

DECLARATION ON HUMAN RIGHTS DEFENDERS +25

A supplement to the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: 25 years on



2024

NOTE ON TRANSLATIONS

This document is currently available in English, Arabic, French and Spanish. We welcome translations of this document into other languages. However, in order to ensure the integrity and relevance of the information contained herein, please contact us in advance if you plan to translate this document or contribute to its translation. This version was published in June 2024.

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INTRODUCTION

2023 marked 25 years since the United Nations General Assembly (**UNGA**) adopted 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 (the **Declaration**) in 1998.

The adoption of the Declaration was a turning point in human rights history. It recognized the importance and legitimacy of human rights activity, and the need to protect the right to defend human rights. The Declaration enshrines the fundamental right to defend human rights and articulates how existing human rights contained in major instruments – including the rights to freedom of expression, association, and assembly – apply to human rights defenders. Over the last twenty five years, these fundamental rules and principles have guided national, regional, and international efforts to support and safeguard those who advocate for human rights.

Twenty years after the adoption of the Declaration, human rights defenders from across the globe met in Paris for the 2018 Human Rights Defenders World Summit. The Summit reaffirmed the Declaration and commemorated the essential role of human rights defenders. The outcome document of the Summit was a call for action, including to: “Take stock of the developments in normative frameworks related to the protection of defenders since 1998 and further develop and deepen the norms contained in the Declaration with the view to afford enhanced protection.” The development of this Declaration +25 sought to do just that while putting civil society at the centre of the conversation that could not be more fundamental to them and their work - the right to defend rights.

Notwithstanding the Declaration’s impact, its full potential remains unrealized due to insufficient implementation and enforcement by States. Given that the Declaration was negotiated by States and adopted by consensus, the Declaration was not comprehensive. Additionally, since the Declaration’s adoption, international law on the recognition and protection of the right to defend human rights has evolved. New challenges have also emerged, reshaping the threats and obstacles faced by human rights defenders. These include digital threats, stigmatization, and criminalization, as well as the unique and intersectional risks faced by defenders because of their identities and their activities.

Recognizing these challenges and developments, a group of international and regional organizations launched a consultative initiative to identify the key issues faced in the defense of human rights that are not, or are only insufficiently, addressed by the Declaration. This process involved human rights defenders, legal and human rights experts, and civil society. Over one year, more than 736 human rights defenders from various regions, working on diverse issues and with diverse identities provided inputs through in-person consultations or an online questionnaire. International law firm Freshfields Bruckhaus Deringer was engaged on a pro bono basis to develop this document, which was then finalized and adopted unanimously at a two-day meeting in Bangkok of distinguished human rights defenders and legal experts from diverse regions and backgrounds.

The result is this “Declaration +25”. This document is designed to be read in conjunction with the Declaration. Together, they form a comprehensive set of standards and principles that are grounded in regional and international law and take into account regional and international jurisprudential developments of the last 25 years. These rules and principles represent a baseline for the protection and promotion of human rights defenders while addressing their enduring and evolving needs. The Declaration +25 reinforces and articulates the rights of human rights defenders and the obligations of States under international law as they apply to human rights defenders. It also serves as a call to action: it encourages all stakeholders – governments, international and regional organizations, the private sector, and civil society – to ensure that the Declaration remains a strong, relevant, and effective tool for the protection and promotion of human rights and human rights defenders.

Members of the Secretariat

- Amnesty International
- Asia Pacific Forum on Women Law and Development (APWLD)
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- CIVICUS
- Defend Defenders
- Front Line Defenders
- Gulf Centre for Human Rights
- The International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA World)
- The International Center for Not-for-Profit Law (ICNL)
- International Federation for Human Rights (FIDH)
- International Service for Human Rights (ISHR)
- Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras)
- Peace Brigades International
- ProtectDefenders.eu
- Protection International
- The Regional Coalition for Women Human Rights Defenders in Southwest Asia and North Africa (WHRDMENA)
- Robert F. Kennedy Human Rights
- World Organisation Against Torture (OMCT)

SIGNATORIES TO THE DECLARATION +25

The following human rights experts, jurists, and defenders endorsed this Declaration +25 in their personal capacities, including at an Expert Meeting on 11 and 12 April 2024:

- > **Abdelaziz Muhamat**
Human rights defender, Martin Ennals Award laureate, advocate for the rights of refugees and migrants
- > **Akarachai Chaimaneekarakate**
Advocacy Lead, Thai Lawyers for Human Rights
- > **Dr Alice M. Nah**
Co-Director of the Human Rights and Public Law Centre, Associate Professor, Department of Sociology, Durham University, United Kingdom
- > **Ana Barreto**
Founder, Black Women Policy Lab
- > **Anna Annanon**
Youth human rights defenders advocate for child rights and civil rights
- > **Anexa Alfred Cunningham**
Lawyer and human rights defender, Member of the UN Expert Mechanism on the Rights of Indigenous Peoples. Founder of the Platform of Indigenous Peoples and Afro-descendants (INANA)
- > **Betty Barkha**
Research Fellow, Global Institute for Women in Leadership, Australian National University
- > **Betty Yolanda**
Director of Regional Programmes, Business and Human Rights Resource Centre
- > **Brett Solomon**
Executive Director, Access Now
- > **Atty. Cecilia Jimenez-Damary**
Lawyer and Transitional Justice advocate
- > **Clément Voule**
Former UN Special Rapporteur on the rights to freedom of assembly and association
- > **Cristina Palabay**
Secretary General, Karapatan Alliance Philippines
- > **Dalila Argueta**
Member of the Honduran National Network of Women Human Rights Defenders, member of the Mesoamerican Initiative
- > **Ed O'Donovan**
Senior Advisor to the UN Special Rapporteur on the situation of human rights defenders
- > **Erika Castellanos**
Executive Director, Global Action for Trans Equality (GATE)
- > **Gama**
Independent human rights defender
- > **Hassan Shire**
Executive Director of the East and Horn, Africa Human Rights Defenders Project (DefendDefenders)
- > **Horia Mosadiq**
Director, Safety and Risk Mitigation Organization (SRMO)

