



Human Rights Council**Forty-ninth session**

28 February–1 April 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Resolution adopted by the Human Rights Council
on 1 April 2022****49/18. Recognizing the contribution of human rights defenders, including
women human rights defenders, in conflict and post-conflict situations,
to the enjoyment and realization of human rights***The Human Rights Council,*

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

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, commonly referred to as the Declaration on Human Rights Defenders, and the continued validity and application of all its provisions, and reiterating the importance of the Declaration and its promotion and full and effective implementation,

Recalling also all other previous resolutions on this subject, including Human Rights Council resolutions 22/6 of 21 March 2013, 31/32 of 24 March 2016, 34/5 of 23 March 2017, 40/11 of 21 March 2019 and 43/16 of 22 June 2020, and General Assembly resolutions 68/181 of 18 December 2013, 70/161 of 17 December 2015, 72/247 of 24 December 2017, 74/146 of 18 December 2019 and 76/174 of 16 December 2021,

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 that States have the primary responsibility and are under the obligation to respect, protect and fulfil all human rights and fundamental freedoms of all persons, and welcoming the steps taken by many States to create a safe and enabling environment for human rights defenders,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,



Underscoring that human rights defenders, including women human rights defenders, are civilians under international humanitarian law and shall be protected as such unless and for such time as they directly participate in hostilities,

Underscoring also 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,

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 human rights defenders, is essential to the overall enjoyment of human rights, including in conflict and post-conflict situations, inter alia, in support of conflict prevention and resolution and post-conflict reconstruction,

Recognizing the important and legitimate role played by human rights defenders, including women human rights defenders, in the promotion and protection of human rights in conflict and post-conflict situations with regard to monitoring, documenting and raising awareness about human rights violations and abuses and violations of international humanitarian law, promoting accountability, fighting impunity, countering disinformation and misinformation, assisting victims of human rights violations and abuses in gaining access to justice, raising the human rights impacts of conflict and humanitarian crises, and contributing to the building of accountable and responsive institutions,

Recognizing also that, in conflict and post-conflict situations, it is essential for subregional, regional and international bodies, including the United Nations, its representatives and mechanisms in the field of human rights, to cooperate with all relevant actors, including with human rights defenders, inter alia for early identification of patterns of human rights violations and abuses, and to gather and corroborate information and evidence about human rights violations and abuses and violations of international humanitarian law to fight impunity,

Recognizing further the importance of gender equality and the role that women play in conflict and post-conflict situations in upholding human rights and supporting efforts for peace, and deeply concerned at the persistence of the multiple and intersecting forms of violence, intimidation and discrimination against women human rights defenders and women peacebuilders,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, and conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, including sexual and gender-based violence,

Alarmed at the killing, kidnapping, enforced disappearance, arbitrary detention, torture, harassment, intimidation, criminalization and judicial harassment of, and the smear campaigns, violence, including sexual and gender-based violence, and threats used against human rights defenders, including women human rights defenders, in conflict and post-conflict situations, or their family members, associates and legal representatives,

Expressing deep concern at the threats to the safety of human rights defenders posed by non-State actors, including terrorist groups and criminal organizations,

Emphasizing the particular risks with regard to the safety of human rights defenders in the digital age, including their exposure to unlawful or arbitrary surveillance, unlawful or arbitrary interference with privacy, targeted interception of communications, hacking, including government-sponsored hacking, and measures that prevent or disrupt access to information and communication channels, including Internet shutdowns,

Deeply concerned that unpunished threats, attacks and violence against human rights defenders, including in conflict and post-conflict situations, contribute to a persistent climate of impunity, which in turn contributes to the recurrence of these crimes,

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 contravention of international law,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, discrimination, obstructions or restrictions thereof contrary to the obligations and commitments of States under international human rights law,

Reaffirming that exceptional measures taken by Governments in times of emergency 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 law, and recalling that certain rights are non-derogable,

Acknowledging with concern that the diversion of arms and unregulated or illicit arms transfers fuel armed conflicts and can have a negative impact on a wide range of human rights, and negative humanitarian, development and socioeconomic consequences, including a disproportionate impact in terms of violence perpetrated against women and girls, and noting the contribution of civil society and human rights defenders in building understanding about the human rights impact of such arms transfers,

