



General Assembly

Distr.: Limited
18 March 2010

Original: English

ORAL REVISIONS

Human Rights Council

Thirteenth session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina, Brazil, Mexico, Norway, Paraguay*, Peru*, Switzerland*, United States of America, Uruguay: draft resolution

13/...

Protection of human rights defenders

The Human Rights Council,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly 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 annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, in particular General Assembly resolution 64/163 of 18 December 2009 and Human Rights Council resolution 7/8 of 27 March 2008,

Stressing that the level of respect and support for human rights defenders and their work is important to the overall enjoyment of human rights,

~~*Mindful that the legal framework within which individuals, groups and organs of society work to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter of the United Nations and international human rights law,*~~

~~*Mindful also that domestic law and administrative provisions and their application should not in any way criminalize, impede, restrict or obstruct the peaceful activities of human rights defenders,*~~

* Non-Member State of the Human Rights Council.

Gravely concerned by threats, harassment, violence, including gender-based violence, and attacks faced by many human rights defenders, reflected, inter alia, in the reports of the Special Rapporteur on the situation of human rights defenders and other human rights mechanisms,

Gravely concerned also that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the immediate need to put an end to and take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22) on the security and protection of human rights defenders;

2. *Urges* States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

3. ***Underscores 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 of the United Nations and international human rights law,***

4. ~~*Also*~~ *Urges* States to publicly acknowledge the ~~legitimate~~**important** role of human rights defenders and the ~~importance~~ **legitimacy** of their work as an essential component of ensuring their protection;

54. *Encourages* States to create and strengthen mechanisms for consultation and dialogue with human rights defenders, including through establishing a focal point for human rights defenders within the public administration where it does not exist, with the aim of, inter alia, identifying specific needs for protection, including those of women human rights defenders, and ensuring the participation of human rights defenders in the development and implementation of targeted protection measures;

65. *Urges* States to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms **in accordance with the Declaration**, and their relatives **when they are attacked or threatened as a result of these activities**, including through the possibility of developing, in consultation with human rights defenders, an early warning system to facilitate broader awareness of imminent risks and to enable effective responses;

76. *Also urges* States not to discriminate against human rights defenders on any grounds, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to desist, in this context, from any discriminatory measures against them, including intimidation, profiling, confiscation of assets, suspension of activities and exclusion from national consultative processes;

87. *Calls upon* States to fully support the role of human rights defenders in situations of armed conflict and **provide them the protection due to all civilians in such situations** ~~to protect them in such situations~~;

98. *Welcomes* the role of national human rights institutions as human rights defenders and protectors, and encourages States to strengthen the mandate and capacity of national human rights institutions **where they exist**, as necessary, to enable them to fulfil this role effectively and in accordance with the Paris Principles;

109. *Calls upon* States to ensure both coordination within national and local levels and that those involved in the protection of human rights defenders and their relatives are trained in human rights and the protection-related needs of human rights defenders at risk, including those promoting the rights of members of marginalized groups;

1140. *Calls upon* States to allocate ~~sufficient~~ resources for the effective implementation of necessary protection measures, including specific training for persons involved in their implementation;

1244. *Urges* States to investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threats or human rights violations perpetrated against human rights defenders or their relatives and to initiate, when appropriate, proceedings against the perpetrators so as to ensure that impunity for such acts is eliminated;

~~12.~~ *Encourages* relevant United Nations bodies and agencies, including at the country level, within their respective mandates and in cooperation with the country concerned, to support the development of appropriate strategies and responses for protecting human rights defenders.