- **José Luis Caballero Ochoa**
Special Rapporteur on Human Rights Defenders and Commissioner of the Inter-American Commission of Human Rights
- **Luis Enrique Eguren**
Independent consultant, Guest lecturer, University of Deusto, Spain
- **Mar Cervantes**
Mesoamerican Women Human Rights Defenders Initiative
- **Mary Lawlor**
UN Special Rapporteur on the situation of human rights defenders
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Feminist practitioner, Diversity, Equity & Inclusion Program Manager, Legal Services Corporation
- **Michel Forst**
UN Special Rapporteur on Environmental Defenders under the Aarhus Convention
- **Namatai Kwekweza**
Activist, Feminist, and Director of WELEAD Trust
- **Olga Abramenko**
Expert, ADC Memorial
- **Otto Saki**
Global Program Officer, Civic Engagement and Government team, Ford Foundation
- **Pepe Julian Onziema**
Director of Programs, Sexual Minorities Uganda (SMUG)
- **Philip Lynch**
Executive Director, International Service for Human Rights
- **Pranom Somwong**
Thailand Country Representative, Protection International
- **Remy Ngoy Lumbu**
Special Rapporteur on Human Rights Defenders and President of the African Commission on Human and People's Rights
- **Santiago A. Canton**
Secretary General, International Commission of Jurists
- **Sukhgerel Dugersuren**
Director, Oyu Tolgoi Watch Mongolia (OT Watch)
- **Victor Madrigal-Borloz**
Eleanor Roosevelt Senior Visiting Researcher, Harvard Law School Human Rights Program, former UN Independent Expert on Sexual Orientation and Gender Identity
- **Vrinda Grover**
Lawyer practising at the Indian Supreme Court, human rights activist and Commissioner at the UN Commission of Inquiry on Ukraine
- **Wesam Ahmed**
Director of the Applied Center for International, Al-Haq
- **Yosra Sultan**
Executive Director, Regional Coalition of Women Human Rights Defenders in South West Asia and North Africa (WHRDMENA)

PREAMBLE

ACKNOWLEDGING the **crucial role** of human rights defenders in the promotion, protection, and effective realization of human rights and fundamental freedoms;

REAFFIRMING the importance of fostering a **culture** and ensuring an environment that **values** and **supports** the work or activities of human rights defenders, and promotes awareness and appreciation for their contributions to the **advancement of justice, human dignity, democracy**, and the **rule of law**;

ACKNOWLEDGING the **contexts** in which many human rights defenders work, including racism, patriarchy, heteronormativity, capitalism, populism, neoliberalism, armed conflict, occupation, environmental crises, and legacies of colonialism;

EXPRESSING solidarity with human rights defenders striving for the realization of rights and **accountability** and those experiencing discrimination, persecution, exile, and loss of life;

STRESSING the **foundational role** of the Universal Declaration on Human Rights and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration);

RECOGNIZING that the Declaration represents a **paradigm shift** in the global understanding of and commitment to human rights, marking not merely a call to States and human rights defenders but an **inclusive** call to action for everyone;

RECALLING the **progress** achieved in some regions and States towards the effective implementation of the principles outlined in the Declaration and **ACKNOWLEDGING** these advancements as essential steps towards the **full realization** of the Declaration's objectives, while noting that **gaps** remain in the comprehensive implementation and thorough monitoring of the Declaration, which are imperative for the effective protection and empowerment of human rights defenders;

WELCOMING some **progressive developments** in laws, standards and jurisprudence on the recognition and protection of human rights defenders at the international, regional, and national levels;

NOTING further that some human rights are not sufficiently addressed in the Declaration, and that these gaps have been **exacerbated** by: **new and emerging challenges** and **obstacles** faced by human rights defenders including, among others, **digital threats**, increased **stigmatization** and **criminalization**; the **unique risks** faced by defenders because of their identities or their work or activities on certain issues; the influence of non-State actors (including business enterprises); and the restriction and repression of civil society at the national, regional, and international level;

ALARMED by the **disregard** for both the essence and principles outlined in the Declaration by numerous States, **DISTURBED** by the trend of security forces engaging in **assaults** against human rights defenders and the role of judicial bodies in **judicial harassment** and **criminalization**, and **TROUBLED** by the rhetoric from public officials aimed at **undermining** the invaluable efforts of human rights defenders;

DEEPLY CONCERNED by the persistence of significant **challenges** and **threats** to human rights defenders and the persistent instances of killing, physical violence, stigmatization, criminalization, and other **online** and **offline** attacks that compromise their ability to carry out their work or activities, as well as their legitimacy, safety and freedom;

EMPHASIZING the vital importance of **investigating** all threats and attacks against human rights defenders, and ensuring **accountability** and addressing **impunity**, whether perpetrated by State or non-State actors (including business enterprises);

RECOGNIZING the **diversity** of human rights defenders and that they face **distinct** and **intersectional** risks, influenced by their unique identities and the nature of their work or activities, and **EMPHASIZING** the need to provide them with targeted protective **measures** and **support**;

ACKNOWLEDGING the role and contribution of **women human rights defenders, and DEEPLY CONCERNED** by the specific **challenges** and **risks** they face, including gender-based violence and discrimination, intensified by the intersection with other forms of discrimination, including discrimination based on race, age, religion, caste, ethnicity, migration status, political opinion, disability, sexual orientation, gender identity, expression and sex characteristics;

STRESSING the responsibility of **non-State actors** (including business enterprises) to respect and support human rights defenders and, **DEEPLY CONCERNED** by their **increasing role** in attacks against, and undermining or obstructing the vital work or activities of, human rights defenders;

ACKNOWLEDGING the **environmental** and **climate crisis** and the vital **role** of human rights defenders working on a just transition, and in ensuring a clean, healthy and sustainable environment for all;

ACKNOWLEDGING that human rights defenders' rights must be protected offline and **online**, while recognizing the expanding **threats** that **new and emerging technologies** pose to human rights defenders as well as opportunities for human rights enjoyment and promotion available in the digital sphere;

RECOGNISING the **importance** of collective approaches to the protection of human rights defenders including networks, coalitions, collectives, and communities;

RECALLING the **role** of international and regional human rights mechanisms and national human rights institutions in providing **support** and **solidarity** to human rights defenders, and **RECOGNIZING** the need to **strengthen** and adequately resource these mechanisms to ensure more effective protection of human rights defenders.

PART I - DEFINITION AND REAFFIRMATION OF THE RIGHT TO PROMOTE, DEFEND AND PROTECT HUMAN RIGHTS

ARTICLE 1

Definition of Human Rights Defender

Note: Article 1 of the Declaration identifies human rights defenders as individuals or groups who act to promote, protect, or strive for the protection and realization of human rights and fundamental freedoms. Other articles of the Declaration provide that the promotion and protection of human rights should be “through peaceful means” (see, eg, Articles 12(1), 12(3) and 13), meaning that human rights defenders should not engage in violence. The term “through peaceful means” is not to be equated with “through [or by] lawful means”, particularly as some national laws are oppressive and contrary to international law, meaning that conduct might be unlawful within the meaning of national law while remaining lawful under international law.

The definition in this Declaration+25 reflects that the one used by experts in human rights, including the UN Special Rapporteur (see, among others A/HRC/55/50) and the Inter-American Court of Human rights (see I/A Court HR Case of Members of the José Alvear Restrepo Lawyers Collective v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 18, 2023. Series C No. 506. para. 473).

It is important that the status of a human rights defender does not require any form of registration.

For the purposes of the Declaration +25, “human rights defender” means any person who, individually or in association with others, or any group or organ of society that, acts or seeks to act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms, at the local, national, regional, and international levels.

