



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2005/L.85
15 April 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 17 (b)

**PROMOTION AND PROTECTION OF HUMAN RIGHTS:
HUMAN RIGHTS DEFENDERS**

Albania*, Andorra*, Argentina, Armenia, Australia, Austria*, Belgium*, Brazil, Bulgaria*, Cameroon*, Canada, Chile*, Croatia*, Cyprus*, Czech Republic*, Denmark*, Dominican Republic, Ecuador, Estonia*, Finland, France, Germany, Greece*, Guatemala, Honduras, Hungary, Iceland*, Ireland, Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Mauritius*, Mexico, Monaco*, Morocco*, Netherlands, New Zealand*, Nigeria, Norway*, Poland*, Portugal*, Republic of Korea, Republic of Moldova*, Romania, San Marino*, Senegal*, Serbia and Montenegro*, Slovakia*, Slovenia*, South Africa, Spain*, Sri Lanka, Sweden*, Switzerland*, The former Yugoslav Republic of Macedonia*, Tunisia*, Turkey*, Ukraine* and United Kingdom of Great Britain and Northern Ireland: draft resolution

2005/... Human rights defenders

The Commission on Human Rights,

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 wide dissemination,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling all previous resolutions on this subject, in particular its resolution 2004/68 of 21 April 2004, and taking note of General Assembly resolution 59/192 of 20 December 2004,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and the increase in especially grave violations, such as killings, attacks on and threats to the physical integrity of defenders and their relatives,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against human rights defenders because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned at the considerable and increasing number of communications received by the Special Representative of the Secretary-General on the situation of human rights defenders which, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders including during periods of special vulnerability, and including the severe consequences for women human rights defenders and defenders of rights of persons belonging to minorities,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity, promoting access to justice, information and public participation in decision-making, and promoting, strengthening and preserving democracy,

Recognizing the importance of the role of human rights defenders, through dialogue, openness, participation and justice, in the prevention of violence and the promotion of sustainable peace and security,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and in this regard, recalling Human Rights Committee general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, which underlines the exceptional and temporary nature of any such derogations,

Gravely concerned 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 safety in a manner contrary to international law,

Welcoming the significant work conducted by the Special Representative of the Secretary-General and encouraging continued cooperation between the Special Representative and other special procedures of the Commission,

Welcoming also regional initiatives and the cooperation between international and regional mechanisms for the promotion and protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adoption of national policies or legislation for the promotion and protection of human rights defenders,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to 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, including by taking, as appropriate, practical steps to that end;
2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1-2, A/57/182, E/CN.4/2003/104 and Add.1-4, A/58/380, E/CN.4/2004/94 and Add.1-3, A/59/401 and E/CN.4/2005/101 and Add. 1-3 and Add.3/Corr.1);
3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;
4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, and to ensure and maintain an environment conducive to the work of human rights defenders;
5. *Also calls upon* all States to ensure, protect and respect the freedom of expression and association of human rights defenders, in particular through transparent, non-discriminatory, expeditious and inexpensive procedures for the acquisition of legal status as organizations or associations if such acquisition is required, in accordance with national legislation;
6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular, under international human rights law, and do not hinder the work and safety of human rights defenders;
7. *Emphasizes* the importance of combating impunity for threats, attacks and acts of intimidation against human rights defenders and their relatives, and in this regard urges States to take appropriate measures consistent with obligations under international law, in particular international human rights law and international humanitarian law;

8. *Urges* States to ensure that complaints from human rights defenders about threats or violations against them and their relatives are investigated promptly and addressed in a transparent, independent and accountable manner;

9. *Urges* all States to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request;

10. *Calls upon* States to give serious consideration to responding favourably to the Special Representative's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to, and implementation of her recommendations;

11. *Urges* those States that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

12. *Encourages* all States to investigate promptly urgent appeals and allegations brought to their attention by the Special Representative and to take timely action to prevent violations of the rights of human rights defenders;

13. *Invites* States to translate the Declaration into national languages and to take measures to improve its dissemination;

14. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and the judiciary to observe the provisions of the Declaration and thus promote better understanding and respect for human rights defenders;

15. *Encourages* relevant national authorities to promote awareness, better understanding and respect for human rights defenders through education programmes;

16. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

17. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

18. *Invites* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests in this context the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

19. *Requests* the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate;

20. *Decides* to consider this question at its sixty-second session, under the same agenda item.
