limiting the right to freedom of expression in a manner contrary to international law;

5. *Expresses grave concern* at the situation of human rights defenders around the world, strongly condemns the violence against and the criminalization, intimidation, attacks, torture, enforced 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;

6. *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;

7. *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;

8. *Calls upon* States to ensure that the criminalization and prosecution of terrorism or national security offences, and the measures used to address threats in this regard, are in accordance with their obligations under international human rights law, to avoid endangering the safety of human rights defenders or unduly hindering their work;

9. *Also 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;

10. *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, arbitrary or unlawful 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;

11. *Continues to express particular concern* about systemic and structural discrimination, economic disenfranchisement, violence and harassment disproportionately faced by women human rights defenders in diverse situations and conditions, including sexual and gender-based violence as well as defamation and smear campaigns, both online and offline, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights;

12. *Recognizes* young people's essential contributions to upholding human rights, democracy and justice in their communities, and that they are human rights defenders when doing so, and express deep concern about the threats, human rights violations and abuses and discrimination young people face because of their age and the nature of their civic engagement, and in this regard calls upon States to provide a safe and empowering context for initiatives organized by young people to defend human rights;

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

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

15. *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;

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

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 and tools, to refrain from the use of surveillance technologies against human rights defenders, in a manner that is not compliant with international human rights obligations, 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 against online threats of violence and intimidation while also affirming the rights to freedom of expression and privacy, and further encourages social media companies to condemn attacks against human rights defenders when they occur on their platforms;

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, 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, age- and gender-sensitive, and respond to the protection needs of

individuals and the communities in which they live, functioning also 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, while further research should be undertaken, with a view to improving the effectiveness of existing protection mechanisms;

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),<sup>10</sup> 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 may themselves sometimes be in need of protection;

22. *Strongly encourages* States to develop and put in place comprehensive, sustainable and age- 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 human rights defenders, indigenous peoples, children, persons with disabilities, persons belonging to minorities and rural communities;

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

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

25. *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;

26. *Calls upon* all States and encourages non-State actors to implement the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework,<sup>11</sup> underscores the responsibility of all business enterprises, both transnational and other, to respect human rights, including the rights to life and to liberty and security of person of human rights defenders, and

<sup>10</sup> Resolution 48/134, annex.

<sup>11</sup> A/HRC/17/31, annex.

their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in the conduct of public affairs, and underscores further the importance that business enterprises establish or participate in effective and accessible operational-level grievance mechanisms for individuals and communities who may be adversely impacted;

27. *Takes note* of the Secretary-General's Call to Action for Human Rights, and the United Nations Guidance Note on the Protection and Promotion of Civic Space;

28. *Encourages* 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, and to consider ways in which they can assist States, upon request, in creating and maintaining a safe and enabling environment for human rights defenders, including women human rights defenders, and ensuring their protection;

29. *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 for the development of a more coherent approach to support the Declaration by the United Nations;

30. *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;

31. *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;

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

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