ARTICLE 2

Reaffirmation of the Right to Promote, Defend and Protect Human Rights

Note: *This Part reaffirms many of the overarching principles contained in the Declaration.*

States shall recognize, protect, respect, and fulfill the right to promote, defend, and to strive for the protection and realization of human rights and fundamental freedoms (hereinafter the “right to defend human rights”) at the national, regional, and international levels.

States shall recognize, protect, respect, and fulfill all of the human rights and fundamental freedoms that enable and are conducive to the exercise of the right to defend human rights, including the rights to freedom of assembly, freedom of association, freedom of opinion and expression, the right to participate in peaceful protest, the right to develop and discuss new human rights ideas, the right to self-determination, the right to privacy, the right to seek, receive and use funding, the right to participation, the right of access to information, and the right to safe and unhindered access to and communication with international and regional human rights bodies and organizations.

PART II - RIGHTS OF AND PROTECTIONS FOR HUMAN RIGHTS DEFENDERS

ARTICLE 3

Recognition and Acknowledgement of the Right to Defend Human Rights

Note: *While the preamble of the Declaration acknowledges the important role played by human rights defenders in promoting, defending, and protecting human rights and fundamental freedoms, the Declaration does not explicitly require States to recognize and acknowledge the work or activities of human rights defenders. Recognition of the value and legitimacy of the work or activities of human rights defenders is a critical factor contributing to their protection and an enabling environment. The provision below addresses this.*

A violation or abuse of the right to defend human rights constitutes a violation or abuse of the human rights and fundamental freedoms being promoted, defended, or protected.

States should recognize and publicly acknowledge the right to promote, defend, and protect human rights and fundamental freedoms and those who exercise this right.

In particular, States should:

- (a) Take all necessary measures to promote public knowledge and awareness of the right to defend human rights. Such measures may include public statements by high level public officials, campaigns and other actions in support of human rights defenders, and ensuring that the work or activities of human rights defenders is explained and recognized in educational curricula and public discourse.
- (b) Support initiatives aimed at the recognition of human rights defenders, including nominations for awards, participation of human rights defenders in international fora, and advocacy for the work or activities of human rights defenders in international and regional bodies.
- (c) Foster a culture of respect for and protection of the right to defend human rights within State institutions, including through the provision of mandatory training programs for law enforcement and judicial officers, and other public officials, on the right to defend human rights and the importance of human rights defenders' work or activities, whether carried out individually or collectively, adopting an intersectional and sensitive approach to gender and diversity issues.
- (d) Provide clear directives to public officials regarding the importance of respecting and supporting the right to defend human rights and those who exercise this right, whether individually or collectively, and implement effective disciplinary measures against officials who fail to adhere to these directives.

ARTICLE 4

Right to a Safe and Enabling Environment for the Exercise of the Right to Defend Human Rights

Note: *The main elements necessary to be able to operate in a safe and enabling environment are highlighted in the December 2013 Report of the former Special Rapporteur on the situation of human rights defenders (A/HRC/25/55). The Office of the High Commissioner for Human Rights since stated 'a safe and enabling environment must be supported by a robust national legal framework, grounded in international law. Freedoms of opinion and expression, association, peaceful assembly, and the right to participate in public affairs, are rights that enable people to mobilize for positive change. Everyone, individually or in association with others should enjoy these rights' (see Civil Society Space and the United Nations Human Rights System, A Practical Guide for Civil Society). The former UN Special Rapporteur on the situation of human rights defenders further highlighted the State duty to protect against human rights abuses entails ensuring that those exercising the right to defend human rights are not subject to attacks from State actors or third parties for their activities. Discharging this duty requires that States foster an environment that is supportive of the human rights that are fundamental to the exercise of the right to defend rights, including the freedom of peaceful assembly and association and freedom of opinion and expression, and their right to protest, access funding and develop and discuss new human rights ideas, as well as their right to be protected and to effective remedy.*

States shall ensure a safe and enabling environment for human rights defenders.

In particular, States shall:

- (a) Enact specific laws and policies as may be necessary to protect the right to defend human rights, whether individually or collectively, and take all necessary measures for the effective implementation of these laws and policies.
- (b) Establish and maintain conducive legal, institutional and administrative frameworks for the recognition, protection, fulfillment and effective exercise of all human rights and fundamental freedoms.
- (c) Enact and enforce comprehensive anti-discrimination laws and policies that specifically prohibit discrimination against persons on the basis of their status or activities as a human rights defender, among other prohibited grounds.
- (d) Enact laws and policies to ensure that non-State actors (including business enterprises) respect the right to defend human rights and are held accountable for violations of that right.
- (e) Refrain from enacting, maintaining, or enforcing any laws and policies that criminalize, obstruct, or in any manner impede, the right to defend human rights, including by restricting freedom of expression, assembly, and association, restricting the establishment of civil society organizations, or otherwise contravening the spirit and objectives of the Declaration and the Declaration +25.

- (f) Ensure the investigation and effective implementation of clearly defined criminal and administrative sanctions for any public official who, through action or omission, undermines the right to defend human rights.
- (g) Ensure prompt, thorough, independent and impartial investigation of any threats or attacks against human rights defenders, and ensure access to justice, an effective remedy and accountability for violations and abuses against defenders.
- (h) Ensure that human rights defenders are actively and meaningfully involved in the creation, implementation, and monitoring of laws and policies related to human rights and fundamental freedoms.
- (i) Ensure that the actions taken for the protection of human rights defenders are adapted to the needs of collectives of human rights defenders to ensure an enabling environment for the right to defend human rights, including through the enactment of legislation and public policies that include both individual and collective approaches to the right to defend human rights.
- (j) Establish, maintain and adequately resource effective protection policies and mechanisms for human rights defenders at risk, in consultation with human rights defenders.
- (k) Give special attention to the risks and challenges faced by women defenders and those working on women's rights and gender issues.
- (l) Ensure that all persons have free, safe and unhindered access to international human rights bodies, mechanisms and processes.

In addition, States should:

- (m) Establish, maintain and adequately resource strong, independent, and effective national human rights institutions in conformity with the Paris Principles of National Human Rights Institutions.
- (n) Demonstrate political support and take all necessary measures to build public awareness, understanding and support for the right to defend human rights.
- (o) Enact laws and policies to establish and maintain a digital environment that is open, free and accessible in which all human rights can be enjoyed, promoted and protected safely and without fear of retribution.

ARTICLE 5

Protection Against Stigmatization and Criminalization

Note: *The consultation reports unanimously point to an alarming increase in the stigmatization and criminalization of human rights defenders. Stigmatization usually manifests itself through defamation, smear campaigns, and the labeling of defenders as public enemies, terrorists or foreign agents, isolating them from society and legitimizing further violations against them. Criminalization, on the other hand, takes the form of a misuse of legal systems to prosecute and detain human rights defenders for work or activities that is protected under international law or otherwise on unfounded grounds. Criminalization can also include the imposition of unjustified administrative requirements, inspections, and sanctions. Stigmatization and criminalization often form a cycle, with each feeding into and exacerbating the other. Typically, when society stigmatizes human rights defenders, it can prompt legal systems to criminalize their activities. Similarly, once the activities of human rights defenders are criminalized, society may begin to view them with negativity, leading to stigmatization and other verbal and physical attacks. Overall, both stigmatization and criminalization increasingly serve as tactics to intimidate and silence human rights defenders. The provision below builds upon the Declaration to suggest a framework aimed at addressing the issues of stigmatization and criminalization. It is important to note that this provision does not extend to issues of discrimination, as these are already covered under Article 12.2 of the Declaration.*

States shall take all necessary measures to enable human rights defenders to conduct their work or activities free from stigmatization and criminalization.