Stressing 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,

Recognizing the need for protection and support mechanisms in conflict and post-conflict situations, including for human rights defenders, taking into account the systemic protection gaps and the negative impact of the conditions in which they operate, including exposure to conflict-related trauma, and the intersectional dimensions of violations against women human rights defenders, youth, indigenous peoples, persons belonging to rural and marginalized communities, persons with disabilities, people of African descent and persons belonging to minorities, and to take concrete steps to prevent and stop the use of legislation that would hinder or limit unduly the ability of human rights defenders to exercise their work,

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 civic space, the fight against impunity, ending gender and economic inequality and social exclusion, and equal access to justice,

1. *Stresses* that the right of everyone, individually or in association with others, to promote and strive for the protection and realizations of all human rights and fundamental freedoms, as enshrined in the Declaration on Human Rights Defenders, without retaliation or fear thereof, including in conflict and post-conflict situations, is essential in building and maintaining inclusive, peaceful and democratic societies;

2. *Also stresses* the positive, important and legitimate role of human rights defenders, including women human rights defenders, in promoting and protecting human rights, strengthening understanding, tolerance and peace, and contributing to conflict prevention and resolution and post-conflict reconstruction, and urges States to create and support a safe, enabling, accessible and inclusive environment online and offline for their participation in all relevant activities;

3. *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, or against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations, and underlines that ensuring accountability is a key element in preventing future attacks;

4. *Recognizes* that democracy and the rule of law are essential components for 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;

5. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and pursuing accountability for all forms of attacks and threats by State and non-State actors against any human rights defender, or against their legal representatives, family members and associates, and by condemning publicly all forms of violence, discrimination, intimidation and reprisal, underlining that such practices can never be justified;

6. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, and takes note of her reports submitted to the Human Rights Council and the General Assembly,¹ and strongly encourages all States to cooperate with and to assist the Special Rapporteur;

7. *Condemns* all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals, groups and organs of society, including against human rights defenders and their legal representatives, associates and family members, who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations, its representatives and mechanisms in the field of human rights;

8. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, 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 the treaty bodies, as well as regional human rights mechanisms, and strongly calls upon all States to give effect to this right;

9. *Calls upon* States:

(a) To respect, protect and fulfil human rights in conflict and post-conflict situations, including the rights to life and to liberty and security of person;

(b) To respect international humanitarian law and international human rights law, as applicable, in situations of armed conflict, in order to secure the protection of human rights defenders;

(c) To promote a safe and enabling environment for human rights defenders and to ensure that laws, policies and practices are in compliance with applicable obligations and commitments under international law, including international human rights law, so that they do not hinder or limit unduly the ability of human rights defenders to carry out their work and have access to resources;

(d) To develop comprehensive age- and gender-responsive legislation and policies protecting human rights defenders, including appropriate protection mechanisms, with particular attention paid to the protection needs of different groups, accessible to defenders operating in conflict and post-conflict areas, functioning also as an early warning system to ensure that human rights defenders, when threatened, have immediate access to authorities that are competent and adequately resourced to provide effective protective measures, and to ensure human rights training of State personnel deployed to conflict-affected areas, including military, police and other security personnel;

(e) 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;

¹ A/HRC/49/49 and A/76/143.

(f) To refrain from delegitimization, criminalization or smear campaigns targeting human rights defenders for documenting human rights violations and abuses, including for communicating with non-State actors, such as armed groups for this purpose;

(g) To refrain from Internet shutdowns, network restrictions or any other measures aiming to disrupt or prevent human rights defenders from having access to and disseminating information and communicating safely and securely, including interference with the use of technologies, such as encryption and anonymity tools;

(h) To refrain from the use of surveillance technologies against human rights defenders, including through hacking, in a manner that is not compliant with international human rights obligations and commitments, and to make available mechanisms to provide appropriate remedies for victims of surveillance-related violations of law, consistent with international human rights law;

(i) 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;

(j) 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. *Calls upon* non-State actors, including armed groups, to respect international humanitarian law and human rights and to secure the protection of civilians, including human rights defenders, and to uphold respect for the right of everyone, *inter alia* human rights defenders, to communicate with international human rights mechanisms;