In particular, States shall:

- (a) Refrain from, prohibit and sanction any practices, whether carried out by State or non-State actors (including business enterprises), that stigmatize human rights defenders or in any way limit their work or activities in a manner contrary to international law. This includes threats and harassment, intimidation, violence, vilification and smear campaigns, red-tagging, the propagation of narratives aimed at discrediting the work or activities of human rights defenders, surveillance, or any form of adverse action as a result of work or activities to defend human rights.
- (b) Repeal or cease applying any laws, policies or practices that criminalize, restrict or in any way limit the right to defend human rights, such as those that limit freedoms of expression, peaceful protests, assembly, association, public participation, or privacy, contrary to international law.
- (c) Ensure that laws, policies, and practices aimed at safeguarding national security and countering terrorism are not vague, arbitrary or overbroad, and are not applied to criminalize or otherwise limit the right to defend human rights in a manner contrary to international law.
- (d) Ensure that State institutions and public officials, at all levels and in all branches of government do not, by their acts or omissions, stigmatize or undermine the legitimacy of efforts to promote, defend, and protect human rights and fundamental freedoms.

- (e) Ensure those exercising the right to defend human rights have prompt and unimpeded access to justice, including through specialized legal support services, to seek protection from, and redress against, any acts of stigmatization against them.

In addition, States should:

- (f) Explicitly condemn all forms of stigmatization and attacks against human rights defenders, including attacks against their families and communities.
- (g) Prohibit the use by State and non-State actors (including business enterprises) of Strategic Lawsuits Against Public Participation (**SLAPPs**) and related activities to restrict or otherwise impair activities for the promotion, protection, and effective realization of human rights and fundamental freedoms, including by passing anti-SLAPP legislation.

ARTICLE 6

Safety and Protection of Human Rights Defenders at Risk

Note: *The report from consultations with human rights defenders in the process to develop this Declaration +25 highlighted the increased exposure and vulnerability of human rights defenders because of their identities, (including women, children, Indigenous persons or persons of African descent), and/or because of their work or activities on certain issues (including climate, racial and social justice, gender equality, Indigenous Peoples' rights, and the rights of minorities). Human rights defenders also reported that structural frameworks – including racism, patriarchy, heteronormativity, capitalism, occupation, and other layers of oppression – also put them at particular risk. In addition, human rights defenders face significant barriers to exercising their fundamental rights and freedoms, such as freedom of assembly, expression, and association, originating from both State and non-State actors. State actors are often responsible for legal and physical barriers to the work or activities of human rights defenders through repressive laws, arbitrary detention, and policies aimed at limiting the freedoms of assembly, expression, and association. Non-State actors, including business enterprises, may harass, intimidate, initiate SLAPPs, and perpetrate other forms of violence against human rights defenders.*

The provision below aims at ensuring that human rights defenders who are at risk enjoy protection that is tailored to their increased exposure, and adopts a preventive approach, as the goal of protection must not only be to provide security to human rights defenders at risk, but also to achieve sustainable and structural changes to guarantee the right of everyone to defend rights.

- (1) States shall recognize, prioritize, and guarantee the safety and protection of all human rights defenders, particularly those at risk or who are detained, victims of violence, threats, retaliation, prohibited discrimination, pressure, intentional or systematic exclusion, marginalization, oppression, or any other form of adverse action by State or non-State actors (including business enterprises), including due to:
 - (a) their identity, including their age, sex, sexual orientation, gender identity, expression and sex characteristics, race, caste, color, disability, language, religion, political or other opinion, national or social origin, geographical location, belonging to a minority or Indigenous Peoples, property, birth, migration status or other status, including their status as human rights defenders;
 - (b) their work or activities in the promotion, defense and protection of human rights, including on – or offline communications, journalism, media work, and legal work;
 - (c) the issues on and contexts in which they work, including women’s and gender rights; LGBTQIA+ rights; climate justice, land and environmental rights; digital rights; the rights of Indigenous Peoples; freedom of religion or belief; anti-occupation, anti-colonialism and neo-colonialism; anti-racism; business and human rights; impunity, accountability and remedies; corruption; elections; armed conflicts; migration and forced displacement or relocation.
- (2) States shall adopt a collective and intersectional approach in guaranteeing the safety and protection of human rights defenders at risk. This approach should recognize how the intersection of a human rights defender’s identity, work or activities, and the issues on and contexts in which they work can create increased discrimination and risks and necessitate targeted protection strategies. This approach should be included in any prevention and protection measures.
- (3) States shall ensure that both preventive and reactive measures are taken and implemented to ensure the security and protection of human rights defenders at risk, including by:
 - (a) Expediting the trials and release of persons detained on account of their exercise of the right to defend human rights, and ending all forms of harassment and other adverse actions against human rights defenders as a result of their work or activities; and
 - (b) Ensuring that the protections available for human rights defenders are implemented and enforced, with clear procedures for redress and remedy in the event of the violation of the human rights and fundamental freedoms referred to in the Declaration and this Declaration +25, including those caused by non-State actors (including business enterprises).

ARTICLE 7

Comprehensive Protection of Human Rights Defenders at Risk

Note: Human rights advocacy is often conducted in contexts of high stress, risk, and exposure. The Declaration, however, lacks specific provisions addressing this. The consolidated report from consultations undertaken with human rights defenders in developing this Declaration +25 documents that mental health and psychosocial impacts are among the most common challenges faced by human rights defenders.

States must recognize the significant risks faced by human rights defenders, including threats, violence, stigmatization, and other challenges to their work and operational environments. In light of these realities, this provision emphasizes the need for States to provide comprehensive protection that includes physical, psychosocial and digital safety and security for human rights defenders. This entails safeguarding not only their physical safety but also attending to their overall well-being, encompassing their health, legal rights, and socio-economic well-being.

States shall take all necessary measures to ensure the comprehensive protection of human rights defenders and their communities and enable them to continue their work or activities, whether individually or collectively. States shall implement public policies and measures designed to respect the rights of human rights defenders; prevent violations of their rights; diligently investigate violations and abuses against them; and ensure accountability for the perpetrators and masterminds of any attack on human rights defenders.

In the implementation of such measures, States should, in consultation and agreement with affected human rights defenders and communities:

- (a) Take effective measures for the physical protection and digital security of human rights defenders, as part of promoting dignity and respecting the human rights, fundamental freedoms and autonomy of individuals and organizations.
- (b) Promote the health and well-being of human rights defenders who are survivors of traumatic events or are exposed to prolonged traumatic stress due to their work by providing access to safe physical and psychological health assistance and social support. This support should be accessible, confidential, culturally appropriate, and non-discriminatory, taking into account the specific needs of human rights defenders.
- (c) Take effective measures to address the structural conditions that create or accentuate the risks faced by human rights defenders, including impunity and lack of accountability, political instability such as militarization, states of emergency and extremism, any form of systemic discrimination, and transnational repression.
- (d) Support the creation, maintenance and adequate resourcing of emergency and rapid response mechanisms for human rights defenders.
- (e) Ensure access to an independent and impartial judiciary and provide legal aid in criminal proceedings arising as a result of their work or activities defending human rights. States should also provide legal aid in other cases where individuals do not have sufficient means to pay, particularly cases related to the exercise of the right to defend human rights.

- (f) Ensure that truth, reparations, and measures for the non-recurrence of human rights violations are implemented with regard to violations and abuses against human rights defenders and communities, and take appropriate action to investigate, prosecute and sanction any State or non-State actor responsible for any attacks against human rights defenders or their communities.
- (g) Ensure coordination and collaboration between national and local authorities so that effective and safe protection measures can be adapted to safeguard human rights defenders in hostile environments and in remote and rural areas.

ARTICLE 8

Protection of Human Rights Defenders' Families, Relatives, Associates, Representatives, and Communities

Note: This provision aims to extend the protections recognized for human rights defenders to their families, relatives, associates, representatives, and communities, specifically because these individuals can face a range of adverse actions as a result of their links with human rights defenders. The Declaration +25 does not seek to define the terms "families", "relatives", "associates", "representatives", or "communities". These terms are to be interpreted in the broadest sense so as to encompass a wide range of familial and social structures. In particular, a broad interpretation of "families" is preferred including to acknowledge non-traditional family units, unmarried partners, and chosen families.

States should ensure that the protection of, and support for, human rights defenders as set out in the Declaration and in this Declaration +25 extends to:

- (a) relatives and members of their families;
- (b) associates, whether professional or otherwise, and representatives, including legal representatives; and
- (c) communities

who may be subjected to violations, abuses or other adverse actions as a result of their links, association with, or support to human rights defenders.

ARTICLE 9

Access to Information and Communication Technologies (ICTs) and Protection Against New and Emerging Forms of Technology-Facilitated Rights Violations

Note: ICTs are essential to the promotion, protection and effective realization of human rights and fundamental freedoms.

Human rights defenders are increasingly subject to (a) so called cyber-crimes when accessing the internet and mobile networks, (b) targeted violence, harassment, disinformation, misinformation and malinformation on social media, (c) cybersecurity vulnerabilities in the form of malware, spyware, and other technical attacks, and (d) threats to their communications and identities, including via targeted and mass surveillance, and deceptive and maliciously-generated synthetic media. Their fundamental rights to privacy and data protection are often infringed due to methods of tracking, weakening encryption standards, forced identification and outlawing of anonymity, and controls on communications and information.

The Declaration does not consider these challenges, which have arisen with the rapid evolution of technology and widespread adoption of smartphones and social media since the adoption of the Declaration in 1998. While technology has helped empower defenders in promoting and protecting human rights, it has also given rise to new vulnerabilities. States and their law enforcement agencies (often through the help of other non-State actors, including business enterprises) often take down or censor the information shared by defenders on social media and other platforms. Digital technologies may also expose defenders' identities, whereabouts, activities and networks, and make them vulnerable to data leakages, digital traces, direct surveillance and interception. Human rights defenders are frequently intimidated, harassed, defamed, and publicly smeared online.

These platforms are also being used to spread hate speech and expose human rights defenders to new forms of abuse and threats, including specific forms against women human rights defenders. For example, social media platforms are sometimes misused for propaganda against – and the persecution of – human rights defenders. Defenders are targeted on social media platforms through doxxing, red-tagging, stigmatization, deep fakes, and defamation campaigns. Courts allow strategic lawsuits against public participation, imposing harsh civil and criminal penalties for legitimate online activities like newsgathering, tweeting, and the sharing of information in the public interest.

The provision below is aimed at ensuring that human rights defenders can use the power of information and communication technologies, including technical solutions such as encryption, in the context of their activities without facing risks. It also re-emphasizes defenders' right of access to information and to open, secure, and affordable ICTs such as the internet and mobile networks.

States should strengthen the right to defend human rights by developing, enacting and enforcing laws and policies aimed at protecting human rights defenders' access to universal, affordable, open, safe, interoperable, secure, and full and equal access to information and communication technologies. This includes technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption, pseudonymization, and anonymity. States shall adopt legislative, policy, and other measures to protect rights to freedom of expression and privacy and ensure protection from all forms of digital harassment, including technology-facilitated gender-based violence. Noting that States themselves, or their proxies, are often the perpetrators of such violations or abuses, they must ensure the protection and enabling of human rights in the digital realm.

States should recognize the power that the online space and digital tools offer for the promotion, protection, and enjoyment of human rights, and the potential of the digital environment for the implementation of the rights contained in the Declaration and Declaration + 25.

In particular, States shall:

- (a) Ensure that human rights defenders enjoy, on a non-discriminatory basis and in all circumstances, including during emergencies, universal, affordable, open, safe, interoperable, secure, and full and equal access to information and communication technologies.
- (b) Not shut down the internet, limit bandwidth, or intentionally make electronic communications unavailable or inaccessible at any time, including during elections, protests, war, or humanitarian crises.
- (c) Enact laws and policies to recognize and protect the privacy of individuals' data and digital communications. States shall not interfere with human rights defenders' use of technical solutions, including measures for encryption, pseudonymization, and anonymity, with any restrictions thereon complying with international human rights law.
- (d) Ensure that any personal data collected, stored, processed, analyzed or otherwise used by business enterprises or government bodies is done so consistently with human rights, empowering individuals to make informed choices about what happens to their information and preventing unauthorized access to data or its misuse.
- (e) Take all necessary legislative, administrative, technical, and other measures, including ensuring private sector accountability to prevent, remedy, and eliminate cyber harassment, including technology facilitated gender-based violence, smear campaigns, doxxing, the spread of malicious or deceptive generated media, and other threats against human rights defenders. This includes when the State or its proxies are themselves the perpetrator or such harassment.
- (f) Refrain from or cease the use of artificial intelligence systems and other emerging technologies which cannot operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights, especially of those who are at risk, including human rights defenders.

- (g) Implement a ban on the sale, export, transfer, and use of surveillance technology until human rights safeguards are in place. This should include a ban on uses of facial recognition and remote biometric recognition technologies that enable mass surveillance, and discriminatory targeted surveillance, including so-called emotion recognition and gender detection technologies, which fail to respect human dignity and violate human rights by design.
- (h) Ensure that any personal data collected, stored, processed, analyzed, or otherwise used by business enterprises or government bodies is done so consistently with human rights, empowering individuals to make informed choices about what happens to their information, and preventing unauthorized access to data or its misuse.