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. *Calls upon* States to create and support an enabling environment for the full, equal and meaningful participation of, *inter alia*, women mediators, women mediator networks, women's civil society organizations, women peacebuilders and women human rights defenders, in the creation and implementation of all relevant activities related to conflict prevention and resolution, mediation, post-conflict reconstruction, peacemaking and peacebuilding, and emphasizes that women's participation and leadership roles in these settings are an essential element for ensuring their protection;

13. *Also calls upon* States to adopt a survivor-centred approach to address, prevent and respond to sexual and gender-based violence, including conflict-related sexual violence, and threats thereof, including against women human rights defenders, women journalists and women peacebuilders, as well as female health workers, and to take the steps necessary to provide effective and accessible remedies for survivors, including access to reparations and psychosocial support, access to justice and accountability for perpetrators;

14. *Stresses* the importance of access to psychosocial support and rehabilitation programmes, including for human rights defenders, *inter alia* women human rights defenders, affected by conflict-induced and work-related trauma, and urges States to develop, where necessary, and to support such programmes;

15. *Recognizes* the value of voluntary, accessible and lawful relocation initiatives to protect human rights defenders from violence and attacks, that take into account their family situation, and recalls in this regard the rights of everyone, including human rights

defenders, to freedom of movement and to leave any country, including their own, to seek and enjoy asylum, and to be protected against refoulement;

16. *Calls upon* all States to implement the Guiding Principles on Business and Human Rights, and to encourage all business enterprises to carry out human rights due diligence with regard to human rights impacts as a result of business activities, and to conduct meaningful and inclusive consultations with potentially affected groups and other relevant stakeholders, including human rights defenders;

17. *Takes note with appreciation* of the guidance on ensuring respect for human rights defenders of the Working Group on the issue of human rights and transnational corporations and other business enterprises,² and underlines that business enterprises operating in conflict and post-conflict situations need to be especially wary of the impact of their activities on human rights defenders;

18. *Underscores* the responsibility of all business enterprises, both transnational and others, in accordance with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights;

19. *Encourages* business enterprises, including social media companies, to engage in heightened due diligence and to establish or participate in effective, accessible and conflict-sensitive operations-level grievance mechanisms for individuals and communities who may be adversely affected when operating in conflict-affected areas, and to commit to ongoing, active, meaningful and inclusive engagement with local communities as part of due diligence processes, including civil society and human rights defenders;

20. *Underlines* the importance of national human rights institutions, established and operating in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in the continued engagement with human rights defenders, including, where applicable, in monitoring and addressing violations against human rights defenders, and in the monitoring of existing legislation, including exceptional legislative and executive provisions, 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, including in conflict and post-conflict situations;

21. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection, individually and collectively, of human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures of the Human Rights Council, other relevant international agencies and organizations, and with other States;

22. *Encourages* the Office of the High Commissioner, 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 on Human Rights Defenders by the United Nations;

23. *Encourages* the Office of the United Nations High Commissioner for Refugees, in consultation with the Office of the United Nations High Commissioner for Human Rights, to develop guidance on access to international protection and refugee status determination, in accordance with the Convention Relating to the Status of Refugees, for human rights defenders from conflict and post-conflict areas;

² See A/HRC/47/39/Add.2.

24. *Encourages* all United Nations system entities and organizations concerned, within their mandates, to strengthen training and guidance for staff as appropriate, including staff working with the special procedures and ad hoc investigation mechanisms, on due diligence and digital safety and security when cooperating with human rights defenders in conflict and post-conflict situations, with training specifically focusing on the situation faced by women human rights defenders in conflict, and follow up systematically on reports and acts of intimidation and reprisal against human rights defenders, including women human rights defenders, who seek to cooperate, are cooperating or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including against their family members, associates and legal representatives, and include these cases in the annual report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

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

*56th meeting
1 April 2022*

[Adopted by a recorded vote of 39 to 0, with 8 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, Côte d'Ivoire, Cuba, Finland, France, Gabon, Gambia, Germany, Honduras, India, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Namibia, Nepal, Netherlands, Pakistan, Paraguay, Poland, Republic of Korea, Senegal, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

China, Eritrea, Qatar, Russian Federation, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)]