In addition, States should:

- (i) Not force individuals to connect online in order to receive public services or participate in civic life, and should respect their right to disconnect from the digital realm.
- (j) Take all necessary legislative, administrative, technical, and other measures, including ensuring private sector accountability, to prevent, remedy, and eliminate cyber harassment, including technology-facilitated gender-based violence, smear campaigns, doxxing, the spread of malicious or deceptive generated media, and other threats against human rights defenders. This includes when the State or its proxies are themselves the perpetrators of such harassment.
- (k) Ensure that artificial intelligence systems and other emerging technologies operate in compliance with international human rights law and refrain from or cease the use of technology that poses undue risks to the enjoyment of human rights, especially of those who are at risk, including human rights defenders.
- (l) Regulate ICT companies in conformity with international human rights law to prevent the misuse of social media and messaging platforms to target or silence human rights defenders. This includes requiring ICT companies to implement mechanisms for rapid responses to reports of harassment or threats, and the development of tools to guarantee the safety and privacy of human rights defenders online.
- (m) Take all necessary steps to protect access to information, freedom of expression, and the right to form and hold an opinion, including by not unlawfully censoring the internet, requiring registration of accounts, devices, or SIMs, passing vague, arbitrary, or overbroad laws on fake news and cybercrime, or establishing troll farms, internet referral units, or other brigades that abuse tech platforms to silence or censor human rights defenders.

ARTICLE 10

Access to Resources

Note: Article 13 of the Declaration provides that human rights defenders have the right to receive and utilize resources for the express purpose of promoting and protecting human rights. In practice, however, they are often subject to various financial and administrative restrictions, including pursuant to recommendations issued by the Financial Action Task Force, as well as certain banking rules and practices. The provision below is intended to address this.

States should not hinder the flow of financial resources to human rights defenders, including through domestic and international funding.

In particular, States shall:

- (a) Ensure that human rights defenders can seek, receive, and use funding and other resources from individuals, associations, foundations or other civil society organizations, governments, aid agencies, the private sector, the UN, and other entities, whether domestic or foreign, including in highly restrictive environments.
- (b) Not impose any discriminatory, unreasonable or arbitrary restrictions, conditions, reporting requirements, and other administrative processes and obstacles that impede human rights defenders' or their registered or unregistered associations' capacity to seek, receive, or use funding or other resources, for example under the pretext of combating foreign interference or for the defense of national security, anti-corruption, money laundering, or for countering terrorism.
- (c) Not discriminate or retaliate against any person or entity engaged in the exercise of the right to defend human rights on the basis of the source of their funding, including foreign funding.

In addition, States should:

- (d) Provide resources, including financial resources, both individually and through international cooperation, to enable the full exercise and realization of the right to defend human rights.
- (e) Encourage and create conditions for private sector philanthropy and initiatives to support human rights defenders, including through enabling legislation and tax benefits for donations made to human rights advocacy and causes.

ARTICLE 11

Rights and Protection During Conflict, Post-Conflict and Crisis-Affected Settings

Note: *The Declaration is silent on the obligations of States in times of conflict, post-conflict and crisis-affected settings. Given that human rights defenders often play a significant and indispensable role in conflict management, resolution, and peacebuilding, the provisions below are intended to provide them with additional protection in such times and to ensure that they are not the victims of unjustified and unnecessary infringements to their rights due to extraordinary circumstances.*

States shall ensure the continued protection of, and support for the right to defend human rights and those who exercise this right during conflict, post-conflict and crisis-affected settings, including situations of occupation, significant political unrest, natural disasters, and public health emergencies.

In particular, in conflict, post-conflict, and crisis-affected settings, States should:

- (a) Recognize the role of human rights defenders in conflict prevention, management, resolution, and peace building, including in humanitarian assistance during forced displacement.
- (b) Recognize the activities of human rights defenders as essential services, ensure that they can continue their work or activities, including monitoring and reporting on human rights conditions, and involve them in planning and implementing response strategies in conflict, post-conflict and crisis-affected settings to ensure human rights are fully integrated and respected.
- (c) Refrain from stigmatizing peaceful assemblies or engaging in smear campaigns or hate speech against human rights defenders and act promptly to address any such acts, whether committed by State or non-State actors (including business enterprises).
- (d) Ensure that responses adopted by law enforcement and public officials in conflict and crisis situations are always consistent with the principles of legality (including constitutionality), necessity, proportionality, accountability, do not endanger human life, are non-discriminatory, and are limited in time and periodically reviewed in conformity with international human rights law.
- (e) Refrain from internet shutdowns and other network restrictions, in accordance with international human rights and humanitarian law, including by refraining from physical or cyber-attacks on communication infrastructure.
- (f) Ensure that national and international responses to conflict, post-conflict and crises do not lead to the targeting of, or undue interference with the right to defend human rights or those who exercise this right.
- (g) Ensure that measures adopted to respond to conflict, post-conflict and crises are not used to provide immunity to law enforcement for human rights abuses.

- (h) Prevent the misuse of emergency powers to target, harass, or detain human rights defenders under the guise of emergency response or national security when addressing conflict, post-conflict, and crisis-affected settings.
- (i) Ensure that security forces deployed to police assemblies have received human rights training, especially in assembly facilitation and de-escalation techniques, and that they are placed under civilian command and oversight, have clearly defined responsibilities and rules of engagement, and are accountable.
- (j) Ensure that excessive force is never used to retaliate against those exercising the right to defend human rights.
- (k) Ensure that no one is restricted from any humanitarian assistance due to their status or activities as a human rights defender in conflict, post-conflict, and crisis-affected settings.
- (l) Establish dedicated support mechanisms for human rights defenders at risk, including emergency funding, legal assistance, and healthcare services, and humanitarian passage.
- (m) Ensure that war technology, including drones and surveillance technology, is not used to target human rights defenders and their communities.
- (n) Ensure that social media is not used to target human rights defenders and their communities, or as a vector of disinformation, propaganda, and hate speech, which in turn may instigate public distrust and lead to violations of human rights.
- (o) Refrain from hostility towards the communities that have taken measures to defend their rights and to secure their territories from violence and conflict, such as the establishment of humanitarian zones and peace communities.
- (p) Ensure that those who are forcibly displaced within and across international borders in conflict, post-conflict, and crisis-affected settings can defend their rights without the risk of punishment, persecution, or loss of access to humanitarian aid and essential services, and that they are recognized as human rights defenders.

PART III - EFFECTIVENESS OF THE RIGHTS AND PROTECTIONS ACCORDED TO HUMAN RIGHTS DEFENDERS

Note: While the Declaration itself is not a legally binding instrument, it records, reinforces and elaborates upon the obligations of States under international law as they pertain to the protection of human rights defenders. Yet full implementation remains a challenge, insofar as some States not only fall short of their commitments but actively obstruct efforts to monitor the implementation of, and compliance with, the principles in the Declaration. This section addresses the urgent need for States to effectively implement the Declaration, enforce the rights and protections embodied therein, and to monitor and report on such implementation and enforcement processes, in line with the principles set out in Articles 2 and 3 of the Declaration.

ARTICLE 12

Implementation of the Declaration and the Declaration +25

States shall adopt such legislative, administrative and other steps as may be necessary to implement the Declaration and the Declaration +25 within their jurisdiction and in territories under their control, in particular to ensure that the rights and protections accorded to human rights defenders under the Declaration and the Declaration +25 are given effect in domestic legislation, as well as by local governments and judicial bodies.

In particular, States should:

- (a) As a priority, effectively disseminate, promote and implement the Declaration and the Declaration +25 within their jurisdiction and in territories under their control.
- (b) Ensure that human rights defenders, civil society groups, media, and other non-State actors (including business enterprises) and individuals (including ethnic, indigenous and religious leaders) are actively and meaningfully consulted in the process leading to the adoption of legislative, administrative, and other steps taken to ensure that the rights and freedoms referred to in the Declaration and the Declaration +25 are effectively guaranteed.
- (c) Support and cooperate fully with regional and international human rights bodies and mechanisms relevant to the right to defend human rights and those who exercise this right and give proper and good faith consideration to the implementation of recommendations from such bodies and mechanisms.
- (d) Take all necessary measures to ensure that the rights under the Declaration and the Declaration +25 are not only recognized in laws and policies, but are also respected, protected, and enforced in practice.

ARTICLE 13

Monitoring and Reporting

States should ensure the regular monitoring and reporting of their actions to implement the Declaration and the Declaration +25 and the rights and protections embodied therein.

In particular, States should:

- (a) Develop and implement comprehensive monitoring and reporting frameworks and indicators to assess implementation of the Declaration and this Declaration +25. These processes should be regular and inclusive, allowing for the active participation of civil society actors and human rights defenders.
- (b) Establish and maintain a comprehensive system for the monitoring and reporting of threats, attacks, and any forms of adverse actions against those exercising the right to defend human rights. This system shall include the compilation of detailed and disaggregated statistics on incidents against human rights defenders, along with information relating to their investigation and prosecution rates.
- (c) Take steps, including through the development of action plans, to address challenges and implement recommendations identified by national, regional, and international human rights bodies and mechanisms relevant to human rights defenders.

ARTICLE 14

Diplomatic Support to Human Rights Defenders

Note: *The diplomatic community can often be an important source of support for human rights defenders at the national level. Recognizing this, a number of States have developed diplomatic guidelines providing guidance to their embassies and representations abroad as to steps and measures that should be taken to support human rights defenders, particularly those at risk. This section addresses the need for States to support the mutual implementation of the Declaration and Declaration +25 by other States, as well as the need for States to provide enhanced diplomatic protection and support to human rights defenders at risk outside of the territory of that State.*

States should provide enhanced diplomatic protection and support to human rights defenders at risk outside of the territory of that State.

In particular, States should:

- (a) Develop strategies to encourage and support the implementation of the Declaration and the Declaration +25 by other States.
- (b) Use all necessary measures, including diplomatic channels, to advocate for the right to defend human rights, and to support and contribute to the protection of those who exercise this right, in particular in States where human rights defenders are at risk of discrimination, violence, or other harm, or where their rights and freedoms are at risk of being violated.

ARTICLE 15

Support to Human Rights Defenders on the Move, Displaced, or Exiled

Note: Human rights defenders who were consulted in the drafting of this Declaration +25 highlighted the numerous difficulties encountered as a result of their work or activities in the protection of human rights. These include, for instance, the imposition of red notices and travel bans, as well as exile and displacement and the difficulties in exercising their work or activities as human rights defenders while in transit or in exile. These obstacles affect not only the human rights defenders themselves, but also their families and communities which in turn face separation and loss.

This provision addresses the need to implement measures to guarantee the safe movement and passage of human rights defenders on a non-discriminatory basis, so that they may travel or seek refuge or asylum freely, without risk or fear of displacement or refoulement, and with the same ease as those who are not human rights defenders.

States shall facilitate the right to freedom of movement and take all necessary measures to support human rights defenders who are on the move, displaced, or in exile, ensuring their safety and continued ability to carry out their work to defend human rights.

In particular, States shall:

- (a) Ensure that human rights defenders who are on the move, displaced, or in exile are protected from arbitrary arrest and detention as a result of their work or activities and that they benefit from the prohibition of refoulement to persecution, as articulated in the Convention Relating to the Status of Refugees and other international instruments and customary international law.
- (b) Recognize visas as a protection tool for human rights defenders in situations of immediate or anticipated risk in the jurisdictions in which they operate and ensure a facilitated, non-discriminatory, expeditious granting of travel documents, emergency visas, and residence permits to these human rights defenders and their families, with a view to guaranteeing their fundamental rights and enabling them to continue their work or activities to defend human rights.
- (c) Guarantee the safe passage of human rights defenders at risk as they seek refuge from prosecution and persecution arising from their human rights work, particularly amidst conflicts and political crises. States shall ensure that these human rights defenders have the right to seek asylum, with their status determined in a fair, transparent, confidential, and timely manner and collaborate with international organizations and other countries to provide resettlement opportunities to human rights defenders, ensuring that the resettlement processes are prompt.
- (d) Enable human rights defenders to carry out their human rights work or activities (either individually or collectively) regardless of their immigration status, and including if they are in exile; in particular, human rights defenders shall be able to exercise, inter alia, their right to defend human rights as well as the rights to freedom of information, freedom of expression,

freedom of association, and freedom of assembly, and they shall have access to essential services and can enjoy their rights to health, education, and work without discrimination.

- (e) Ensure that human rights defenders who are on the move, displaced, or in exile enjoy their right to family unity and benefit from family reunification promptly, without burdensome administrative, legal, and financial barriers.

ARTICLE 16

Responding to Violations Emanating From or Perpetrated Outside a State's Territory

Note: *The global nature of the challenges faced by human rights defenders requires States not only to respond to domestic threats but also to extend their protective measures to counteract extraterritorial risks and violations. This provision emphasizes States' role in promoting accountability for grave violations against human rights defenders, regardless of where these violations come from or are perpetrated.*

States shall protect and support human rights defenders within their territory or under their control from threats, risks, attacks, and violations which emanate from, or are perpetrated, outside the jurisdiction of that State, and they shall promote universal respect for, and observance of, the rights of human rights defenders wherever they are located.

In particular, States should:

- (a) Enact and enforce domestic laws and policies that protect human rights defenders who are present on their territory or are under their control from transnational repression in all of its forms, including killings, abductions, unlawful removals, abuse of consular services, red tagging and abuse of Interpol, the targeting and collective punishment of families of human rights defenders, digital attacks, and any other form of adverse actions by States.
- (b) Exercise universal jurisdiction to promote accountability for international atrocity crimes perpetrated against human rights defenders, wherever such crimes occur.

ARTICLE 17

Responsibility of States for Non-State Actors

Note: *The Declaration is addressed not only to States but to all individuals, groups, and organs of society (Preamble and Articles 11, 12.3, and 19). This encompasses a range of non-State actors, including armed non-State actors, who have responsibility to respect the right to defend human rights. Given that these non-State actors reside within State territories, it is imperative for States to ensure that such non-State actors abide by the Declaration and Declaration +25 and contribute to the protection of the right to defend human rights.*

States shall adopt and enforce laws and policies, and take all necessary measures to ensure that non-State actors (including business enterprises) respect human rights defenders and do not, directly or indirectly, violate or restrict their rights or activities.

In particular, States shall, in consultation with human rights defenders, ensure that non-State actors (including business enterprises):

- (a) Respect the right to defend human rights, and refrain from attacking and harassing those who exercise this right, or their communities.
- (b) Conduct thorough human rights diligence processes to identify, prevent, and remedy any adverse impacts their actions may have on the right to defend human rights and those who exercise this right, and publicly report on these measures.
- (c) Upon detecting risks to human rights defenders, consult with relevant local, national, and international civil society organizations, to determine the appropriate course of action.
- (d) Withdraw, where appropriate, from any relationships, be they business, academic, or otherwise, with entities involved in attacks or violations against human rights defenders.
- (e) Engage with human rights defenders to support their work or activities, including through the provision of resources, technical support, and platforms to amplify their voices, in consultation and agreement with human rights defenders.

Further, in respect of non-State armed actors, States shall take all necessary and available measures to ensure respect for the right to defend human rights and those who exercise this right, in conformity with international human rights and humanitarian law and pursue accountability where violations or abuses occur.

ARTICLE 18

Role and Responsibility of Business Enterprises

Note: While the Declaration is addressed not only to States but to all individuals, groups, and organs of society (Preamble and Articles 11, 12.3, and 19), it falls short in adequately addressing the responsibility of the private sector to refrain from impeding the work or activities of human rights defenders. In the face of continued attacks against human rights defenders raising concerns about business-related harms across the globe, and as highlighted in the consultation reports, increased scrutiny and action are needed to hold companies to account for adverse impacts in their operations, supply chains, and business relationships on human rights defenders. Attacks against defenders raising concerns about business-related harms occur in every region and in relation to almost every business sector. Many of these attacks are against people taking action to protect the climate, and environmental and land rights, and Indigenous defenders are disproportionately affected.

This provision outlines the responsibilities of business actors to respect the rights of defenders.

In consultation with human rights defenders, business enterprises, including financial institutions and investors, shall ensure that their activities, actions and omissions do not restrict or violate the right to defend human rights or those who exercise this right, and shall identify, address and remedy adverse impacts on human rights defenders associated with their own activities or as a result of their business relationships.

In particular, in safe and meaningful consultation with human rights defenders, business enterprises should:

- (a) Adopt, implement and evaluate company-wide public policy commitments and procedures to respect, protect, consult and support human rights defenders, address adverse impacts on defenders associated with their business operations or relationships, and adopt zero tolerance of or contribution to threats, attacks, intimidation, or reprisals of any kind.
- (b) Engage in robust human rights and environmental due diligence that explicitly includes consideration of threats, risks and violations against human rights defenders and their communities, and identifies and addresses gender-specific risks and impacts in accordance with the Gender Guidance for the Guiding Principles on Business and Human Rights, developed by the UN Working Group on the issue of human rights and transnational corporations and other business enterprises.
- (c) Ensure that due diligence processes respect the right to free, prior, and informed consent (FPIC), including the right of Indigenous Peoples to define the process by which FPIC is achieved and to withhold consent, regardless of any opposing claim by the government.
- (d) Refrain from implementing or funding any project or initiative that may foreseeably violate the right to defend human rights, or harm those who exercise this right, or their communities.

- (e) Commit not to use SLAPPs (Strategic Lawsuits Against Public Participation) and other judicial harassment tactics against human rights defenders or other actors who may be critical of its operations.
- (f) Take action in response to any allegation of company involvement in a threat or an adverse impact on those exercising the right to defend human rights. This includes ensuring transparency, accountability and publicly reporting on actions taken to respond to allegations of adverse impacts on human rights defenders.
- (g) Evaluate the human rights commitments, impacts, and records of potential suppliers in awarding contracts and otherwise entering into business relationships.
- (h) Ensure access to effective remedies for human rights defenders adversely impacted by business activities or relationships, in accordance with the UN Guiding Principles on Business and Human Rights and the UN Working Group's guidance on ensuring respect for human rights defenders.
- (i) Proactively support an enabling environment for civic freedoms and human rights defense, including by exercising influence in support of human rights defenders at risk, and refrain from any lobbying for policies that restrict human rights and civic freedoms, including laws, policies, and actions that may criminalize human rights defenders.
- (j) Refrain from the development or use of technologies that may foreseeably restrict or violate the right to defend human rights and those who exercise this right, or restrict the access of human rights defenders to technology in a way that impacts their work or activities.

ARTICLE 19

Role and Responsibility of International and Regional Bodies and Mechanisms

Note: *International and regional bodies, such as the United Nations, the World Trade Organization, and other international financial institutions, hold immense influence on a global scale. In particular, they have the ability to sanction States (as well as non-State actors) which violate international norms, and this provides a substantial deterrence against the disregard of international human rights and humanitarian law. The influence, resources, and political reach should also be utilized for the positive enforcement of the right to defend human rights.*

This Article outlines the roles and responsibilities of these international and regional bodies in implementing the Declaration and the Declaration +25.

International and regional bodies, mechanisms and processes, including multilateral processes, should, in consultation with human rights defenders, adopt and implement laws, policies and practices, and take all necessary measures, to recognize and enable the exercise of the right to defend human rights, particularly the right to communicate and cooperate with international and regional bodies, mechanisms and processes, including by:

- (a) Ensuring that any laws, policies or procedures developed by these bodies and mechanisms related to human rights defenders comply with international human rights standards.
- (b) Providing for the safe and meaningful access to, and engagement of human rights defenders with, international and regional bodies, mechanisms and processes.
- (c) Providing and facilitating access to information about all human rights and fundamental freedoms.
- (d) Preventing, investigating, and promoting accountability for all acts of intimidation or reprisal associated with the exercise, or attempted exercise, of the right to defend human rights or to access, communicate or cooperate with international or regional bodies, mechanisms and processes.
- (e) Sanctioning any State or non-State actor responsible for any act of intimidation or reprisal and promoting non-recurrence.

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THESE CIVIL SOCIETY ORGANISATIONS ARE PART OF THE COALITION
THAT FACILITATED THE DEVELOPMENT OF THE DECLARATION +25



FOR MORE INFORMATION, PLEASE VISIT:

<https://ishr.ch/defenders-toolbox/resources/declaration-25/>